

RULES OF SUPREME COURT OF VIRGINIA  
PART FIVE  
THE SUPREME COURT  
E. PERFECTING THE APPEAL

**Rule 5:18. Brief in Opposition.**

(a) *Filing Time.* A brief in opposition to granting the appeal may be filed with the clerk of this Court by the appellee within 21 days after petition for appeal is served on counsel for the appellee. Within the same time the counsel for appellee shall mail or deliver a copy to counsel for appellant. Seven copies shall be filed.

(b) *Form and Content.* The brief in opposition shall conform in all respects to the content requirements for the brief of appellee in Rule 5:28. However, the brief in opposition need not be bound or have a blue cover. Except by leave of a Justice of this Court, the brief shall not exceed the longer of 25 pages or 4,375 words. If the brief exceeds 10 pages or 1,750 words, it shall contain a table of contents and table of authorities with cases alphabetically arranged. The brief in opposition must be signed by at least one counsel of record.

(c) *Assignments of cross-error.* The brief in opposition may include assignments of cross-error. If the brief in opposition contains an assignment or assignments of cross-error, the cover of the brief must so indicate by being styled, “Brief in Opposition and Assignment of Cross-Error.”

(1) A cross-error must be assigned in the brief in opposition in order to be noticed by this Court.

(2) The provisions of Rule 5:25 shall apply to limit the assignments of cross-error which will be heard on the appeal.

(3) A brief in opposition containing assignments of cross-error shall conform to the form, content, and maximum word requirements of paragraph (b) of this Rule.

(4) When an appellee assigns cross-error in the brief in opposition:

(i) this Court will not grant any assignment of cross-error unless it first decides to grant some or all of the assignments of error contained in the appellant’s petition for appeal.

(ii) the appellee shall not be permitted to present oral argument to a writ panel.

(iii) if the appellant withdraws the petition for appeal, the appeal will be dismissed without consideration of the cross-error assigned by an appellee.

(d) *Expedited Review.* When it clearly appears that an appeal ought to be granted without further delay, an appeal may be granted before the filing of the brief in opposition.

**Last amended by Order dated April 10, 2015; effective July 1, 2015.**