Instructions for Creating an Appendix
Using the 'Create Appendix'
Function in the District Court
CM/ECF Docket Activity Report

Introduction:

Attorneys can create an appendix for their appellate briefs by using the 'Create Appendix' feature in any district court CM/ECF docket activity report. By selecting the 'Create Appendix' option, attorneys can choose documents for aggregation into a single PDF file, which can then be printed. The same process can be used to create an addendum to a brief or attachments to a motion or petition.

An appendix should include all parts of the record necessary to understand the issues on appeal but must exclude unnecessary documents or parts of documents. See 1st Cir. R. 30.0(f) (imposing sanctions for unnecessary materials). Additional software, such as Adobe Acrobat Standard, is necessary to enable the user to add parts of the record not linked to the docket or to delete unnecessary pages.

The purpose of this guide is two-fold: (1) It will explain how to use the 'create appendix' function in the district court CM/ECF software to create a single PDF file of selected documents; and (2) It will explain how to edit this PDF by adding additional documents or deleting unnecessary pages using commercial software such as Adobe Acrobat Standard 8.0.

This guide does not address the contents of the appendix. For guidance regarding which documents should be included in the appendix, see Notice to Counsel Regarding the Contents of the Appendix on the First Circuit website at www.ca1.uscourts.gov.

Any questions about these instructions may be directed to the First Circuit Clerk's Office at (617) 748-9057.

Creating an Appendix

After logging into CM/ECF, click on Reports and then Docket Sheet.

Enter the case number, and, if prompted, click on the 'Find Case' button. Next, check off 'Create Appendix' box. Then click the 'Run Report' button.

<u>Next:</u>

When the docket sheet appears it will show two columns with boxes to be checked. The smaller box on the left is for selecting the desired document to be included in the appendix. The larger box on the right is the 'sort order' box. The sort order function allows the user to choose the order in which the documents will appear within the appendix. For example, if document number 112 should appear first in the appendix, then enter a 1 in the sort order field. If document number 111 is the second document to be included, enter a 2 in the sort order field. If the sort order fields are left blank, the documents will be included in the order they appear on the docket.

10/24/2008	108		
10/24/2008	109	☐	
10/24/2008	110	☐	
10/27/2008	111	☐	
01/14/2009	112	☐	

Sort Order

Document Selection Box

<u>Note:</u>

If the footer format field at the bottom of the docket sheet is set for <pagenum>, the documents in the appendix will be automatically paginated once the single PDF is compiled. If you anticipate that you will need to edit the PDF by adding or deleting pages, leave the footer field blank and refer to the section on 'Adding Page Numbers' at the end of this guide.

Footer format: _____
(Numbers, letters, spaces, and <pagenum> only)

◉ Include full docket sheet
○ Include abridged docket sheet

Finally, a docket sheet will be included at the beginning of the Appendix. The system allows for either a complete docket sheet (with all the documents that have been filed in the case) or an abridged version (this will *only* create a docket sheet with a list of the documents that have been selected to be part of the appendix). Click on either the 'include full docket sheet' button or the 'include abridged docket sheet.' Typically, the full docket sheet should be included in the appendix.

Each district court has a maximum allowable file size, in megabytes (MB), for a compiled PDF of selected documents. If all of the documents in a case exceed the maximum allowable file size, the maximum file size will be indicated at the bottom of the docket sheet and the file size of each document will display so you can avoid exceeding the limit when selecting documents. When you submit your selections, the system computes the size of the aggregate file and compares it with the allowable file size.

If the size of the aggregate file is larger than the maximum allowable file size, the PDF file will not be generated and an error message will be displayed. In these circumstances, you may wish to create multiple volumes of the appendix and delete the docket sheet from the second and subsequent volumes. For instructions on deleting pages, refer to Deleting Pages later in this guide.

Once all of the documents have been chosen click on the 'View Selected' or 'Download Selected' button. Note: Mac users should always select 'Download Selected.' The next screen will give the total costs to be charged to the PACER account for all the documents selected. Click 'View' or 'Download Documents' to accept the charges and view/download the Appendix in PDF format. The Appendix can now be printed, combined with a table of contents and cover sheet, and bound for filing in the Court of Appeals.

Alternatively, if the document you have compiled is to be used as an Addendum, it can be saved as normal for combination of the Addendum with the brief for filing in the First Circuit. For instructions on how to combine the brief and addendum into a single PDF file, please see 'Instructions for the Conversion of Briefs and Addendums to PDF files for the United States Court of Appeals for the First Circuit' on the First Circuit website at: http://www.ca1.uscourts.gov/files/faq/WP_Conversion.pdf

Editing the Appendix in PDF Format Using Adobe Acrobat Standard 8.0

As noted at the outset, an appendix should include all parts of the record necessary to understand the issue on appeal but must exclude unnecessary documents or parts of documents. Accordingly, the PDF compiled using CM/ECF may need to be edited.

For example, the PDF compiled using CM/ECF will not include any district court filings which are in paper format only. If these filings are essential to the appeal, they will need to be scanned into PDF format and inserted into the existing PDF.

In addition, the assembled PDF may include unnecessary documents or pages. For example, rather than include the entire transcript, you may need to include only four pages of jury instructions. The unnecessary pages will need to be deleted.

To edit the PDF by adding documents or deleting unnecessary pages, Adobe Acrobat Standard or a similar software product is necessary. Adobe Acrobat Reader will not suffice. The directions that follow explain how to edit the Appendix using Adobe Acrobat Standard 8.0, and they may not work for other versions. The Court of Appeals does not endorse or recommend any products or services.

Inserting Pages

To insert pages into a PDF appendix compiled using CM/ECF, the pages to be inserted must themselves be in PDF format. If you are inserting parts of the record which are in paper format only, these can be scanned into PDF.

Begin with the PDF appendix you just compiled in CM/ECF. Click on the 'Document' tab, then click on 'Insert Pages.'
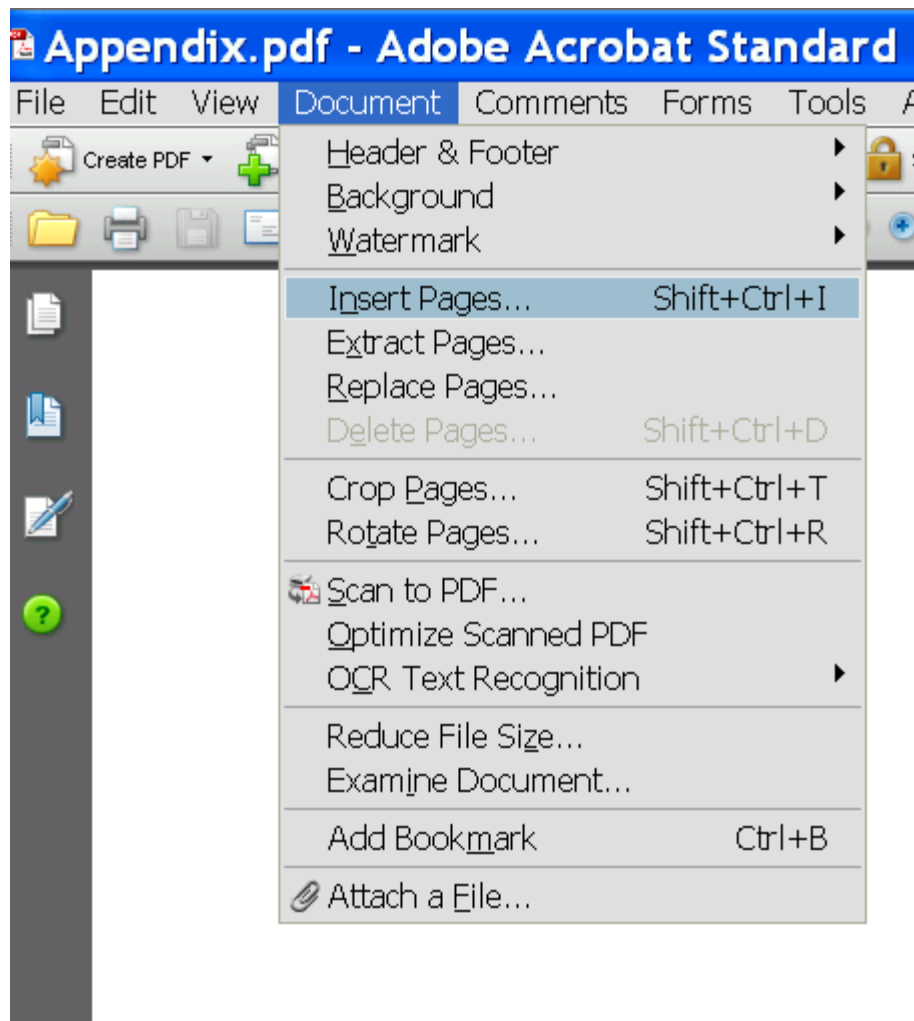
Select the desired file to insert into the opened PDF document from the local directory that will appear on your screen.

Next the Insert Pages box will appear, providing choices on where to insert the new page(s). In this example, the page will be inserted *after* the first page.
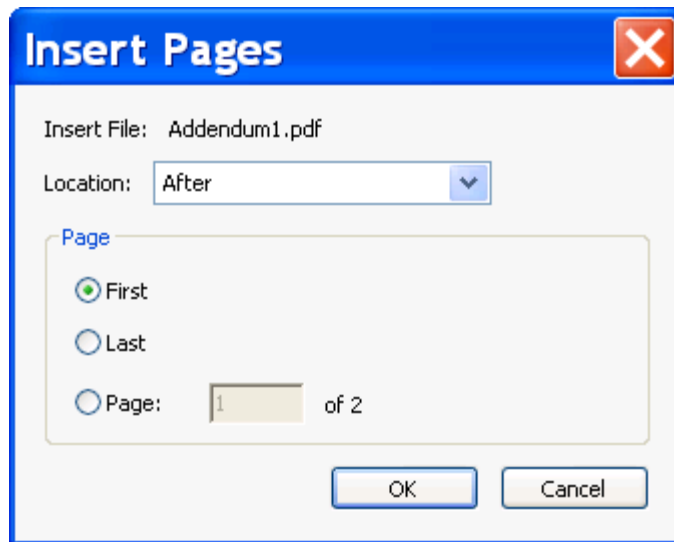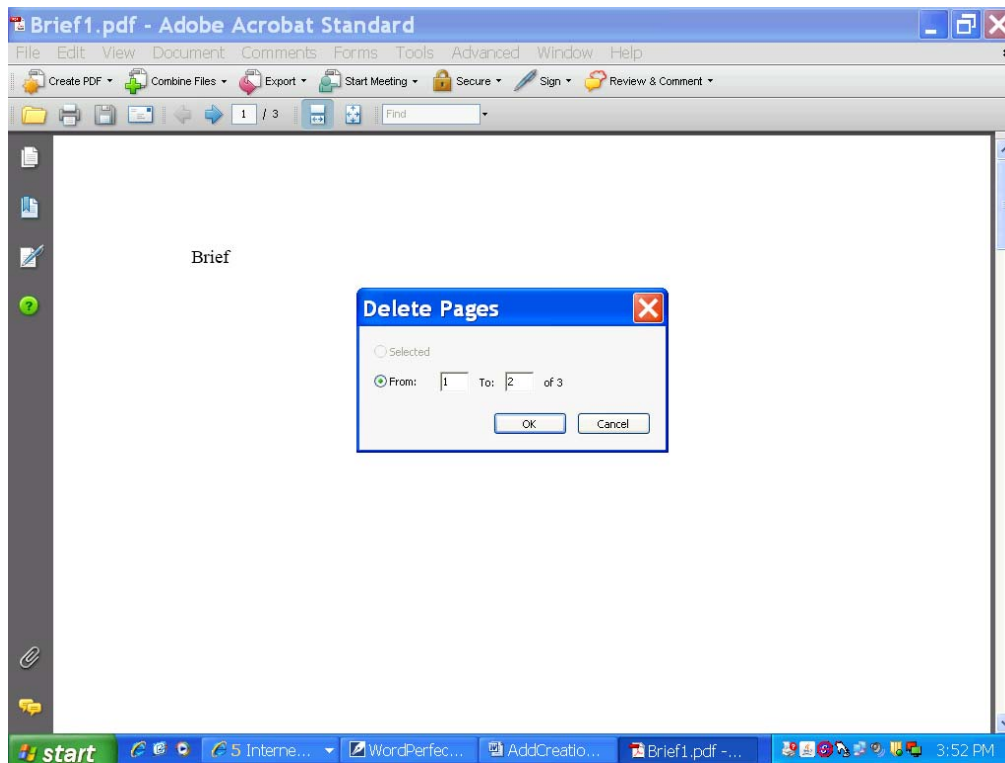

Deleting Pages

Click on 'Document' and then click on 'Delete Pages.'
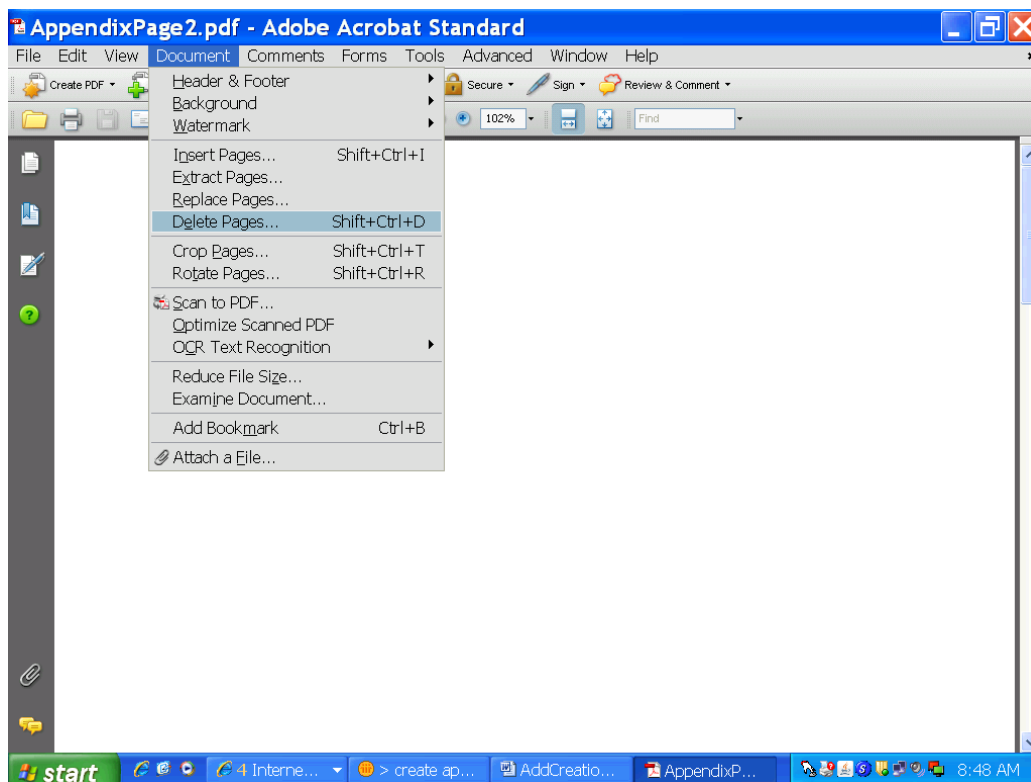
Next, select the numbers of the pages to be deleted. In this example, pages 1 and 2 of 3 will be deleted. Once you click OK the pages will be deleted. If no pages are to be deleted, then click 'Cancel.'

Adding Page Numbers

As noted earlier, the CM/ECF software will automatically paginate the Appendix if the footer format field at the bottom of the docket sheet is set for <pagenum>. However, if pages need to be added or deleted, the footer format field <u>must</u> be left blank so that page numbers can be inserted after all changes are made. Once editing is completed, the entire document can be paginated using Adobe Acrobat 8.0. If page numbers were already inserted by CM/ECF, inconsistent page numbers will occur, so, again, be sure that the footer format field in CM/ECF is left blank if you anticipate any editing.
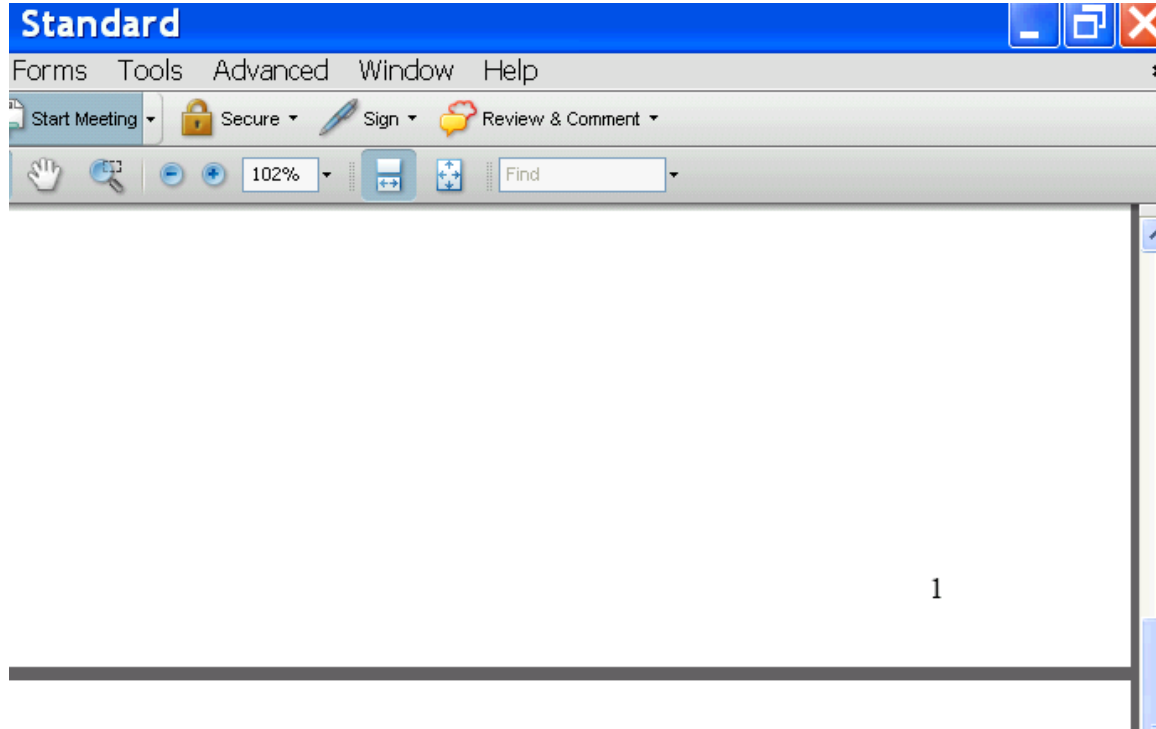
To paginate using Adobe Acrobat Standard 8.0, click on 'Document' and click on 'Header & Footer.'
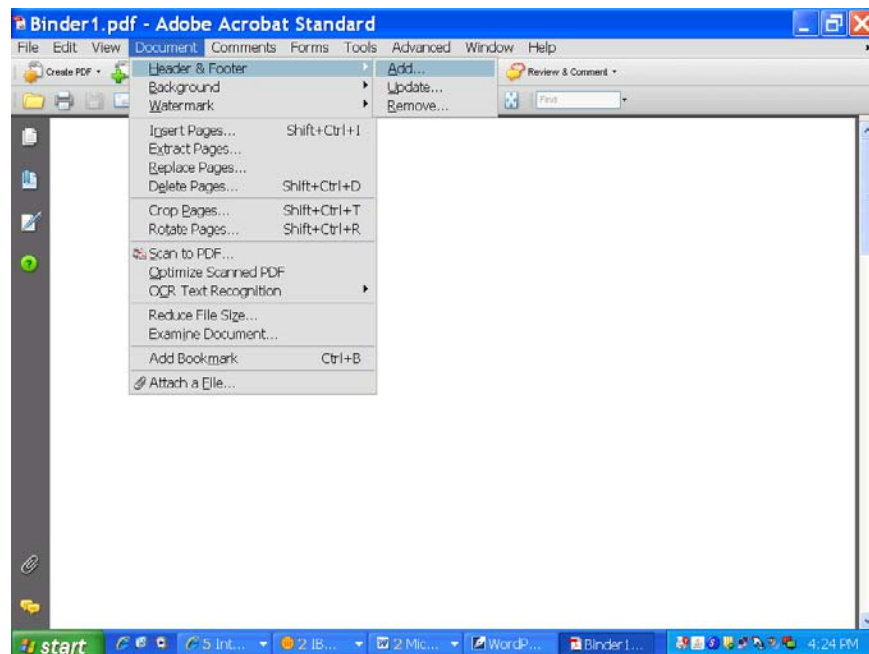
<u>Next</u>:
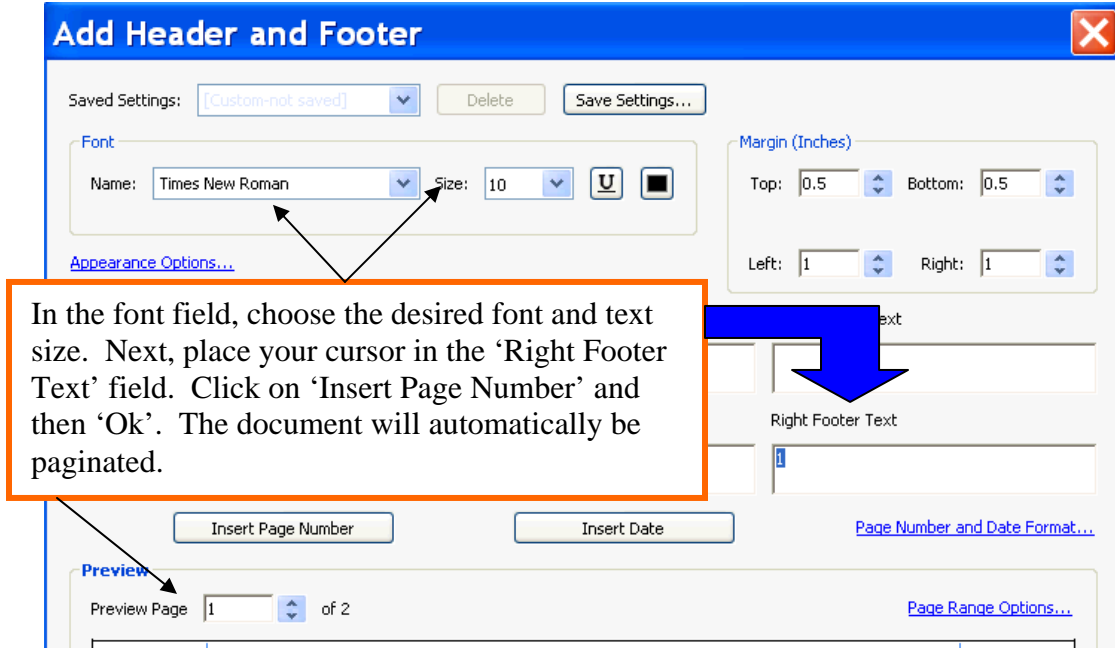
The document is now paginated with numbers and should look like the image below.

Note:

If more editing needs to be done and more pages are inserted after the document has been paginated the new page(s) that has been inserted will not have a page number. The document can be repaginated. However, a dialogue box will appear indicating that the document has already been paginated. To repaginate, click on the 'Replace Existing' button.