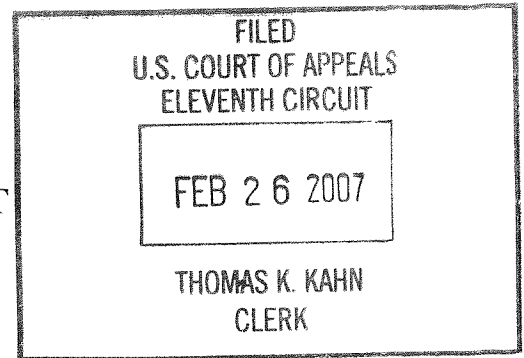


**U.S. COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

**GENERAL ORDER 33**

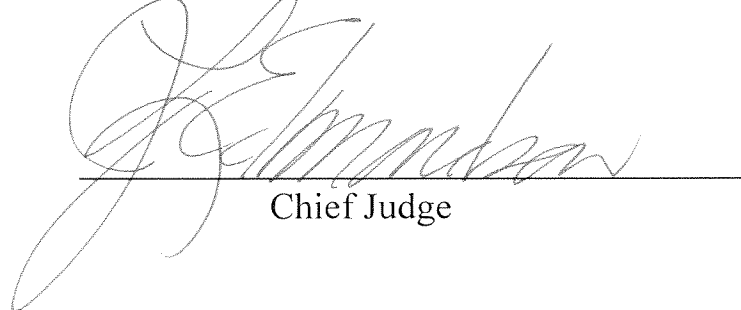


Before: EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, CARNES, BARKETT, HULL, MARCUS, WILSON, and PRYOR, Circuit Judges.

On 22 February 2006, this Court issued General Order 32 establishing a pilot program in the Southern District of Alabama, to be in effect through 31 March 2007, unless earlier modified or extended by the Court. The pilot program appears to be meeting its objectives. Because only a small number of appeals in the pilot program have been decided, the Court has determined to extend the pilot program to permit further evaluation. So, the pilot program will continue in effect for appeals from the Southern District of Alabama until 30 November 2007, unless earlier modified or extended by the Court.

The Court also determined to consider requests by other district courts to participate in a similar pilot program, provided that the district court meets the prerequisites. Briefly stated, the prerequisites are that the district court must be able to provide the Court of Appeals with virtually the entire record electronically, including unredacted transcripts and sealed documents. Such requests will be considered on a case-by-case basis. Upon Court approval of a district court's request to participate in a pilot program, the components of the pilot program described on the attached pages will govern all appeals from that district either docketed in this Court on or after a date certain to be determined by the Court, or in which appellant's initial brief is due to be filed on or after that date, and will continue in effect until modified or discontinued by the Court.

FOR THE COURT:



Chief Judge

Dated: 26 February 2007

## **PILOT PROGRAM COMPONENTS**

- (A) The appellant will be required to file expanded record excerpts that contain, in addition to the documents already required by 11th Cir. R. 30-1, these things:
- 1) 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.
  - 2) 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.
  - 3) 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).
  - 4) In addition to the documents specified in 1 – 3, above, 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.

Under no circumstances should a document be included in the expanded record excerpts that was not submitted to the trial court.

The appellant should 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 should file its own expanded record excerpts with its brief. The appellee's expanded

record excerpts should not duplicate any documents in the appellant's expanded record excerpts.

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.

- (B) The district court will not be required to certify and transmit a 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 will still be required to certify when the record is complete for purposes of appeal.
- (C) When the Supreme Court requests a paper record in a case, it will be the responsibility of the district court to provide one.
- (D) 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.
- (E) The Clerk's Office will not print documents from the electronic record, but the staff attorneys and chambers staff may do so.
- (F) The electronic record, including any hearing or trial proceedings, will be available in a text-searchable format.
- (G) There will be an ongoing evaluation of the pilot program by judges, chambers staff and staff attorneys to determine whether the objectives have been met.