

# United States Court of Appeals For the First Circuit

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## NOTICE TO COUNSEL AND *PRO SE* LITIGANTS

Since this case will be governed by the Federal Rules of Appellate Procedure and the First Circuit Local Rules, you should familiarize yourself with both sets of rules. Your attention is called specifically to the requirements listed below.

**ECF FILING:** Electronic filers must familiarize themselves with 1st Cir. R. 25.0 and review the CM/ECF User's Guide located on the court's website for guidance on filing using CM/ECF.

**TRANSCRIPT REPORT/ORDER FORM:** Appellant must immediately order any necessary transcripts from the court reporter, using the form specified in 1st Cir. R. 10.0(b). Within 14 days after the appeal is docketed, appellant must file a copy of the transcript report/order form with the circuit clerk.

**TIMELINESS:** A document filed using CM/ECF is deemed filed at the date and time stated on the Notice of Docket Activity from the court. Unless otherwise required by statute, rule, or court order, filing must be completed by midnight in Boston to be considered timely filed that day. For parties who are exempt from CM/ECF, a brief is timely if it is mailed by First-Class Mail, hand-delivered to the Clerk's Office intake window or submitted through the drop-box on the first floor of the John Joseph Moakley U.S. Courthouse, or given to a commercial carrier for three day delivery on the due date set in the schedule or order. All other papers must be received by the clerk's office within the time fixed for filing. Fed. R. App. P. 25(a)(2).

**SEALED MATERIAL:** To avoid the need to seal the entire brief or appendix, counsel shall place sealed or confidential material in a separate, sealed volume of the brief or appendix. 1st Cir. R. 11.0. Sealed documents and motions for permission to file a document under seal should be filed only in paper form in compliance with 1st Cir. R. 11.0(c), 1st Cir. R. 25.0(b)(1)(A) and (B), and 1st Cir. R. 30.0(g).

**REFERENCES TO THE RECORD REQUIRED IN BRIEFS:** To enable the court to verify the documentary bases of the parties' arguments, factual assertions must be supported by accurate references to the appendix or to the record. Counsel should ensure that transcripts cited in the briefs have been filed and made a part of the record on appeal. The appellant is responsible for preparing the appendix, except that pro se appellants are not required to file an appendix. Fed. R. App. P. 30 and 1st Cir. R. 30.0

**MOTIONS TO ENLARGE FILING DATES OR LENGTH OF BRIEFS:** Motions for extensions of time to file briefs or to file briefs in excess of applicable length limitations are discouraged. Any such request must be made by a motion filed well in advance of the date the brief is due and must set forth the additional time or length requested and detailed reasons for the request. 1st Cir. R. 32.4.

**CERTIFICATE OF SERVICE:** The court will not consider any motion, brief, or document that has not been served on all parties. The Notice of Docket Activity that is generated by the court's electronic filing system constitutes service on all ECF filers. 1st Cir. R. 25.0(e). If a certificate of service is required by Fed. R. App. P. 25(d), it should be attached to the document's last page and indicate the date of service, the manner of service, and the names and addresses of the persons served.

**DISCLOSURE STATEMENT:** Counsel representing nongovernmental corporations in proceedings before the court must include a disclosure statement with the first document filed with the court, and **again** in front of the table of contents in a party's principal brief. Fed. R. App. P. 26.1.