

## FIFTH CIRCUIT COURT OF APPEALS CLERK'S UPDATE FOR BAFFC

BY: Lyle Cayce, Clerk

I write to make sure that BAFFC members know that we have created a new "Attorney Toolbox" you can access by clicking on the link prominently displayed on the CM/ECF landing page. This Toolbox will eventually serve as the location for case related programs now found under our "Utilities Tab," including the EROA download, brief template, and Quality Control (QC) programs. But the Toolbox also contains two features long requested by BAFFC members - a **record excerpt creation tool** for appellants, and **hyperlinks in pleadings**.

### **New Tool #1: Create Record Excerpts.**

From the Toolbox, counsel for an appellant can quickly and easily create record excerpts required by Fifth Circuit Local Rule 30.1. The program operates by:

1. Preselecting from the EROA those documents required by Local Rule 30.1.4.
2. Affording the filing attorney opportunity to view the preselected documents to ensure they are correct and modify them as necessary by deleting, adding, or substituting documents.
3. Letting the filing attorney select optional content permitted by Local Rule 30.1.5; and
4. After the attorney is satisfied with the selections, completing the process by combining the selected documents into a properly captioned, formatted, rule-compliant PDF document (complete with certifications) that can be downloaded and filed.

We invite attorneys to use this feature when filing their next excerpts and let us know whether it was helpful and how we could modify or improve the process.

### **New Tool #2: Hyperlinks in Pleadings.**

As you may know, when a party files a pleading in our court, a court computer program scans the pleading and creates hyperlinks to the electronic record on appeal (EROA) and legal citations. Judges and court staff routinely use these links when reviewing cases. For several years, we have unsuccessfully tried to find a way to provide attorneys access to hyperlinks for pleadings. I am happy to announce that Briefcase overcomes obstacles and now we can let parties easily have access to the same hyperlinks we provide the court.

To see the hyperlinks, simply do the following:

1. At the Attorney Toolbox home screen, first tell us which search engine you will use to view legal citations (the program needs this information to create the proper links). At present, you can identify Westlaw or Lexis as subscription engines, or select one of three free engines (Google Scholar, Bing, and Yahoo).
2. Next, upload a PDF copy of a pleading, such as your brief, or your opponent's brief. You may either browse your computer and select the PDF copy, or "Drag" a copy of a PDF from a folder into Toolbox.

3. When the file is dropped into the box, the same a program used to create hyperlinks for the court will create a EROA and legal citations in that document. You may immediately view the hyperlinked material by clicking on a link.

There are a few special considerations regarding using these hyperlinks.

First, if you are logged in to CM/ECF, you can access both EROA and legal hyperlinks. You can view legal hyperlinks without being logged in to CM/ECF if you save a copy of the document with the hyperlinks to your computer. But you **must** be logged in to CM/ECF to see EROA links – because the record hyperlinks point to a copy of the EROA on a court server.

Second, at present, the only subscription legal research engines we support are Westlaw and Lexis, but we will explore supporting other subscription services. Obviously, if you select either Westlaw or Lexis as your search option, you will be required to enter your login information to access those services.

Finally, you can choose to create hyperlinks to Google Scholar, Bing, and Yahoo. But you should understand that while hyperlinks to these free services often permit access to both primary and secondary sources, these hyperlinks may be less reliable than dedicated legal search engines.

How might you use Toolbox? Well, you could download a customized brief template to assist in the preparation of your brief. You could use the QC program to check for any deficiencies that might result in a rejected brief. If you are an appellant, you could save time by using our record excerpt program. You could drag a PDF copy of your draft brief into the box to create hyperlinks in your document, and then click on the EROA hyperlinks to make sure they point to the pages you intended. And finally, you could use the toolbox to review your opponent's brief. Simply drag the PDF copy of your opponent's brief (which you downloaded from PACER) into the Toolbox and the program will provide you immediate access to your opponent's citations.

The Toolbox and the Record Excerpt and Hyperlink features are our latest attempts to make practice in our court easier. As always, we welcome comments and recommendations for how we can improve any aspect of our operations. If you have feedback, please send a message to [Webmaster\\_ca5@ca5.uscourts.gov](mailto:Webmaster_ca5@ca5.uscourts.gov).