

FILING E-BRIEFS IN THE CALIFORNIA COURTS OF APPEAL

OVERVIEW

Three California Courts of Appeal, the 2nd District and Divisions 1 and 3 of the 4th District, encourage the filing of hyperlinked electronic records and briefs (e-briefs). Each court has posted an invitation to file on their website, and in some instances (cases with large records) the court is taking the additional step of asking counsel to confer on the issue and report back to the court about their willingness to participate in the e-brief program.

This paper addresses questions that counsel and their clients are likely to have with regard to e-briefing in these courts. While e-briefs can be prepared in-house using software such as Adobe Acrobat, this paper addresses the process when employing a vendor.

HYPERLINKED BRIEFS DEFINED

An e-brief, as defined by the above courts, is a searchable electronic compilation of all parties' briefs, appendices (or CT), reporter's transcripts, authorities, RJN's and any other documents submitted for the court's review. Native documents (Word/WordPerfect, text, etc.) are converted to searchable PDF, and hard copy documents are scanned and made searchable using optical character recognition (OCR). Added to these electronic records are typically a master table of contents and navigational features in the form of hyperlinks and bookmarks (tabs) allowing the court to easily and more thoroughly review the briefs, cited authorities, and record. In addition to the navigational features, documents can be searched individually or globally; text can be highlighted, copied and pasted into other documents; and the equivalent of "sticky notes" can be attached to the documents.

THE PROCESS

1. When the process should start

The sooner the e-brief project is begun, i.e., scanning and OCR'ing the record, the sooner counsel will have the advantage of a searchable record. CD's, sent to counsel with the searchable record and after each brief is added, offer the same efficiency and other benefits to counsel that the court is seeking.

2. Chronological workflow

| What you do | What NDS does |
|---|---|
| Reporter's Transcript Send the .txt file (if available) and hardcopy. If the .txt file is not available and you will be copying the transcripts prior to sending, do not re-bind them. Separate the volumes with colored sheets and identify each volume number.* | 1. If text: convert to PDF. 2. If hard copy: scan, convert to PDF, and OCR. 3. Add bookmark links to each witness and examiner (see RT on accompanying demo e-brief). |
| CT/Appendix Send to NDS. If you are making copies, do not re-bind them. Separate the volumes with colored sheets and identify each volume number.* | 1. Scan, convert to PDF, and OCR. 2. Add links from index to individual documents. 3. Add bookmark links to each volume. |
| When the above is completed, NDS will send participating counsel a self-starting CD with fully searchable RT and CT/Appendix. Depending on the size of the record, this will take 4-6 days. | |

| What you do | What NDS does |
|---|--|
| Briefs 1. If both parties are participating, each sends NDS the final Word or WordPerfect version of their brief and a scanned or hard copy of the filed brief.** The scanned or hard copy is used to insure accurate pagination of the brief when converted to PDF. 2. If only one party is participating, they send NDS the best available copy of the others' brief. 3. Provide NDS with authorities we are unable to obtain (we will provide a list). | 1. If Word/WP: convert to PDF and conform to hard copy pagination. 2. If hard copy only: scan and OCR. 3. Add bookmark links to all brief headings. 4. Add links in TOC and TOA to pages. 5. Download authorities and convert to PDF; send request to counsel to provide any authorities not available to NDS (i.e. out of date treatises). 6. Add links in briefs to all cited material (we link pincites to cited page, paragraph, or line). 7. Create Master TOC, and link from TOC to briefs, authorities, RT, and appendix files. |
| Upon the completion of each brief, NDS will send an updated CD to participating counsel. This will take 3-5 days. Upon the completion of all briefing, NDS will send participating counsel the completed e-brief for review. This will take 3-5 days. Any requested changes will be made, and final CD's will be sent to the appropriate counsel for submission to the court. | |

* We do not recommend sending original copies.

** Documents up to 10MB in size can normally be sent as email attachments. Larger documents can be transmitted via our extranet.

PRICING

We are happy to quote a firm price based on the number of brief pages (exclusive of tables and certificates), RT pages, and CT/Appendix pages. The pricing is all-inclusive. We do not charge for bookmarks, hyperlinks, authority downloads or CD's.

Why choose NDS?

We are a pioneer in the industry. We prepared the first e-brief to be filed in a California Court of Appeal in 2001 and have filed more e-briefs in the California Appellate Courts than all other vendors combined. We have also filed in federal and state courts across the country, including the U.S. and California Supreme Courts. You can trust us to get the job done to your satisfaction, on time and on budget.