

# ELECTRONIC BRIEFS

## for the Appellate Courts of Texas

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# What we're covering today

- “How to” make basic and more advanced electronic briefs. The course materials are a reference for later. Today, we'll do it live.
- The results of our survey of court of appeals and Supreme Court justices and staff about their real use of electronic briefs.
- Excerpts from video interviews with Justices about their experience so far with e-briefs.

# What's Required

- Brief converted directly to PDF (no scanning)
- Exhibits made word-searchable (either by using native PDF versions or through OCR)
- Brief and all appendix items combined into one file
- Bookmarks added for the appendix
- Redact the sensitive information required by rule

# Extra Credit

- Bookmarks to the brief itself (not just appendix)
- Hyperlinks

**Survey Results:  
How Are Justices and Staff  
Using E-Briefs Today?**

# On what screens are court personnel reading these electronic briefs?

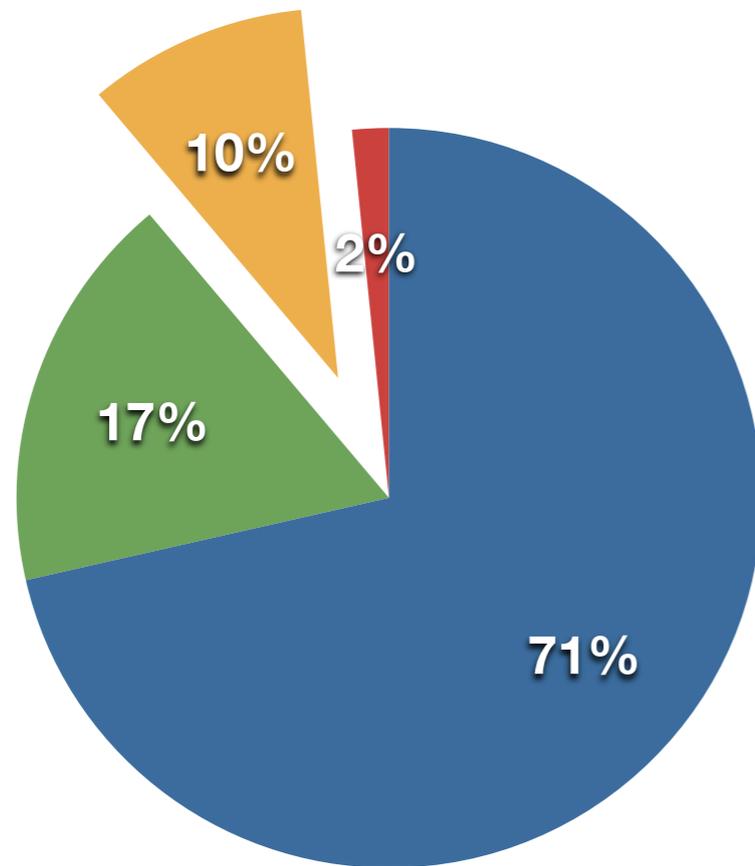
We asked about screen size...

- a desktop computer with a monitor large enough to view a whole page at once
- a desktop computer with a smaller monitor
- a laptop computer
- a tablet device (iPad or similar)
- a mobile device (smartphone)
- a Kindle or similar e-reader

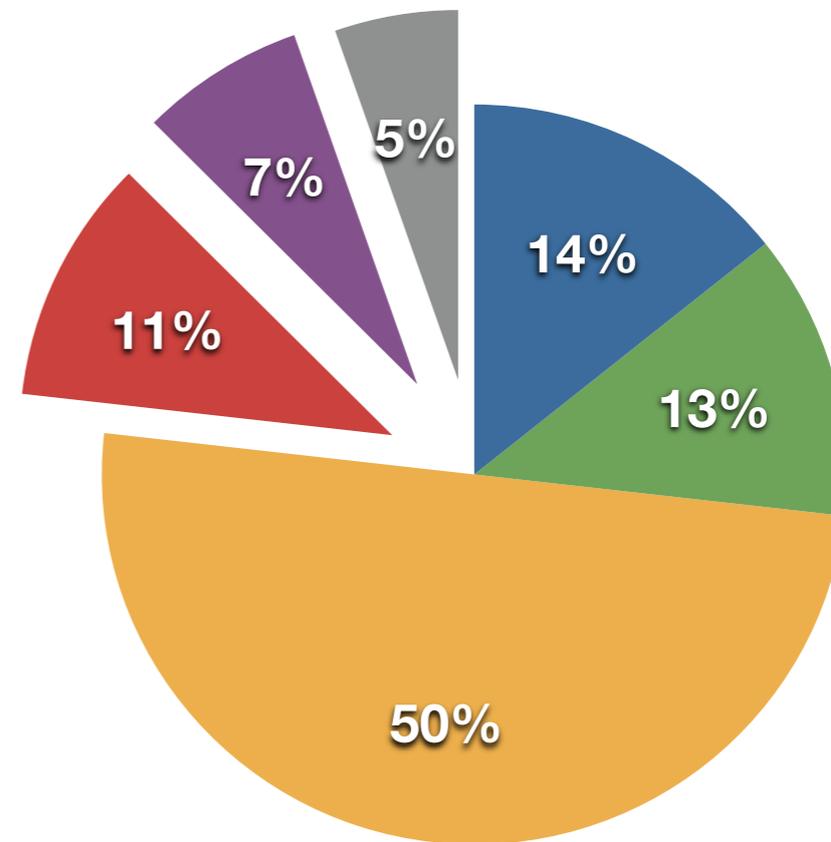
...so that we can show you these categories:

- |   |   |
|---|---|
|  Big desktop |  Small desktop   |
|  Laptop      |  Tablet/iPad     |
|  Smartphone  |  Kindle/e-reader |

# On what screens are court personnel reading these electronic briefs?



**At the Office**

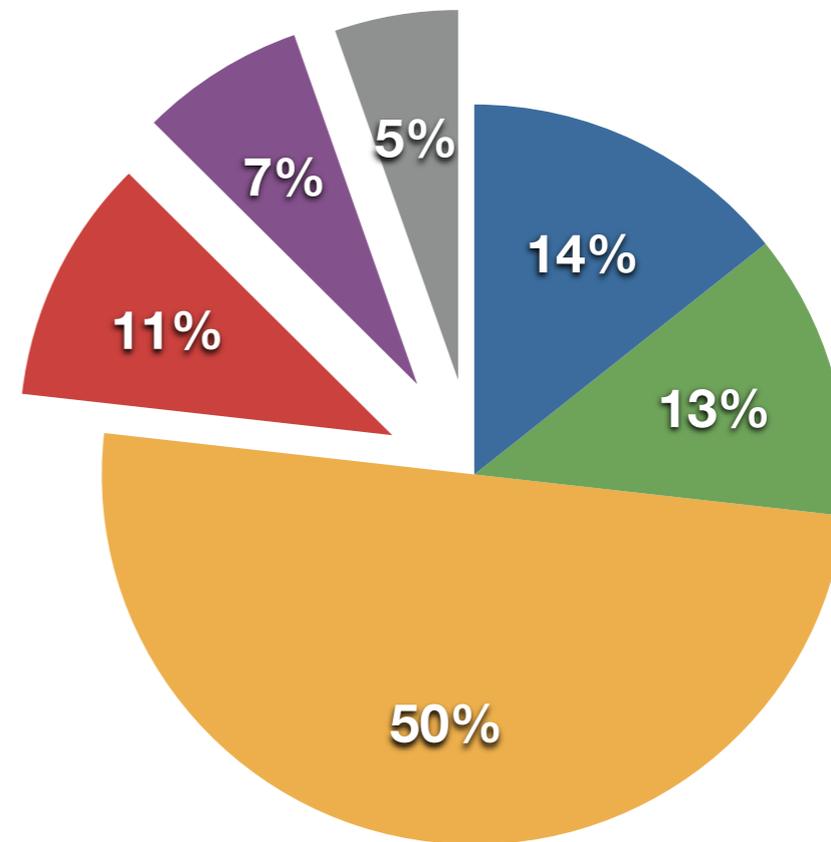


**At Home / Traveling**

- Big desktop
- Laptop
- Smartphone
- Small desktop
- Tablet/iPad
- Kindle/e-reader

# “Out of Office”

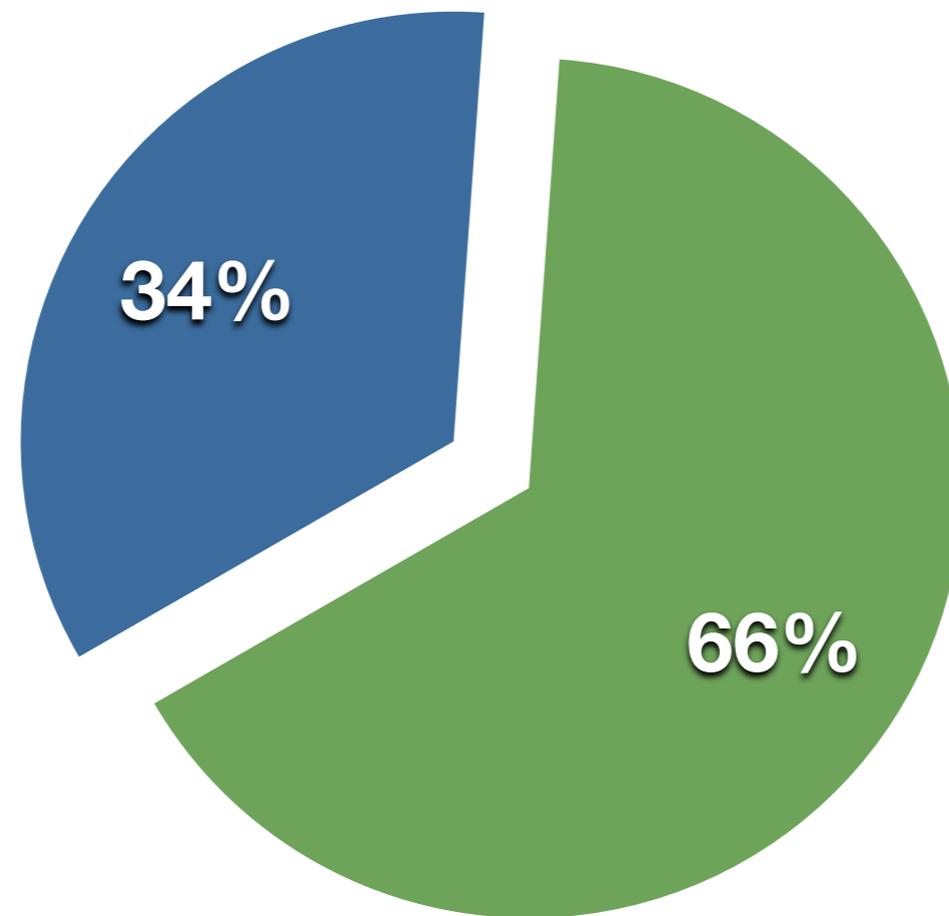
- Fully half use laptops.
- A significant number (already) use something like an iPad or a Kindle e-reader.
- A small number may even sometimes glance at your brief as a PDF on a smartphone.



**At Home / Traveling**



# Ever so frustrated that you switched to paper instead?



● Yes ● No

# What makes people switch to paper?

“I will switch to the paper copy when the e-brief jumps from one page to the next instead of allowing a smooth scroll to the next page.”

-- Law Clerk (SCOTX)

“If it is in a font that is hard to read on the screen or some of them do not scroll properly through the pages (they go very slow and then abruptly jump to the next page).”

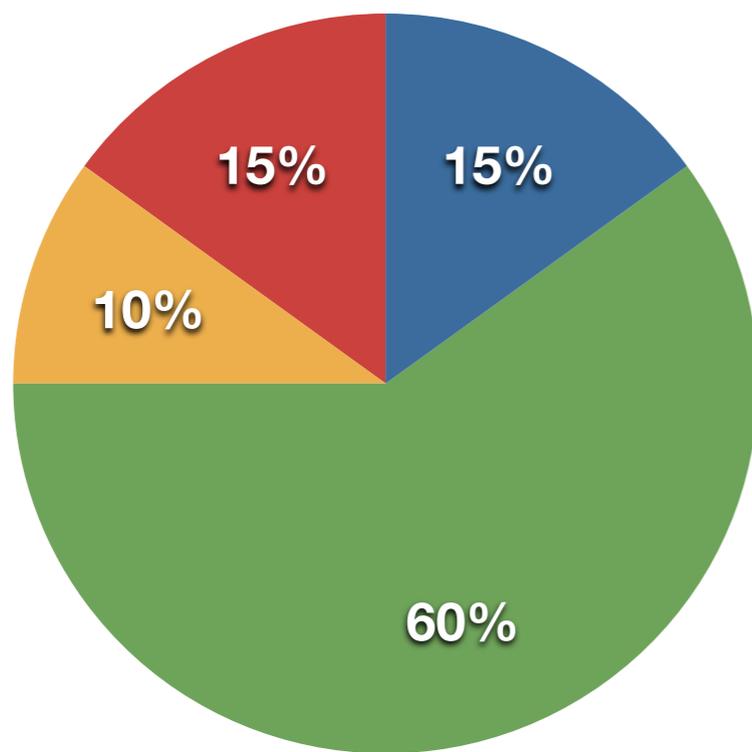
-- Law Clerk (SCOTX)

This is what happens when your PDF has far too many scanned pages

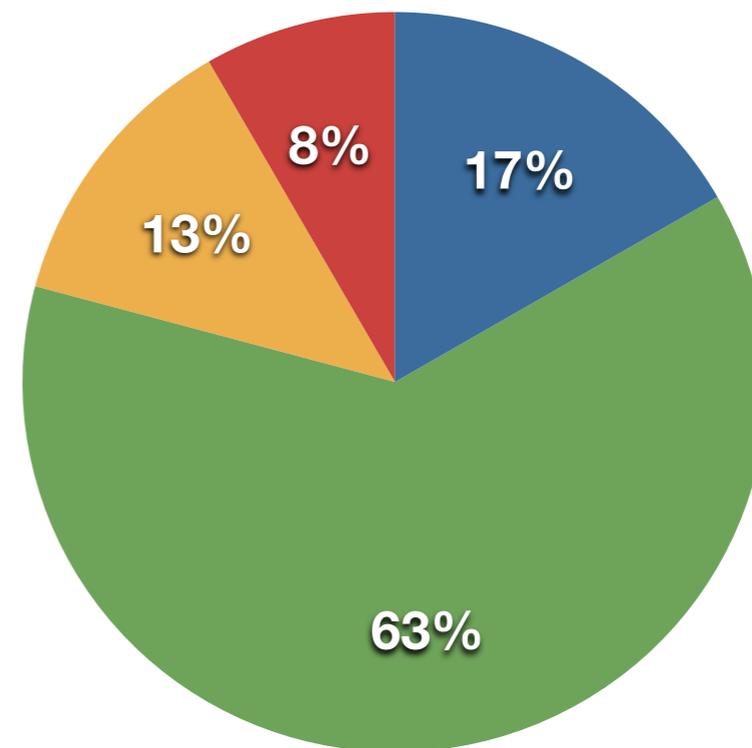
**What Use Are People  
Making of Search Features?**

# How many people are already using the search features within PDF e-briefs?

75% use them “always” or “often”



Whole Survey



At SCOTX

- Always
- Sometimes
- Often
- Never

How useful to you is it that these things are searchable?



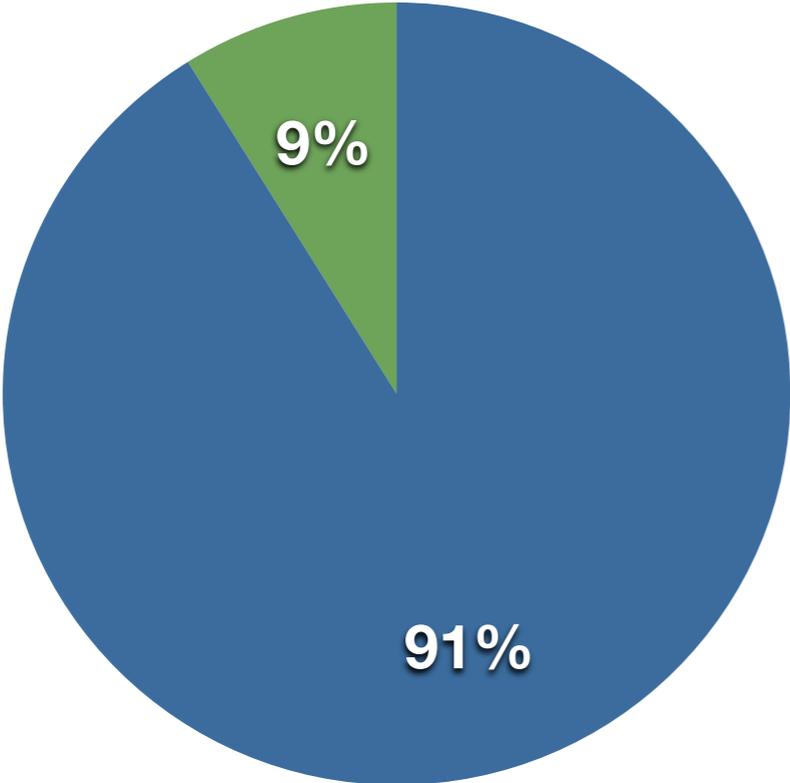
“Oh, it’s essential.”

# How To Make a Minimally Compliant E-Brief

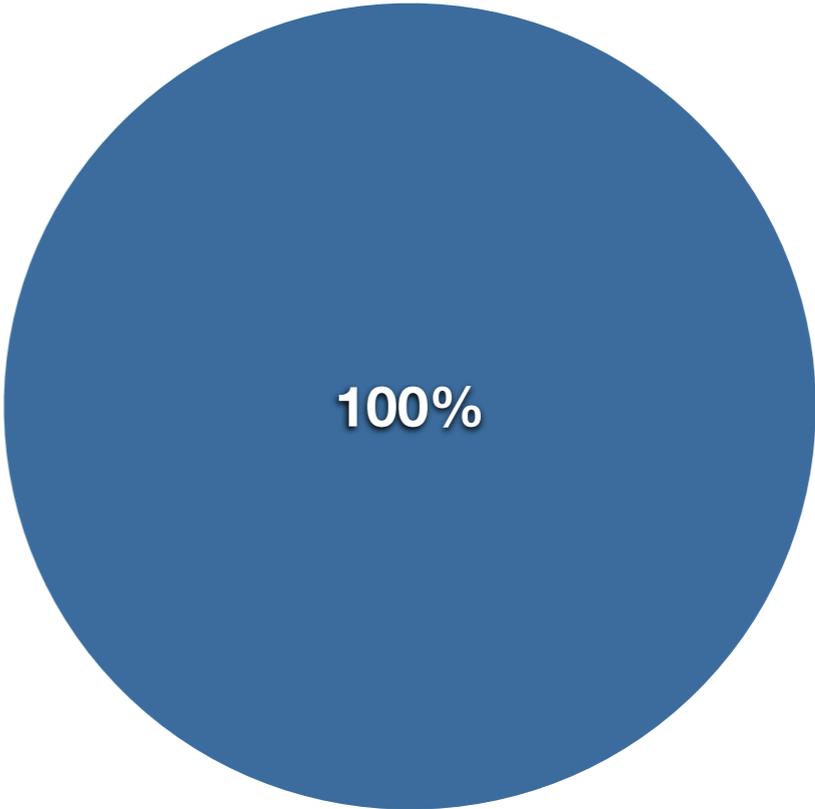
# **First Enhancement: PDF Bookmarks**

# Q. If you have seen the bookmark feature, did it make the briefs easier to use?

Among All Court Staff



...Limited to Justices



● Yes    ● No

Graph shows those who answered “Yes” or “No” rather than “Unsure”.

# How To Add Bookmarks

# The Big Step: Adding Hyperlinks

# What to Link

# (Almost) Universally Loved

Reporter's  
Record

Clerk's  
Record

10:1 positive-feedback ratio

# Generally Well-Received

PDFs of Key  
Cases or Statutes

Government Sites  
(legislative history)

Roughly 3:1 positive-feedback ratio

# Justice Hecht on having the record linked

Can be selective in what you attach

Links let court see that your view of record is correct

Or that it's not



# Slightly Less Positive

Online pleadings  
in other cases

Legal treatises  
or law reviews

Roughly 2:1 positive-feedback ratio  
(but just as many were still uncertain)

# Equally Divided Views

Unpublished  
slip opinions

Paid research  
services

Free legal  
research sites

Nearly 1:1 feedback ratio

# Proceed With Caution

General websites  
(for background)

Roughly 2:1 negative-feedback ratio

Audio/Video  
Clips

Evenly divided feedback, but  
a majority still had no view

Use good judgment about what  
will really help your case

**How many links?**

# Justice Johnson on hyperlinks as emphasis

Some links can  
signal importance

The key case, “that  
tells me something”

Key part of the  
record or diagram



# Justice Wainwright on what to link

“I would hyperlink everything”

“You never know what I’m going to think is important”

Limited by cost or making filing cumbersome



# Embedded vs. External Links

# Justice Hecht on where to point hyperlinks

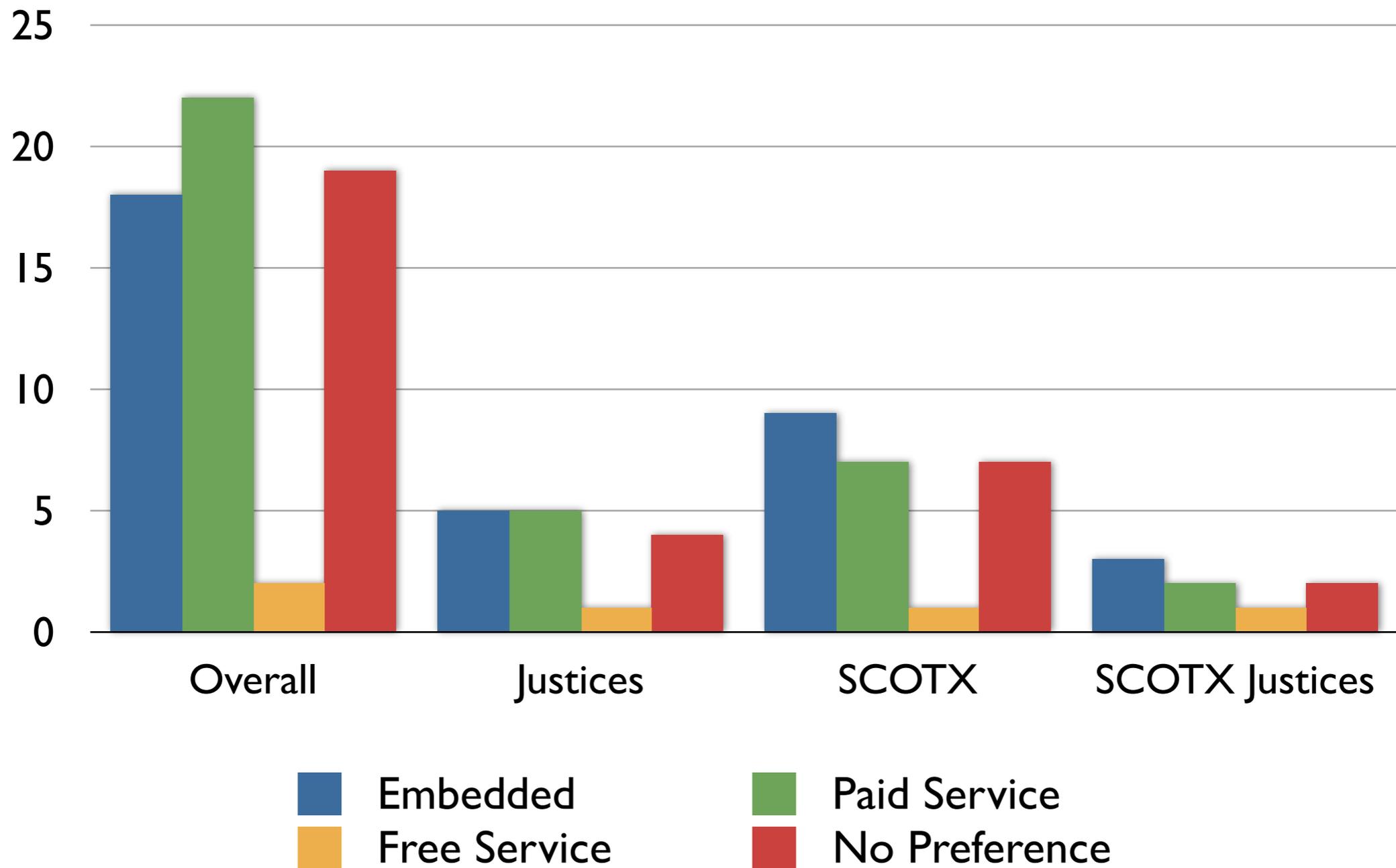
He prefers links go  
to the appendix

Justices travel, even  
if to the backyard

You don't want the  
judge to have to  
stop reading



# If there's a hyperlink to a case citation, where should clicking take you?



# How To Add Hyperlinks

**Closing**

# Justice Johnson on e-briefs as advocacy

Think about your audience

Make sure the “pressure points” are covered

Goal is making your theory of the case understood



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