

**ELC 11.9  
BRIEFS**

**(a) Caption of Briefs.** The parties should caption briefs as follows:

[Name of Party] Opening Brief

[Name of Party] Response

[Name of Party] Reply

**(b) Opening Brief.**

(1) The party seeking review must file an opening brief within 45 days of the later of:

(A) service on the respondent lawyer of a copy of the transcript, unless the parties have agreed that no transcript is necessary; or

(B) filing of the notice of appeal.

(2) Failure to file an opening brief within the required period constitutes an abandonment of the appeal.

**(c) Response.** The opposing party has 30 days from service of the opening brief to file a brief responding to the issues raised on appeal.

**(d) Reply.** The party seeking review may file a reply to the response within 30 days of service of the response.

**(e) Procedure when Both Parties Seek Review or the Board Orders Sua Sponte Review.** When both parties file notices of appeal the party filing first is considered the party seeking review. When the Board initiates sua sponte review, the order must designate the party seeking review. In these cases, the responding party may raise any issue for Board review, and the designated party seeking review has an additional five days to file the reply permitted by subsection (d).

[Adopted effective October 1, 2002; Amended effective January 1, 2014.]