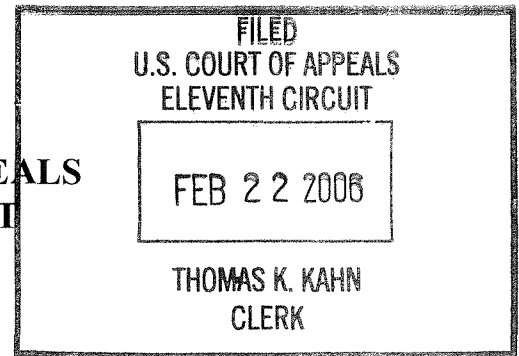


**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

**GENERAL ORDER 32**



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

As a result of implementing CM/ECF, certain district courts no longer prepare or maintain a paper copy of the record. This Court's rules, however, require district courts to provide the court of appeals with a paper copy of the record on appeal.

To determine whether this Court can conduct its business efficiently and without additional cost, while relieving certain district courts of the burden of providing paper copies of the record on appeal, the Clerk of this Court is directed to implement a pilot program in one district of the circuit. The Southern District of Alabama has been selected for the pilot program, because it is the district with the most comprehensive electronic filing program, and where virtually the entire record is electronically filed or scanned.

The pilot program will include these 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.

The pilot program shall be in effect for all appeals from the Southern District of Alabama that are either docketed in this Court on or after April 1, 2006, or in which appellant's initial brief is due to be filed on or after April 1, 2006, through March 31, 2007, unless earlier modified or extended by the Court.

FOR THE COURT:

  
Chief Judge

Dated: February 22, 2006