ELECTRONIC RECORDS ON APPEAL PROGRAM COMPONENTS

(A) The appellant is required to file expanded record excerpts that contain these things:

1) The portions of the district court record required by 11th Cir. R. 30-1.

2) In an appeal from a grant or denial of summary judgment, a copy of the summary judgment motions and responses, affidavits, and relevant portions of depositions and other documents relied on in the appellant's brief to support its position on an issue raised on appeal.

3) In an appeal from a criminal case in which there is an issue involving the validity of the guilty plea, a copy of any written plea bargain and the transcript of the guilty plea colloquy.

4) In an appeal from a criminal case in which there is an issue involving a motion to suppress, a copy of the transcript of any hearing on the motion.

5) In an appeal from a criminal case in which any issue is raised involving the sentence, a copy of the transcript of the sentence proceeding, and a copy of the presentence investigation report and addenda (under seal in a separate envelope).

6) In addition to the transcripts and documents specified in 1 – 5, above, the expanded record excerpts must contain those portions of the pleadings, transcripts (including depositions), and documentary exhibits relied on in the party's brief to support its position on an issue raised on appeal. Regarding this requirement, the attorney is required to provide only the portions that are cited and any additional portions necessary to provide context, except as follows:

   (a) When any portion of a witness' testimony is cited in the argument section of the brief [FRAP 28(a)(9)], the entire transcript of that witness' testimony must be provided; and

   (b) When any portion of a document is cited in the argument section of the brief [FRAP 28(a)(9)], the entire document must be provided.

7) In an appeal from a criminal case in which appointed counsel seeks leave to withdraw from representation under the procedures set forth by the

Supreme Court in Anders v. California, those portions of any pleadings, transcripts, and documentary exhibits cited in counsel's "Anders" brief in connection with the issues that counsel has identified as arguably meritorious.

8) A "Table of Record References in the Brief" listing each reference to the record in the brief. Appellant must ensure that the expanded record excerpts contains every portion of the record listed in its "Table of Record References in the Brief." The "Table of Record References in the Brief" must also be included in appellant's opening brief, immediately following the Table of Citations required by 11th Cir. R. 28-1(e).

Except as otherwise permitted by 11th Cir. R. 30-1(g), under no circumstances should a document be included in the expanded record excerpts that was not submitted to the trial court.

The appellant must file the expanded record excerpts with its opening brief.

If the appellant's record excerpts are deficient or if the appellee's brief, to support its position on an issue, relies on parts of the record not included in appellant's expanded record excerpts, the appellee must file its own supplemental expanded record excerpts with its brief. The appellee's supplemental expanded record excerpts must not duplicate any documents in the appellant's expanded record excerpts.

The appellee must provide the court with a "Table of Record References in the Brief" listing each reference to the record in its brief. Appellee must ensure that every portion of the record listed in its "Table of Record References in the Brief" is contained in either the appellant's expanded record excerpts or in appellee's supplemental expanded record excerpts. If the appellee files supplemental expanded record excerpts, then the "Table of Record References in the Brief" must be included in it. In addition, whether or not the appellee files supplemental expanded record excerpts, the "Table of Record References in the Brief" must be included in appellee's brief, immediately following the Table of Citations required by 11th Cir. R. 28-1(e).

In an appeal by an incarcerated pro se party, counsel for appellee must submit expanded record excerpts that include the specific portions of any record materials (except sealed materials) referred to in either appellant's or appellee's briefs or that are necessary to the resolution of an issue on appeal.

Where multiple parties are on one side of an appeal, they are strongly urged to file joint expanded record excerpts.

A pro se party proceeding in forma pauperis may file only one copy of expanded record excerpts or supplemental expanded record excerpts, except that an incarcerated pro se party is not required to file record excerpts. Every other party must file two copies of expanded record excerpts or supplemental expanded record excerpts with the party's brief, and if the appeal is classed for oral argument, an additional three identical copies of the record excerpts previously filed by the party within seven calendar days after the date on the notice from the Clerk that the appeal has been classed for oral argument.

(B) The district court is not required to certify and transmit an entire paper record on appeal as required by FRAP 11 and the corresponding circuit rules, unless requested to do so by the Clerk of this Court in a particular case; but the district court is still required to certify when the record is complete for purposes of appeal.

(C) The district court is required to transmit in paper any document in the record that is not available to this Court electronically, including depositions, sealed records, PSIs, and any paper exhibits that have not been scanned into CM/ECF by the district court. Such documents must be transmitted at the time the district court certifies that the record is complete for purposes of appeal, unless the Clerk of this Court requests earlier transmittal in a particular case.

(D) When the Supreme Court requests a paper record in a case, it is the responsibility of the district court to provide one.

(E) This Court will rely on the electronic record on appeal to access any necessary documents not contained in the parties' expanded record excerpts, or when access to the record is required prior to briefing.

(F) The Clerk's Office will not print documents from the electronic record, but the staff attorneys and chambers staff may do so.

(G) The electronic record, including any hearing or trial proceedings, will be available in a text-searchable format.

(H) There will be an ongoing evaluation of the program by judges, chambers staff and staff attorneys to determine whether the objectives have been met.