

**IN THE COURT OF APPEALS OF VIRGINIA**

**RECORD NO.**

Name(s), Appellant(s)<sup>1</sup>

v.

Name(s), Appellee(s)

**OPENING BRIEF<sup>2</sup>**

NAME OF APPELLANT OR ATTORNEY

EMAIL ADDRESS

LAW FIRM NAME (IF APPLICABLE)

MAILING ADDRESS

MAILING ADDRESS

TELEPHONE NUMBER

BAR NUMBER (IF APPLICABLE)

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<sup>1</sup> Regardless of whether you were the plaintiff or the defendant in the trial court, in the Court of Appeals you are called the appellant if you are the one who is appealing or the appellee if you are responding to an appeal filed by your opposition.

<sup>2</sup> The opening brief is due 40 days after the Court of Appeals receives the record from the trial court. The clerk's office of the Court of Appeals will notify the parties when the record is received. Rule 5A:19(b).

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a. No. 1 \_\_\_\_

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D. Statement of Facts<sup>4</sup>

E. Argument<sup>5</sup>

[If the argument is divided into separate headings, list each separate heading, and give the page where each begins.]

a. Assignment of Error No. 1, reference to the record or appendix, standard of review

b. Assignment of Error No. 2, reference to the record or appendix, standard of review

c. Assignment of Error No. 3, reference to the record or appendix, standard of review

F. Conclusion

G. Certificate of Service

H. Certificate on Oral Argument and Word Count or Page Limit

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<sup>3</sup> The assignments of error should be listed under one heading. Each assignment of error must include a reference to the record or appendix to show where the error was preserved in the trial court. Rule 5A:20(c).

<sup>4</sup> The opening brief must include a concise statement of facts with references to the record or appendix. Rule 5A:20(d).

<sup>5</sup> The opening brief must include the standard of review and argument (including principles of law and authorities) relating to each assignment of error. Rule 5A:20(e).

## **TABLE OF AUTHORITIES<sup>6</sup>**

### Table of Cases

Here list cases, alphabetically arranged, with citations and page numbers where each case appears in the brief. Cases may be listed alphabetically.

### Constitutional Provisions

Here list constitutional provisions in the order in which the provisions appear in the constitution with page numbers where each is referred to in the brief.

### Statutes

Here list statutes in the order in which they appear with page numbers where each is referred to in the brief. Common names of statutes may be used in addition to code numbers.

### Regulations and Rules

Here list regulations and court rules grouped in appropriate categories and listed in numerical order in each category with page numbers where each is referred to in the brief.

### Other Authorities

Here list other authorities with page numbers where each is referred to in the brief.

## **STATEMENT OF THE CASE**

This statement introduces your case and the issues raised on appeal. The statement should not be argumentative. Provide a summary of the nature of the action, the relief sought in the trial court, and what happened in the trial court proceedings.

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<sup>6</sup> If filed electronically, the cover page, Table of Contents, Table of Authorities, and all entries therein must be bookmarked to the appropriate page. The bookmarks must be placed in an outline format and be bookmarked according to each heading in the Table of Contents. PDF files must be text searchable.

## **ASSIGNMENTS OF ERROR**

Here state and number each assignment of error as required by Rule 5A:20(c).

Concisely define the legal issues for the appellate court to decide and number each issue. Each assignment of error must have a citation to the trial court record to show where the court erred. Each assignment of error should be phrased in the terms and circumstances of the case, but without unnecessary detail. The Court of Appeals should be able to determine what the case is about and what specific errors the Court needs to address on appeal. Do not present an assignment of error as a question.

For example:

“1. The trial court erred in entering the order of May 12, 2025, denying defendant’s motion to vacate the judgment entered on May 1, 2025.”

OR

“2. The trial court erred in denying the defendant’s motion suppress evidence by order entered on March 10, 2025.

## **STATEMENT OF FACTS**

Provide a summary of significant facts limited to matters in the record that relate to the assignments of error. Each fact should be followed by a citation to the record or appendix. Rule 5A:20(d).

## ARGUMENT

The argument should ordinarily be separately stated under an appropriate heading for each issue presented for review. Long arguments should include citations to legal authority and references to relevant parts of the record or appendix.

Assignment of Error 1: {List the issue}

A. Standard of Review:

Provide the Court with the standard of review or the “lens” it should look through to review the matter. Case law will tell you what standard of review applies to your issue. Cite the case law or other authority that shows the standard of review that applies to your issue. Rule 5A:20(e).

B. Preservation:

Cite the page number of the record or appendix to show where the trial court erred. Do not cite the entire record. Rule 5A:20(c).

C. Discussion:

Provide a summary of the law relevant to your argument with citations to authority where possible. State how the law applies to the facts of your case.

Assignment of Error 2: {List the issue}

A. Standard of Review:

B. Preservation:

C. Discussion:

[Repeat sub-sections A, B, and C for each assignment of error]

## CONCLUSION

In the conclusion, briefly summarize your arguments. End your brief with a statement about what relief you want from the Court of Appeals.

## CERTIFICATE OF SERVICE<sup>7</sup>

I certify that on *(date)* \_\_\_\_\_, I *(check one)*

mailed |  emailed

a copy of this document to:

1) Party Name: \_\_\_\_\_

Attorney Name: *(if any)* \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

2) Party Name: \_\_\_\_\_

Attorney Name: *(if any)* \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

## CERTIFICATE OF ORAL ARGUMENT AND WORD COUNT OR PAGE LIMIT

I do/do not want oral argument.

My brief has \_\_\_\_\_ **words or pages**, which is not more than the 12,300-word or 50-page limit.

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<sup>7</sup> Any document filed with the Court of Appeals must also be sent to the opposing party. This form certifies that a copy has been provided. Rule 5A:1(c).

Respectfully submitted,

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[Signature]

[Date]

The Court of Appeals may contact you to correct formatting or other deficiencies in your opening brief. The Court of Appeals generally provides appellants with an opportunity to cure any defects in the opening brief.

Please note that certain rule requirements for opening briefs are mandatory. This Court may dismiss an appeal or impose such other penalty as it deems appropriate for non-compliance with the Rules. Rule 5A:1A.