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UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MARGARET CARTER
CLERK

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NOTICE OF PROPOSED AMENDMENT TO LOCAL RULE 11.0(b)

The United States Court of Appeals for the First Circuit hereby provides notice that it proposes the attached amendments to Local Rule 11.0(b). Additions are noted in *italic* print; deletions are noted in ~~strikeout~~ print. An explanation for the proposed amendment follows.

For some years now, the district courts have transmitted abbreviated electronic records (in lieu of the entire record) in appeals where appellant is represented by counsel. By contrast, in pro se appeals the district courts have printed and transmitted a full paper record. Under the proposed amendments, an abbreviated electronic record will be transmitted in all appeals from the district court, whether the appellant is represented by counsel or not.

This change should not affect the ability of pro se litigants proceeding in forma pauperis to proceed on the record without need to file an appendix. In such cases, litigants can expect that in lieu of an appendix the court will rely on the electronic district court record, whether or not individual documents are transmitted, and any paper documents or exhibits which are transmitted.

The proposed amendment also clarifies that sealed documents and sealed docket reports/entries are not transmitted as part of an abbreviated electronic record. Rather, any sealed documents or sealed docket reports/entries are transmitted in hard copy.

The Court of Appeals invites public comment on the proposed amendments. Comments should be received by September 3, 2013, and addressed to:

Office of the Clerk
U.S. Court of Appeals for the First Circuit
United States Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

August 2, 2013

/s/ Margaret Carter, Clerk

Local Rule 11.0. Transmission of the Record, Sealed Documents

(b) Transmission of the Record. *The district court will not transmit the full record except upon request of the circuit clerk. Rather, ~~In counseled appeals,~~ the district court will transmit to the circuit clerk electronically a copy of the notice of appeal, the order(s) being appealed, and a certified copy of the district court docket report in lieu of transmitting the entire record. Sealed documents will not be included in this abbreviated electronic record. Rather, any sealed documents or sealed docket reports/entries will be transmitted to the circuit clerk in hard copy whether or not electronically available. In addition, any pPapers and exhibits which are not electronically available will also be transmitted to the circuit clerk. The entire electronic district court record is available to the court of appeals whether or not individual documents are transmitted as part of the abbreviated electronic record or later supplemented. ~~In pro se cases, the entire record will be transmitted to the circuit clerk.~~*