

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MARIA R. HAMILTON
CLERK

JOHN JOSEPH MOAKLEY
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2500
BOSTON, MA 02210
(617) 748-9057

NOTICE OF PROPOSED AMENDMENTS TO
LOCAL RULE 25.0 AND LOCAL RULE 30.0

The United States Court of Appeals for the First Circuit provides notice that it proposes the attached amendments to Local Rules 25.0 and 30.0.

The amendments are made to add a requirement that parties represented by counsel file an electronic version of an appendix and to exempt all pro se filers from the requirement to file an appendix. The amendments also update the format of citations to local rules in Local Rule 25.0.

Additions are noted in *italic* print; deletions are noted in ~~strikeout~~ print.

The court hereby invites public comment on the amendments. Comments should be submitted by March 7, 2022 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

February 3, 2022

Maria R. Hamilton, Clerk

Local Rule 25.0. Electronic Case Filing System and Facsimile

(b) Scope of Electronic Filing. Unless this court by rule or order prescribes otherwise, all cases will be assigned to the court's electronic filing system. Upon motion and a showing of good cause, the court may exempt an attorney from the provisions of this rule and authorize filing by means other than use of the electronic filing system. Absent an exemption, all documents filed by counsel must be filed electronically using the electronic filing system with the exceptions below, which also apply to pro se litigants who have elected to use the electronic filing system.

(1) Paper Only Filings. The following documents must be filed only in paper form:

(A) motions to seal; *and*

(B) sealed, ex parte, or otherwise non-public documents, including for example, pre-sentence reports and statements of reasons in a judgment of criminal conviction; ~~and~~

~~(C) appendices to briefs.~~

(3) Briefs and Appendices. Although a briefs (including the addendum, required by ~~Loe. 1st Cir. R. 28.0~~) *and* *appendices* must be filed electronically, paper copies of ~~briefs~~ are still required to be filed. When a brief *or* *appendix* is filed electronically, it is deemed tendered. The clerk's office will then review the electronically tendered ~~brief filing~~ and, if ~~the brief~~ it is compliant with federal and local rules, send a notification accepting the brief *and/or* *appendix* as filed and requiring the attorney or party filing electronically ("ECF Filer") to file ~~nine~~ *the appropriate number of* identical paper copies so that they are received by the court within seven days of the notification. The clerk may shorten the period for filing paper copies of a brief if it becomes necessary in a particular case. At the time a brief *or* *appendix* is tendered electronically, it must be served on all other parties, as required by Federal Rules of Appellate Procedure 25(b) and 31(b). See ~~Loe. 1st Cir. R. 25.0(e)~~. Parties do not need to serve the brief *or* *appendix* again on the other parties to the case when identical paper copies are filed with the court. ~~Appendices must be filed and served in paper form at the time the electronic version of the brief is tendered for filing.~~

(g) Attachments and Exhibits to Electronically Filed Documents. All documents referenced as exhibits or attachments to an electronically filed document must also be filed electronically, unless the court permits or requires paper filing. An ECF Filer must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. The court may require parties to file additional excerpts or the

complete document. ~~This rule does not apply to appendices to briefs. See Loc. R. 25.0(b)(1).~~

Local Rule 30.0. Appendix to the Briefs

(a) Number of Copies. Pursuant to Fed. R. App. P. 30(a)(3), *when a paper copy deadline is set*, only five (5) copies of the appendix need be filed with the clerk and on motion, for cause shown, parties may be allowed to file even fewer copies.

(d) ~~In Forma Pauperis~~ *Proceeding Pro Se or Under the Criminal Justice Act.*

(1) *Pro Se-Appendices Not Required.* All pro se appeals ~~proceeding in forma pauperis~~ shall be considered on the record on appeal as certified by the clerk of the district court without the necessity of filing an appendix unless otherwise ordered by this court in a specific case. An appendix is required in all other appeals unless the court rules otherwise pursuant to Fed. R. App. P. 30(f).

(2) *CJA Appendices.* Although an appellant may be reimbursed for the cost of preparing an appendix where appellant's counsel is appointed under the Criminal Justice Act, counsel in consolidated multi-defendant appeals should coordinate, to the extent possible, to file a consolidated appendix.