

Electronic Appendix Instructions

For briefing orders issued after July 2, 2012, [Local Rule 25\(a\)\(1\)\(D\)](#) requires appendices in formally briefed cases to be filed in electronic and paper form. In agency cases, [Local Rule 25\(a\)\(1\)\(C\)](#) permits counsel to adopt an electronic administrative record as the electronic appendix. See the [Local Rules](#) and the [Fourth Circuit Brief & Appendix Requirements](#) for detailed information on the format and content requirements for electronic appendices.

This document covers:

- [Creating an electronic appendix from the district court docket](#);
 - [Filing an electronic appendix in appellate CM/ECF](#); and
 - [Adopting an administrative record as appendix in an agency case](#).
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- **Creating an electronic appendix from the district court docket**

For cases arising from a district court action, the electronic appendix can be created directly from the docket. You must log in to district court CM/ECF to utilize the "Create Appendix" functionality. PACER users do not have access to "Create Appendix."

1. Log in the district court CM/ECF application.
2. Select **Reports**.
3. Select **Docket Sheet**.
4. Enter the district court case number.
5. Under *Document Options*, select **Create Appendix**.
6. Select **Find This Case**.

The screenshot shows the CM/ECF web interface. At the top, there is a navigation bar with 'ECF' logo and menu items: 'Cjvil', 'Criminal', 'Query', 'Reports', and 'Utilities'. The 'Reports' menu is highlighted with a red box. Below the navigation bar, the page title is 'Docket Sheet'. A search bar contains the text 'Case number 11-345' and a 'Find This Case' button, both highlighted with red boxes. Below the search bar, there are radio buttons for 'Filed' (selected) and 'Entered', and input fields for dates. There are also input fields for 'Documents' with 'to' labels. Under the 'Include:' section, several checkboxes are checked: 'Parties and counsel', 'Terminated parties', 'List of member cases', and 'Links to Notices of Electronic Filing'. Under the 'Document options:' section, the 'Create Appendix' checkbox is checked and highlighted with a red box. Other options include 'Include headers when displaying PDF documents', 'View multiple documents', and 'Create Record on Appeal'. Under 'Exclude entries with these types of restrictions:', 'court user', 'ex parte', and 'applicable party' are checked. At the bottom, there is a 'Sort by' dropdown menu set to 'Oldest date first', and 'Run Report' and 'Clear' buttons.

7. If more than one case is returned, select the correct case then select **Run Report**.
8. The docket sheet will open.
9. Select documents for the appendix by checking the box next to the docket number.
10. After selecting all appendix documents, rearrange the order of the documents, if needed, and enter numbers in the *Sort Order* column.

Date Filed	#	clear	Sort Order	Docket Text
06/23/2011	1	<input checked="" type="checkbox"/>		INDICTMENT as to Ever Enrique Medina (1) count(s) 1. (c/s) (jnl, Deputy Clerk) (Entered: 06/24/2011)
06/28/2011		<input type="checkbox"/>		PAPERLESS NOTICE OF HEARING by U.S. Attorney's Office as to Ever Enrique Medina. PLEASE NOTE: Defendant is not in custody. A writ has not been requested. A come up has not been requested. An interpreter will not be needed. Initial Appearance set for 7/1/2011 11:00 AM in Courtroom 7B, 101 West Lombard Street, Baltimore, Maryland 21201, before Magistrate Judge Stephanie A Gallagher. (Budlow, Paul) (Entered: 06/28/2011)
06/28/2011		<input type="checkbox"/>		Corrected PAPERLESS NOTICE OF HEARING by U.S. Attorney's Office as to Ever Enrique Medina. PLEASE NOTE: Defendant is not in custody. A writ has not been requested. A come up has not been requested. An interpreter for Spanish was requested on 6/28/2011. Initial Appearance set for 7/1/2011 11:00 AM in Courtroom 7B, 101 West Lombard Street, Baltimore, Maryland 21201, before Magistrate Judge Stephanie A Gallagher. (Budlow, Paul) (Entered: 06/28/2011)
07/01/2011	2	<input type="checkbox"/>		Initial Appearance as to Ever Enrique Medina (Defendant informed of Rights.) held on 7/1/2011 before Magistrate Judge Stephanie A Gallagher. (Interpreter: Marta Goldstein) (Court Reporter: FTR Smith) (jas, Deputy Clerk) (jas, Deputy Clerk). (Entered: 07/01/2011)
07/01/2011		<input type="checkbox"/>		Interpreter Marta Goldstein appointed in case as to Ever Enrique Medina (jas, Deputy Clerk) (Entered: 07/01/2011)
07/01/2011	4	<input type="checkbox"/>		CJA 23 Financial Affidavit by Ever Enrique Medina. (hml, Deputy Clerk) (Entered: 07/01/2011)
07/01/2011	5	<input checked="" type="checkbox"/>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Ever Enrique Medina. Signed by Magistrate Judge Stephanie A Gallagher on 7/1/11. (hml, Deputy Clerk) (Entered: 07/01/2011)
07/01/2011	6	<input type="checkbox"/>		ORDER OF DETENTION by Agreement as to Ever Enrique Medina. Signed by Magistrate Judge Stephanie A Gallagher on 7/1/11. (hml, Deputy Clerk) (Entered: 07/01/2011)
07/05/2011		<input type="checkbox"/>		PAPERLESS NOTICE OF HEARING by U.S. Attorney's Office as to Ever Enrique Medina. PLEASE NOTE: Defendant is in custody. A writ has not been requested. A come up was requested on 7/5/2011. An interpreter for Spanish was requested on 7/5/2011. Arraignment set for 7/8/2011 10:00 AM in Courtroom 7B, 101 West Lombard Street, Baltimore, Maryland 21201, before Magistrate Judge Susan K. Gauvey. (Budlow, Paul) (Entered: 07/05/2011)
07/08/2011	7	<input type="checkbox"/>		DOCKETED IN ERROR Arraignment as to Ever Enrique Medina (1) Count 1 held on 7/8/2011, Plea entered by Ever Enrique Medina Not Guilty on count 1, before Magistrate Judge Susan K. Gauvey. (FTR Gold: C. Crawford) (JS/crc, Deputy Clerk) Modified on 7/8/2011 (Entered: 07/08/2011)
07/08/2011	8	<input type="checkbox"/>		Assignment as to Ever Enrique Medina (1) Count 1 held on 7/8/2011, Plea entered by Ever Enrique Medina Not Guilty on count 1 before Magistrate Judge

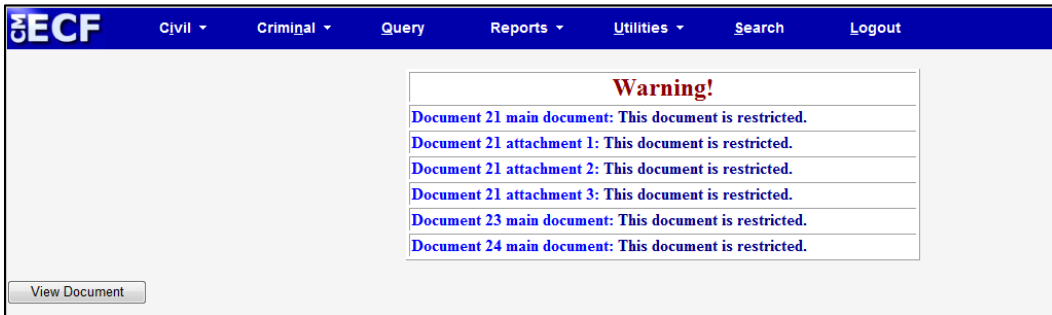
11. After selecting all documents, scroll to the end of the docket sheet.
12. Before viewing or downloading the documents, make sure that the footer format is set to **<pagenum>** so the program will automatically paginate the combined document. The appendix pages must be numbered, if you do not use the automatic numbering feature, the pages will have to be numbered manually or using other document preparation software.
13. Make sure **Include full docket sheet** and **Include documents in Appendix** are selected.
14. Select **View Selected** to preview the compiled documents.

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

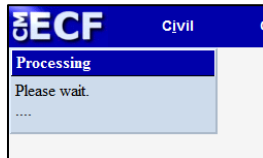
Include full docket sheet Include documents in Appendix
 Include abridged docket sheet Include document hyperlinks in Appendix

or

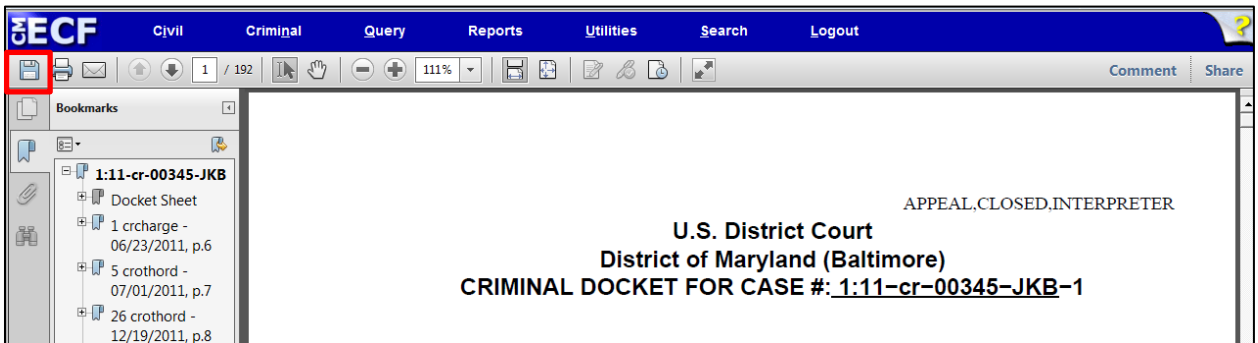
15. If any documents selected are restricted or sealed, a Warning! message will appear. Click back to remove these documents from the appendix. Restricted and sealed documents must be filed in a separate, sealed volume.



16. A Processing message will appear as the document is compiled.



17. The compiled appendix will load.
 18. Review the file to ensure all documents are included.
 19. Select the save icon to save the appendix to your computer.



20. Name the file appropriately and save it to a location that you will be able to locate easily.
 21. The electronic appendix must include a cover page and table of contents. The cover page and table of contents may be uploaded as separate files or combined with the body of the appendix.

- **Filing an electronic appendix in appellate CM/ECF**

1. Login to Appellate CM/ECF.
2. Select **Filing**.
3. Select **File a Document**.
4. Enter the case number.
5. Select **Briefing Documents** from the left column.
6. Select either **JOINT APPENDIX (electronic & paper form)** or **SUPPLEMENTAL JOINT APPENDIX (electronic & paper form)** from the right column.
7. Select **Continue**.
8. The event filing screen will open.
9. If you are filing an amended appendix, select the modifier from the drop down.
10. Enter the **Date paper copies mailed, dispatched or delivered to court**.
11. Select the **Method of filing paper copies**.
12. Select the filer(s).
13. Select **Browse** to locate upload the electronic appendix file.
14. Each file may be up to 50MB. If the appendix is larger than 50MB, split the appendix into multiple files. Select **Add Another** to upload additional files.
15. After all appendix files are uploaded, select **Continue**.

16. The *Docket Text* window will appear. If it is correct, select **Continue**. If you need to make corrections, select **Back**.

17. The *Event Review* window will appear, select **Submit** to file the electronic appendix.
18. If the appendix contains sealed material, use **SEALED JOINT APPENDIX (court access only)(electronic & paper form)** to file the sealed volume(s). If filing a supplemental appendix containing sealed materials, use **SEALED SUPPLEMENTAL APPENDIX (court access only)(electronic & paper form)** to file the sealed supplemental volume(s).

19. Select **Briefing Documents** from the left column.
20. Select **SEALED JOINT APPENDIX (court access only)(electronic & paper form)** from the right column.
21. Select **Continue**.
22. The event filing screen will open.
23. Answer all *Additional Information* prompts appropriately.
24. Select the filer(s).
25. Select **Browse** to upload the electronic appendix file.
26. Each file may be up to 50MB. If the sealed appendix is larger than 50MB, split the appendix into multiple files. Select **Add Another** to upload additional files.
27. After all sealed appendix files are uploaded, select **Continue**.

Filing SEALED APPENDIX (electronic & paper form)

Filing Reports Utilities Logout Help

Case 11-4567 US v. John Franklin

Additional Information
 Select modifier if appropriate:

Additional Information
 Filed Ex parte?

Additional Information
 Method of filing paper copies (4 copies marked sealed):

NOTE
 589i:
 Counsel must serve sealed documents outside CM/ECF system since system access to document is limited to court.

Additional Information
 Date copies mailed, dispatched or delivered to court:

Party Filer

Please select the filer(s) below. In consolidated cases, use the All Cases button to apply your selection to all of the consolidated cases.

	Filer	Type	Case Number	Short Title
<input checked="" type="checkbox"/>	Franklin, John Wesley	Appellant-Defendant	11-4567	US v. John Franklin
<input type="checkbox"/>	US	Appellee-Plaintiff	11-4567	US v. John Franklin

Display All Parties All Cases Select All Clear All

28. The *Docket Text* window will appear. If it is correct, select **Continue**. If you need to make corrections, select **Back**.
29. The *Event Review* window will appear, select **Submit** to file the sealed electronic appendix.

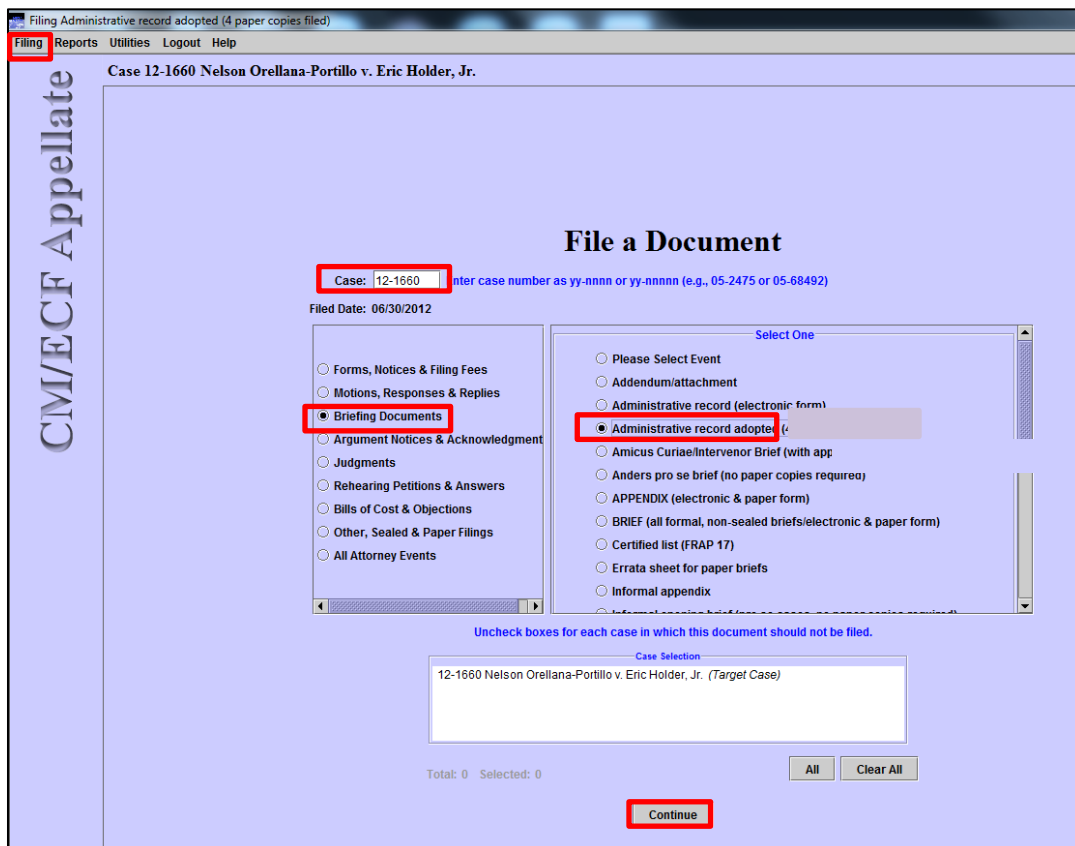
(continued on next page)

- **Adopting an administrative record as appendix in an agency case**

[Local Rule 25\(a\)\(1\)\(C\)](#) addresses the adoption of administrative records in agency cases as the appendix:

- If the agency files the administrative record in electronic form, counsel filing the opening brief may adopt the administrative record in lieu of filing an appendix under section [Local Rule 25\(a\)\(1\)\(D\)](#) and cite to the AR rather than the JA. See below for instructions.
- In social security appeals, appellant’s counsel must also file an appendix under [Local Rule 25\(a\)\(1\)\(D\)](#) that contains any district court documents necessary for appellate review. See [Filing an electronic appendix in appellate CM/ECF](#) for instructions.
- If the agency files the administrative record in paper form, counsel filing the opening brief must file an appendix in accordance with [Local Rule 25\(a\)\(1\)\(D\)](#). See [Filing an electronic appendix in appellate CM/ECF](#) for instructions.

1. Login to Appellate CM/ECF.
2. Select **Filing**.
3. Select **File a Document**.
4. Enter the case number.
5. Select **Briefing Documents** from the left column.
6. Select **Administrative Record Adopted** from the right column.
7. Select **Continue**.



8. Enter the **Date paper copies mailed, dispatched or delivered to court.**
9. Select the **Method of filing paper copies.**
10. Select the filer(s).

Case 12-1660 Nelson Orellana-Portillo v. Eric Holder, Jr.

NOTE
882i: Paper copies must be bound on the left, include a cover and table of contents.

Additional Information
Date paper copies mailed, dispatched or delivered to court:
07/12/2012

Additional Information
Method of filing paper copies:
courier

Party Filer
Please select the filer(s) below. In consolidated cases, use the All Cases button to apply your selection to all of the consolidated cases.

Filer	Type	Case Number	Short Title
<input checked="" type="checkbox"/> Orellana-Portillo, Nelson T...	Petitioner--	12-1660	Nelson Orellana-P...
<input type="checkbox"/> Holder, Eric H., Jr.	Respondent-	12-1660	Nelson Orellana-P...

Buttons: Display All Parties, All Cases, Select All, Clear All

11. Select the administrative record from the *Related Previous Entries* box.
12. Select **Add**.
13. The administrative record will appear in the *Selected Entries* box.
14. Select **Continue**.

NOTE
884i: Select the administrative record below and click Add.

Related Previous Entries

Doc	Date Filed	Entry
	06/29/2012	ADMINISTRATIVE RECORD in electronic format by Respondent Eric H. Holder, Jr.. Method of service: Paper service on petitioner's counsel.

Buttons: Add

Selected Entries

Date Filed	Entry	Cases
06/29/2012	ADMINISTRATIVE RECORD in electronic format by Respondent Eric H. Holder,	12-1660

Buttons: Up, Down, Remove, Clear All, Total: 1

Buttons: Continue, Back, Cancel

15. The *Docket Text* window will appear. If it is correct, select **Continue**. If you need to make corrections, select **Back**.