

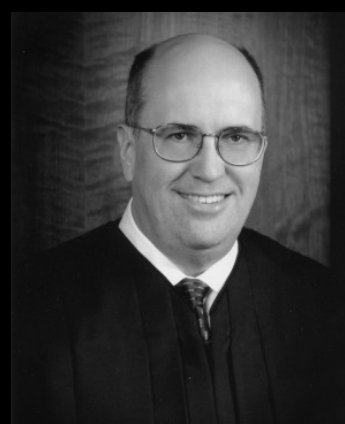
# Technology's Impact on the Appellate Process



Eric Magnuson



Hon. Michael J. Melloy



Hon. William B. Cassel



Damien Riehl

ROBINS KAPLAN  
MILLER & CIRESI LL.P.



ROBINS KAPLAN  
MILLER & CIRESI LL.P.



Why technology?



**BUDGET**



**Efficiency**

**Straight Ahead**





How courts are dealing with it

# Minnesota's eCourtMN initiative



[Annual Report](#)



**MINNESOTA  
JUDICIAL BRANCH**

# National Conference of Appellate Court Clerks



[E-Filing in State Appellate Courts: An Appraisal](#)



25 Years Later, PACER, Electronic Filing  
Continue to Change Courts

Access to Court Opinions Expands

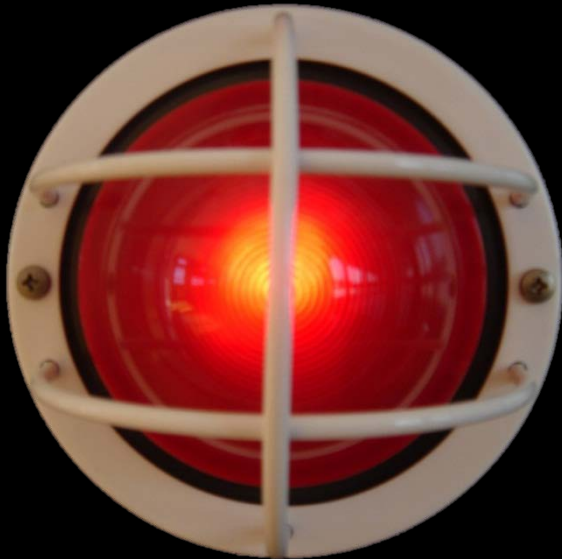
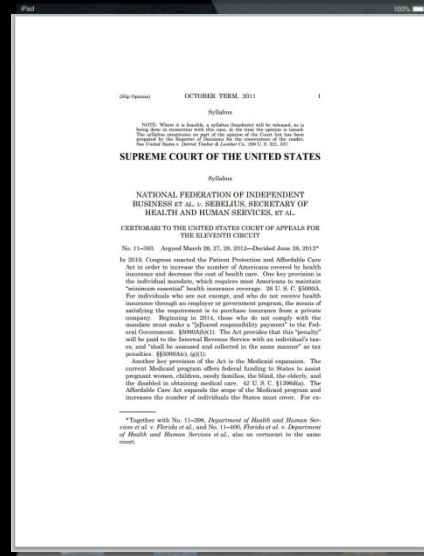


# Eighth Circuit



Michael Gans  
Clerk of Court

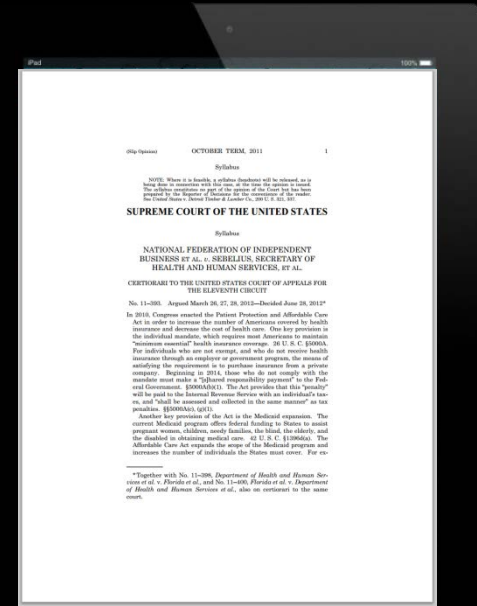






# Eighth Circuit Local Rules

## Local Rule 28A(g)(5): Addendum electronically



Case Management

# CM/ECF

*Next Generation*

Electronic Case Files



Single login across all  
courts where lawyer  
is registered

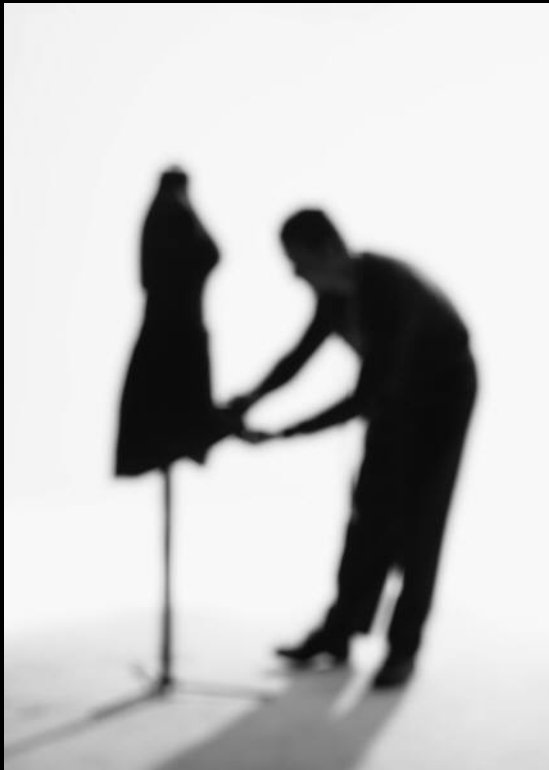


Case Management

# CM/ECF

*Next Generation*

Electronic Case Files



Customize screens

Display specific information

# CM/ECF

Next Generation

Electronic Case Files



Emphasize remote access

- For Lawyers
- For Judges







# Sealed Documents

**Motions** to file documents (or parts of documents) under seal:

- Must **make motion**
- File in **paper only**
- **State party's belief** that **motion** to seal:
  - should be **publicly available** on PACER or
  - should **remain sealed**.

May require **two versions** of brief:

- Public, **redacted** version
- Sealed, **unredacted** version







# Sealed Documents

If motion is granted:

File sealed documents in **paper only**.



Rule 25A(g)

# Privacy

## All filed documents:

Refrain from including (or, where inclusion is necessary, partially redact) these personal data identifiers:

1. **Minors' names**  
(use initials only)
2. **Social Security numbers**  
(use last 4 digits only);
3. **Dates of birth**  
(use year of birth only);



# Privacy (continued)

## All filed documents:

Refrain from including (or, where inclusion is necessary, partially redact) these personal data identifiers:

4. **Financial account numbers**  
(identify type of account, institution, and account number's last four digits)
5. **Home address information**  
(use phrases such as the "4000 block of Elm")
6. **Addenda to criminal briefs**  
must not include the Statement of Reasons or other confidential sentencing materials.



# Privacy (continued)

Filers bear sole responsibility for redactions



Sex abuse victims: identify by initial only

J.A.D.









# Public can access:

## Case-based information

- Litigant/party indexes
- Summaries (e.g., party names)
- Registers describing documents
- Information about judgments, orders, or decrees
- Filed documents (if scanned or e-filed)

## Court Calendars





# Public cannot access:

## Statutory exclusions (Neb. Rev. Stat. § 84-712.05):

- Medical records
- Trade secrets
- Social security numbers

## Exclusions under other statutes, rules, or caselaw:

- Criminal history (under Security, Privacy, and Dissemination of Criminal History Information Act)
- Adoption case records
- Criminal victims' names and addresses





# Confidential and Sealed Records

## Record:

Trial court must seal confidential portions

## Bill of exceptions:

All sealed portions = one separate electronic file

Images of sexually explicit conduct involving a child:

Cannot scan or electronically transmit



Court-ordered under seal

Cannot be e-filed.



Neb. Ct. R. § 6-408

# Civil: Personal & Financial Info

## Not generally accessible:

- Birth dates
- social security numbers
- financial account numbers

Separate document: publicly inaccessible

If electronic transmission: identify as confidential

If in order, judgment, or decree, courts will:

- seal original
- provide redacted version for public view



Responsibility for redaction: solely on parties and counsel



# Criminal: Personal & Financial Info

## Documents may include:

- references to social security numbers (but no digits)
- birth year
- minor child's initials
- account number (only last four digits)
- date of birth of defendant (or person subject to detention)

**Protective orders:** may require additional redaction or limit electronic access

**Responsibility for redaction:** Solely on counsel





How do lawyers and  
judges deal with it?

# Ethical obligation: Keep up with technology



## Rule 1.1 Duty of Competence

### **Maintaining Competence**

[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology* . . . .

# May judges conduct independent internet research?

ABA Model Code of Judicial Conduct Rule 2.9(C):

“A judge shall **not investigate facts** in a matter **independently**, and shall **consider only** the **evidence presented** and any facts that may properly be **judicially noticed**.”

Comment [6]: “The **prohibition** .. extends to information available in all mediums, **including electronic**.”

No parallel provision in Code of Conduct for United States Judges

# Rules on Judicial Notice

## Fed. R. Evid. 201(c)(1):

The court ... may take **judicial notice** on its own.”

## Fed. R. Evid. 201(d):

“The court may take judicial notice **at any stage** of the proceeding.”

# “Judicial experience” and “common sense”

*Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)

“Determining whether a complaint states a plausible claim for relief will, as the Court of Appeals observed, be a context-specific task that requires the reviewing court to draw on its **judicial experience** and **common sense**.”

*Matthews v. Nat'l Football League Mgmt. Council*,  
688 F.3d 1107, 1113 (9th Cir. 2012)

“We take **judicial notice** of the fact that Matthews' teams played 13 games in California during Matthews' 19-year career. See Tennessee Titans Team Page, NFL.com, <http://www.nfl.com/teams/profile?team=TEN> (last visited July 19, 2012).”



*State v. Peck*, 773 N.W.2d 768, 775 n.3  
(Minn. 2009) (Anderson, P. dissenting).

“A quick and rudimentary Internet search suggests that bong water is commonly altered using fruity flavors in an effort to mask the chemical flavor common to methamphetamine.

*United States v. Bari*, 599 F.3d 176, 180  
(2d Cir. 2010)

“The District Court’s independent internet research served only to confirm [its] common sense supposition... 20 years ago, to confirm an intuition about the variety of rain hats, a trial judge may have needed to travel to a local department store. Today, ... a judge need only take a few moments to confirm his intuition by conducting a basic Internet search.”

*M.P. v. M.P.*, 54 a.3D 950, 955  
(PA. Super. 2012)

“The trial court here **abused its discretion** by relying on information it obtained through its **own internet search** that took place **after the hearing** had been concluded and while under advisement by the court.”

# Opportunity to be heard



## Fed. R. Evid. 201(e):

### “**Opportunity to Be Heard.**

On timely request, a party is **entitled** to be heard on the **propriety** of taking **judicial notice** and the nature of the fact to be noticed. If the court takes judicial notice **before** notifying a party, the party, on request, is **still entitled** to be **heard.**”

# Self-Authentication

## Government Websites

### Rule 902(5):

“**Official Publications.** A book, pamphlet, or other **publication** purporting to be issued by a **public authority**.”

*McGaha v. Baily*, 2011 U.S. Dist. LEXIS 73389 (D.S.C. July 7, 2011):

The “court **may** take judicial notice of **factual** information located in postings on **governmental websites**...”



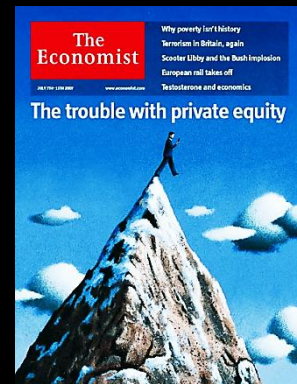
# Self-Authentication

## Newspapers / Periodical Websites: Self-Authenticating as of 12/1/2011

**Rule 101(b)(6):** “[A] reference to any kind of written material or any other medium includes electronically stored information.”

**Rule 902(6):** “**Newspapers and periodicals.** Printed materials purporting to be newspapers or periodicals.”

**Rule 803(16):** “A statement in a document that is at least 20 years old and whose authenticity is established.”



**The New York Times**

**THE WALL STREET JOURNAL.**

MONDAY, SEPTEMBER 29, 2008 VOL. CCLXII NO. 26

\*\*\*\*\* \$2.00

# Link Rot – Perma

## Link Rot

### Lawrence Lessig's study of link rot

50% of SCOTUS links are dead

## Perma

- Seeks to address link rot
- Archives all judicially linked resources
- 30 law libraries will store archive copies
  - Diversity reduces the likelihood of the archive going fallow
- [ABA Journal article on Perma \(Dec. 2013\)](#)





# Appellate Courts' Use of Internet Materials

## The Curious Appellate Judge

“A judge who takes it upon herself to do fact research **departs** from her **normal role** and from the parties' expectations about the sources of information on which the court will depend.”



# Appellate Courts' Use of Internet Materials

## The Curious Appellate Judge

“The **rules** governing independent judicial research **should** therefore make it **clear** to both judges and litigants when research is and is not permitted, and should **subject judge-supplied information** to the same adversarial testing as any other kind of evidence.”



- Independent Judicial Research in the Daubert Age
- When Judges Google
- Confronting Supreme Court Fact Finding
- The Lure of the Internet and the Limits on Judicial Fact Research
- Judicial Ethics and The Internet: May Judges Search The Internet in Evaluating and Deciding a Case? (16 No. 2 prof. Law.2)
- Attorneys Must Relitigate Cases for Free

# Impact on standard of review

- [The Unblinking Eye Turns Appellate Law: Cameras in Trial Courtrooms and Their Effect on Appellate Law](#)
- [Thawing Out the Cold Record](#)
- [Deference in a Digital Age](#)

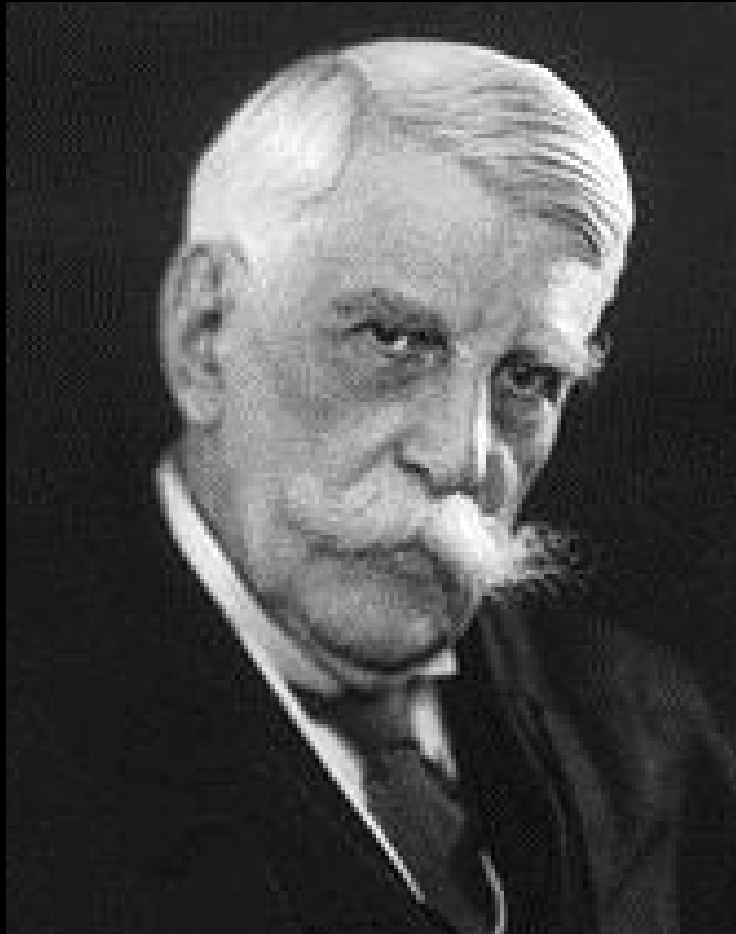


Effective advocacy in  
a technological world

Not superficial;  
this is advocacy



Of course.  
Substance is essential.

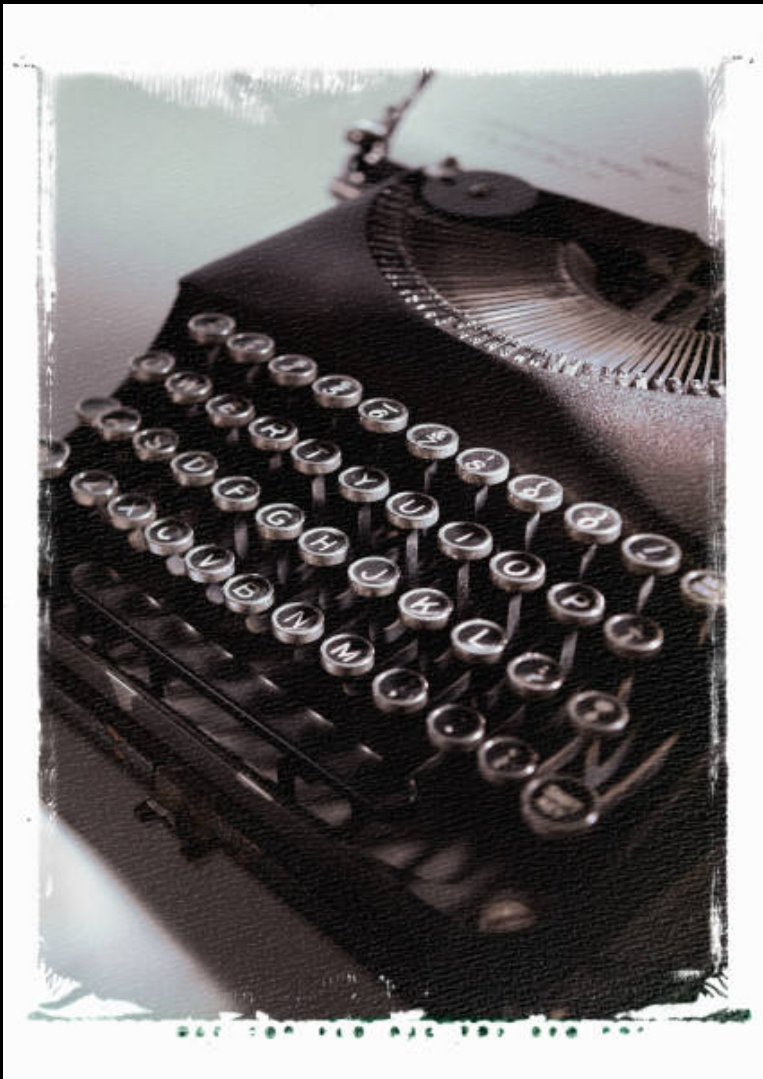




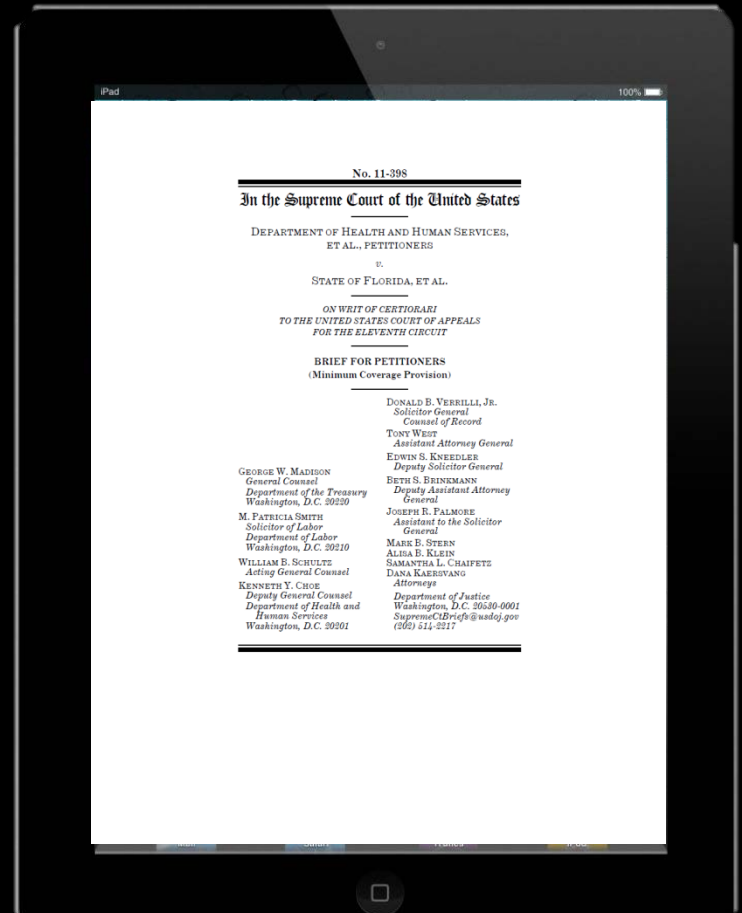
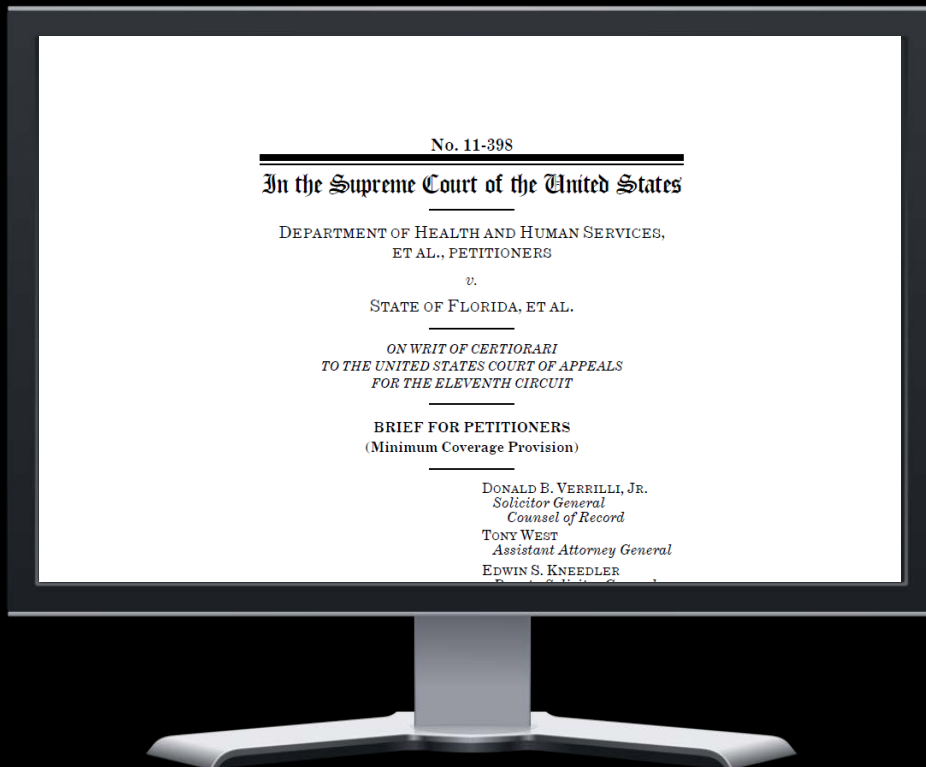
... but presentation matters.



# Writing for **paper**



# Writing for screens



# Mid-Century Workflow

Thurs Eve Review  
24 March 1960

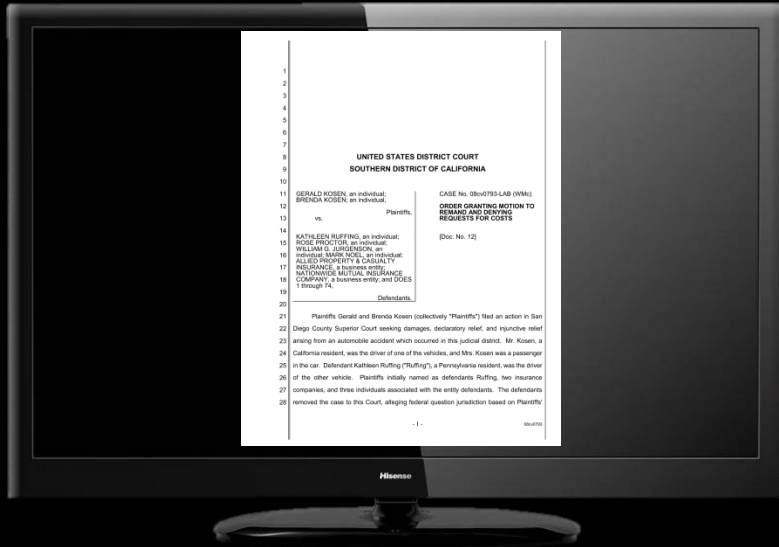
Tonight we commence the final 8 week stretch of our current season, ~~and~~ a stretch replete with cycles, festivals, & special events. In fact, there are so many of these that it takes a certain amount of real concentration to keep track of them. During the next two weeks we are commemorating Puccini's 250<sup>th</sup> birthday, and simultaneously we are looking at three aspects of 20<sup>th</sup> century problems in music. The four<sup>th</sup> week we shall give an special Easter concert - The St. Mark of Beechoven. The Brunelwaite concert to complete our long Mahler festival with his immortal performance of Das Lied von der Erde. The 6<sup>th</sup> & 7<sup>th</sup> weeks are devoted to music for the theatre - ballet & opera, respectively. And the final 8<sup>th</sup> week will have a special program appropriate to our last subscription concert in Carnegie Hall - unless some miracle occurs before that time. (That's why we're keeping the program a mystery, for the present.)

In addition we have two special Puccini festival concerts: one on Monday, on April 4<sup>th</sup> with Mrs. T. G. Kelly, & one on May 15<sup>th</sup> - The Beechoven 9<sup>th</sup> symphony. To say nothing of our two televised young people's programs, one this coming Saturday, on universal instruments, & the other on April 23<sup>rd</sup>, which will present Ann Conlan's high school opera, The Second Hurricane.

If you ever chance to wonder how we manage to put these



# 2010s Workflow

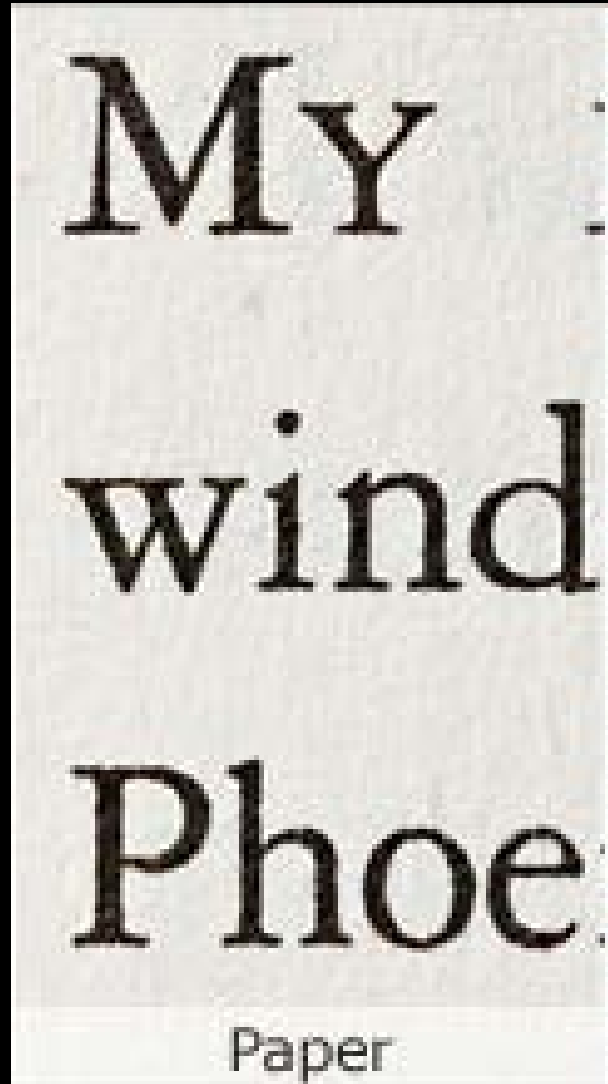






“I can’t read on screens!”

Paper = 300-600 ppi  
(points per inch)





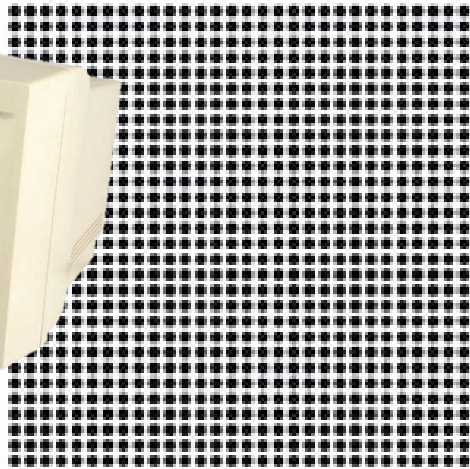
CRT = 60 ppi



# Tablets = ~ 300 ppi



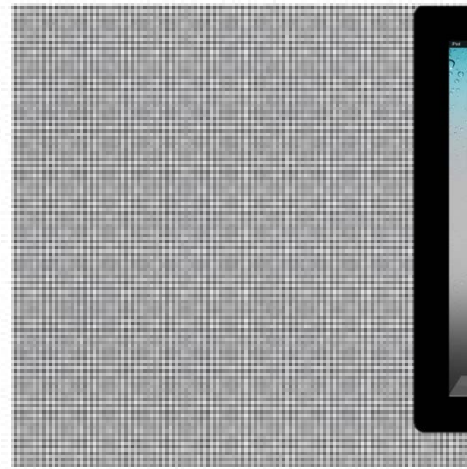
72 dots (pixels) in 1 inch



**72 dpi**

72 dots per-inch

300 dots (pixels) in 1 inch



**300 dpi**

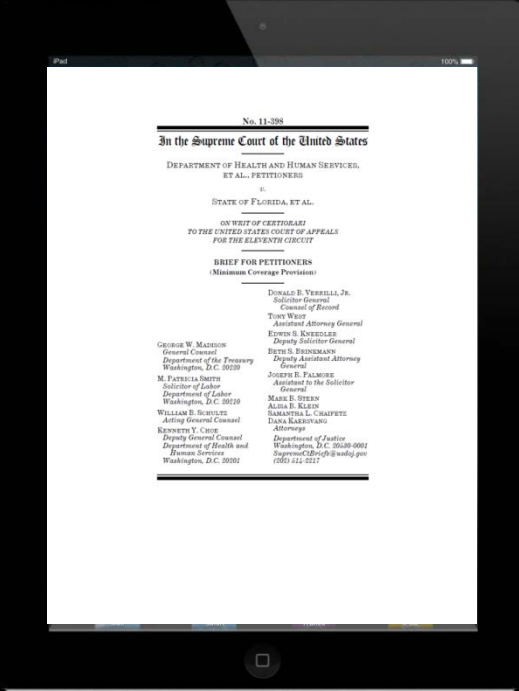
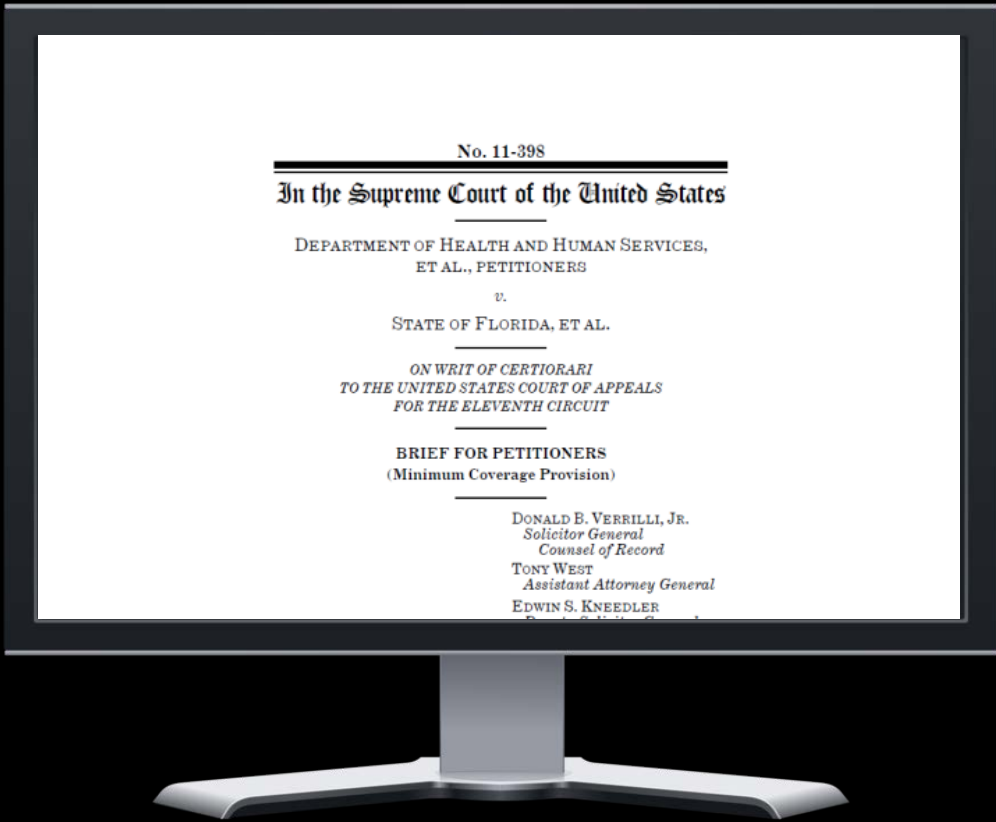
300 dots per-inch



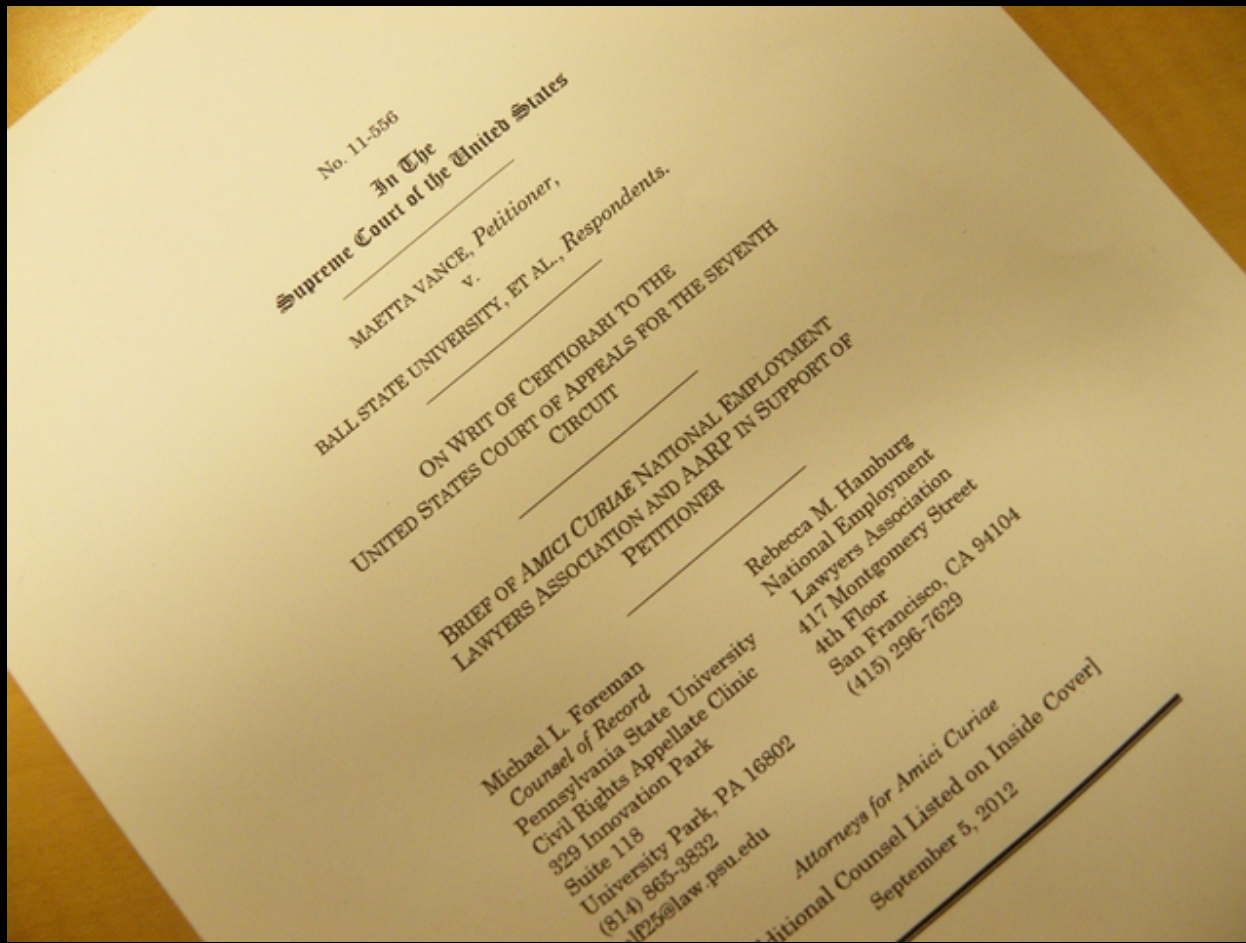


Jakob Nielsen  
Usability expert

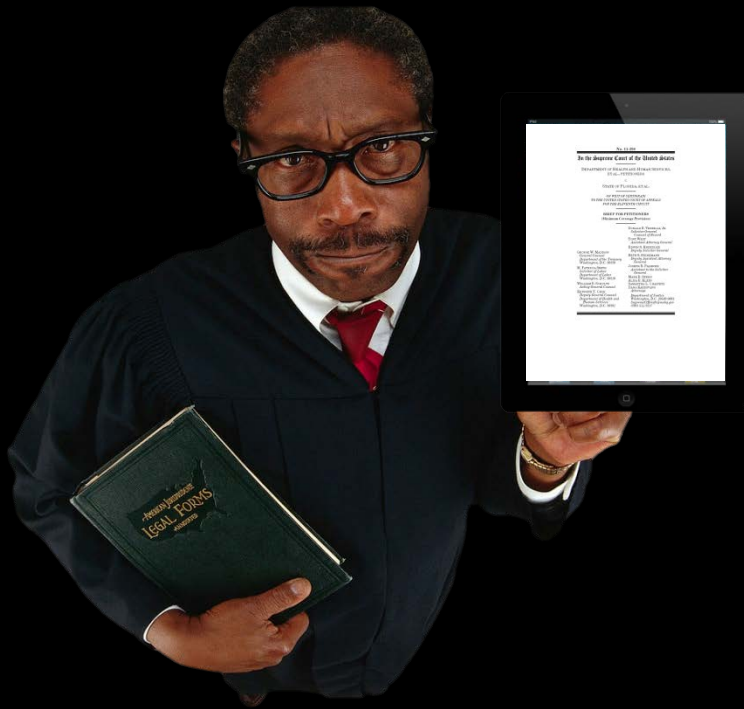
“[W]e have known for decades that **300 PPI** screens offer **dramatically faster reading speed** than **low-density monitors.**”



# Changing Court Culture



Lawyers currently write for paper



... for judges and clerks  
who read on screens.

At home, judges read online.

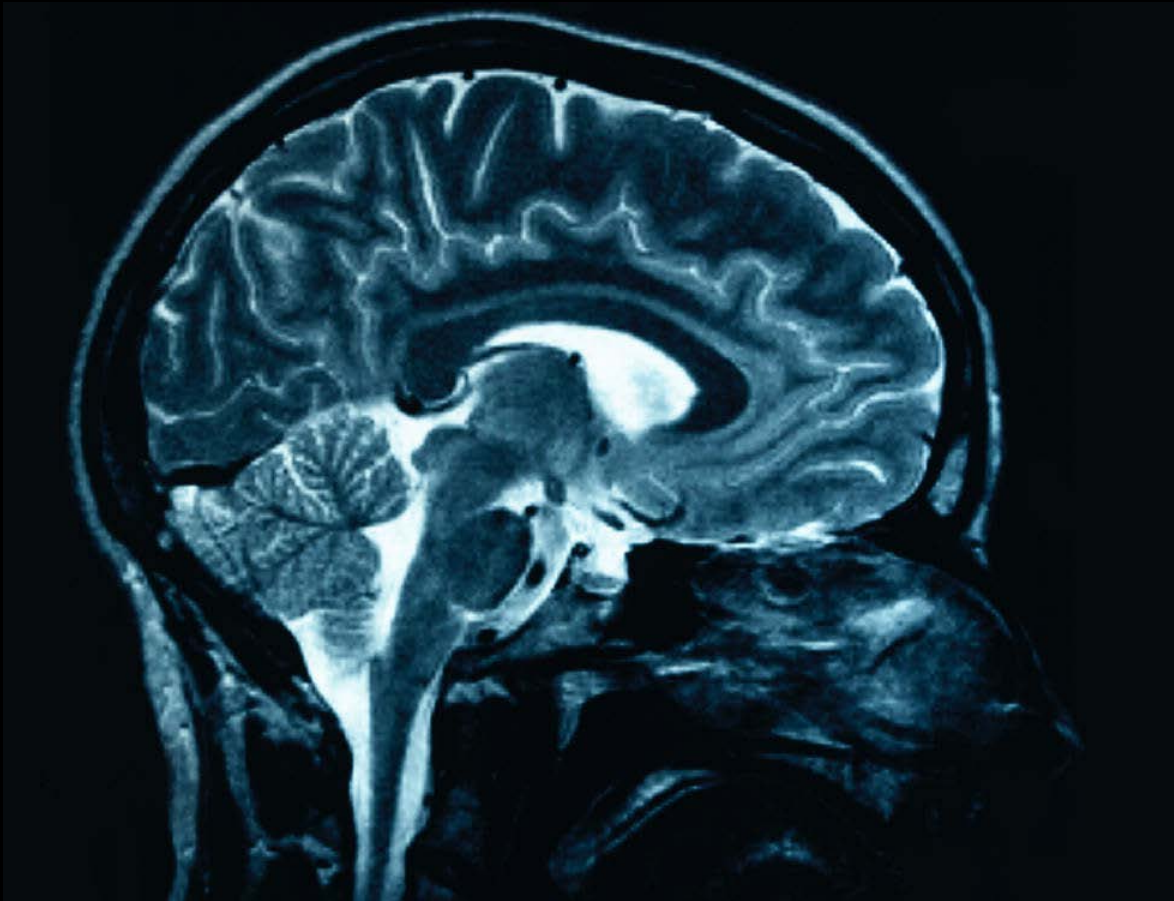




Home → Screen

Work → Screen

One keeps the same brain.





## Oklahoma Vows Review of Botched Execution

By Erik Eckholm, John Schwartz,  
www.nytimes.com

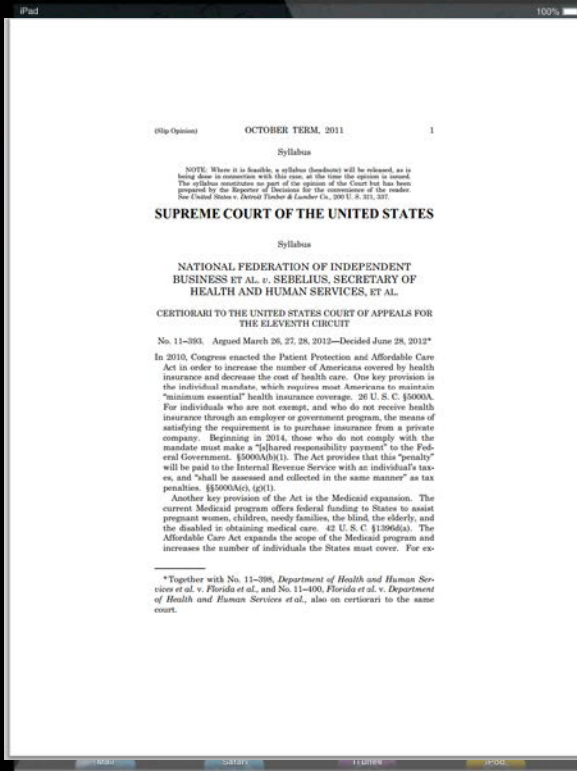
[View Original](#)

April 30th, 2014

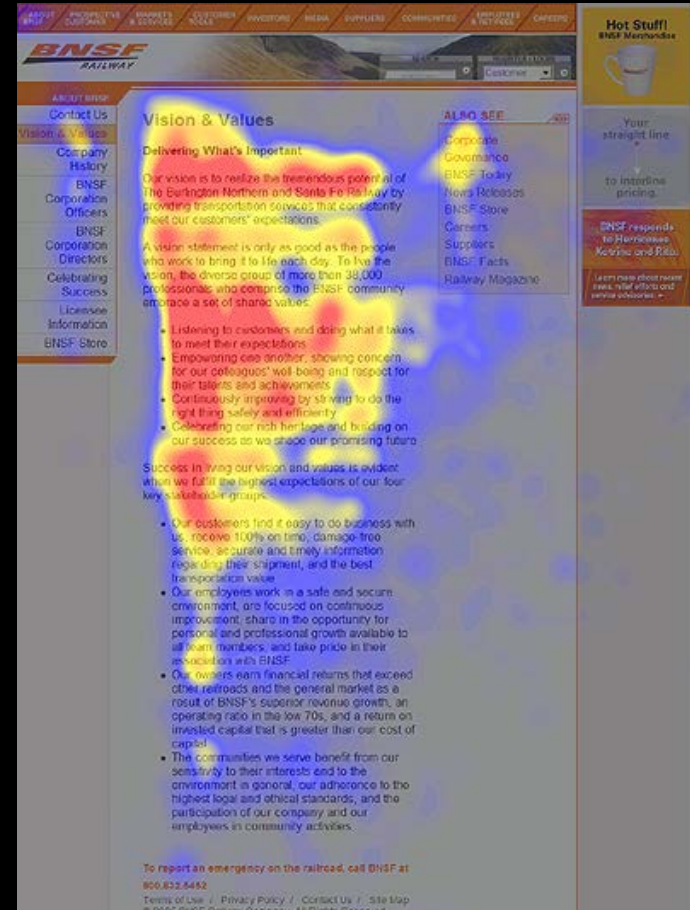


Jerry Massie, spokesman for the state Corrections Department, waited to be told Clayton D. Lockett had died. Credit John Clanton/Tulsa World  
*Photo by: John Clanton/Tulsa World*

McALESTER, Okla. — As Clayton D. Lockett writhed and groaned on the gurney on Tuesday night after a large dose of sedatives had apparently not been fully delivered, the Oklahoma chief of corrections rushed to call the governor and the attorney general. Something had gone disastrously



# Eye-tracking studies



# F Patterns

The image shows a screenshot of the BNSF Railway website. A heatmap is overlaid on the page, indicating user engagement. The highest engagement (red and yellow) is concentrated on the 'Vision & Values' page content, particularly the introductory paragraph and the list of values. The heatmap also shows some engagement on the 'ALSO SEE' sidebar and the 'Hot Stuff!' banner at the top right.

**Navigation Menu:** ABOUT BNSF, PROSPECTIVE CUSTOMERS, BUSINESS & SERVICES, CUSTOMER TOOLS, INVESTORS, MEDIA, EMPLOYERS, COMMUNITIES, EMPLOYEE & RETIREE, CAREERS

**BNSF RAILWAY**

**ABOUT BNSF**

- Contact Us
- Vision & Values**
- Company History
- BNSF Corporation Officers
- BNSF Corporation Directors
- Celebrating Success
- Licensee Information
- BNSF Store

## Vision & Values

### Delivering What's Important

Our vision is to realize the tremendous potential of The Burlington Northern and Santa Fe Railway by providing transportation services that consistently meet our customers' expectations.

A vision statement is only as good as the people who work to bring it to life each day. To live the vision, the diverse group of more than 38,000 professionals who comprise the BNSF community embrace a set of shared values:

- Listening to customers and doing what it takes to meet their expectations
- Empowering one another, showing concern for our colleagues' well-being and respect for their talents and achievements
- Continuously improving by striving to do the right thing, safely and efficiently
- Celebrating our rich heritage and building on our success as we shape our promising future

Success in living our vision and values is evident when we fulfill the highest expectations of our four key stakeholder groups:

- Our customers find it easy to do business with us, receive 100% on-time, damage-free service, accurate and timely information regarding their shipment, and the best transportation value
- Our employees work in a safe and secure environment, are focused on continuous improvement, share in the opportunity for personal and professional growth available to all team members, and take pride in their association with BNSF
- Our owners earn financial returns that exceed other railroads and the general market as a result of BNSF's superior revenue growth, an operating ratio in the low 70s, and a return on invested capital that is greater than our cost of capital

**ALSO SEE**

- Corporate Governance
- BNSF Today News Releases
- BNSF Store
- Careers
- Suppliers
- BNSF Facts
- Railway Magazine

**Hot Stuff! BNSF Merchandise**

Your straight line to interline pricing.

**BNSF responds to Hurricane Katrina and Rita**

Learn more about recent relief efforts and service activities.

“[E]ye tracking supports that users do not read all of the content on a Web page.”

—Usability.gov

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“Obviously the most important information should be in the first two paragraphs.”

—Usability.gov

“[U]tilize techniques for making content easier to read.

- Highlight keywords
- use headings
- write short paragraphs
- utilize lists.”

—Usability.gov

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The Elements  
of Typographic Style

second edition, revised & enlarged

Robert Bringhurst



Typography for Lawyers

ESSENTIAL TOOLS FOR POLISHED & PERSUASIVE DOCUMENTS

BY MATTHEW BUTTERICK  
FOREWORD BY BRYAN A. GARNER



JAMES FELICI Foreword by Frank Romano

The Complete  
Manual of  
Typography

A GUIDE TO SETTING  
PERFECT TYPE

typographic tool: a concise, beautiful book  
has everything you need to produce great typography.\*

AND

THE PROFESSIONAL'S COMPLETE TYPE GUIDE

The **Chicago**  
Manual of  
Style  
16

SIXTEENTH EDITION

The Essential Guide for  
Writers, Editors, and Publishers

The  
Winning  
Brief

SECOND EDITION

100 Tips for  
Persuasive Briefing in  
Trial and Appellate Courts

Bryan A. Garner

Editor in Chief, *Black's Law Dictionary* and  
Author of *Garner's Modern American Usage*

Ask professionals.



# Machine Type- Setters.

**Said to be Hard  
on Operators.**

The work of a typesetter in a modern printing office is very exacting, particularly if he runs a linotype or typesetting machine. It requires the closest attention and rapid and sympathetic action of both brain and hand. This machine works much

Better fonts



Remember Courier?



**GOD  
HATES**

Times New Roman  
Levit. 3:12

# Times New Roman (1932)

The  Times

LONDON, WEDNESDAY, SEPTEMBER 29, 1932

THE

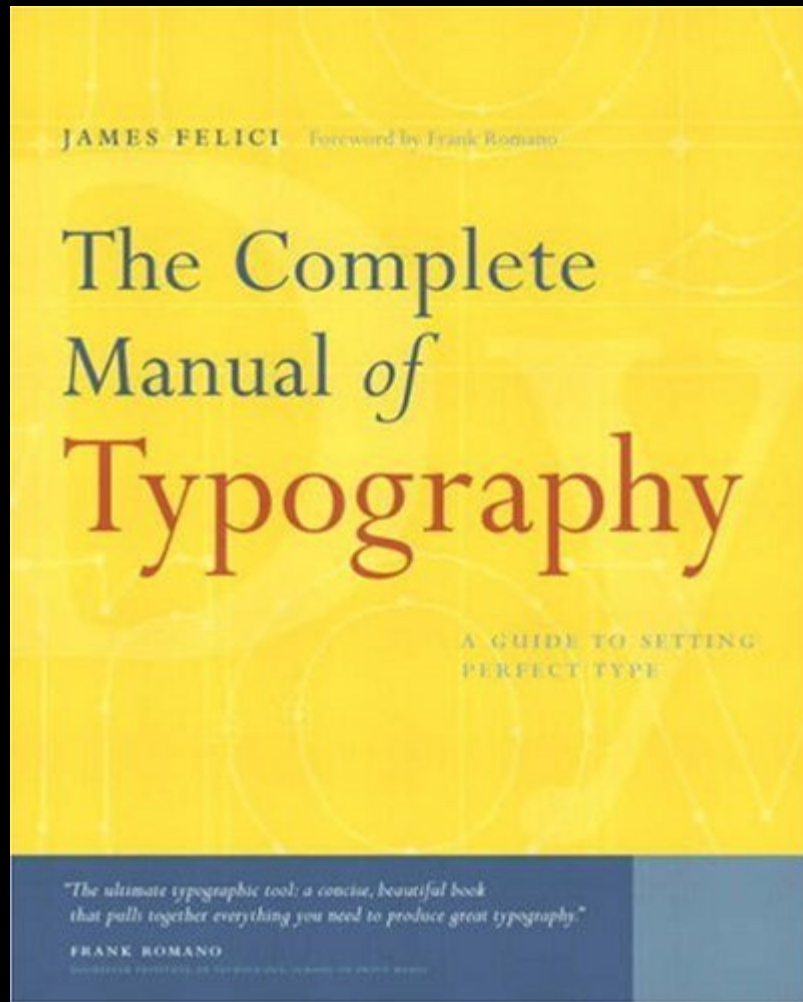


TIMES

LONDON MONDAY OCTOBER 3 1932

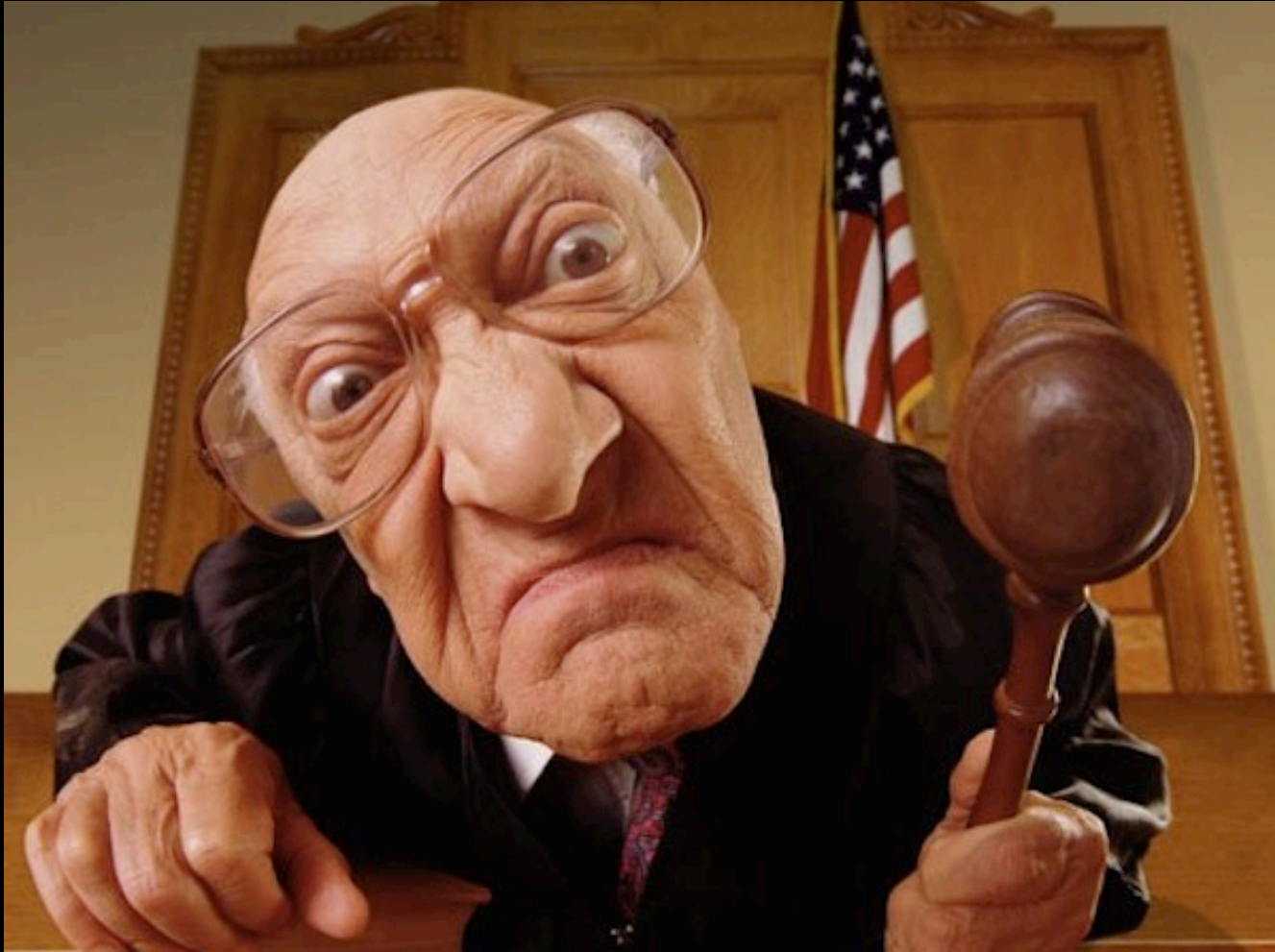
EFGHIJKLMNOPQRSTUVWXYZ  
ghijklmnopqrstuvwxyz

Condensed = more text per page



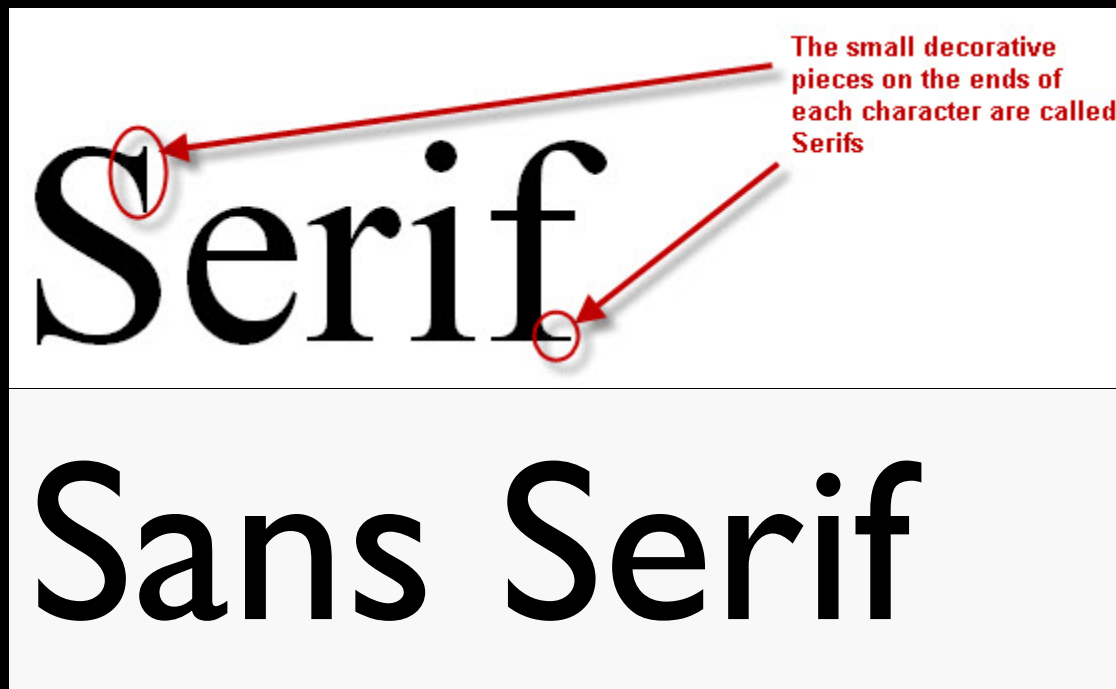
“Times is **not** a classic text face. Designed for use by the Times of London (as its new roman face, back in the 1930s), it has **comparatively narrow characters**, the better to compose well in the short lines of newspaper **columns.**”

But don't most courts *require*  
Times New Roman?



No.

Most require only *serif* fonts.



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA

Plaintiff,

v.

Civil Action No.12-CV-2826 (DLC)

APPLE, INC.,  
HACHETTE BOOK GROUP, INC.,  
HARPERCOLLINS PUBLISHERS, L.L.C.  
VERLAGSGRUPPE GEORG VON  
HOLTZBRINK PUBLISHERS, LLC  
d/b/a MACMILLAN,  
THE PENGUIN GROUP,  
A DIVISION OF PEARSON PLC,  
PENGUIN GROUP (USA), INC. and  
SIMON & SCHUSTER, INC.,

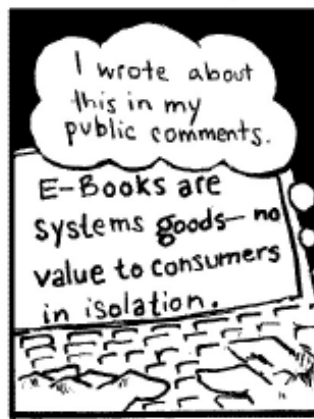
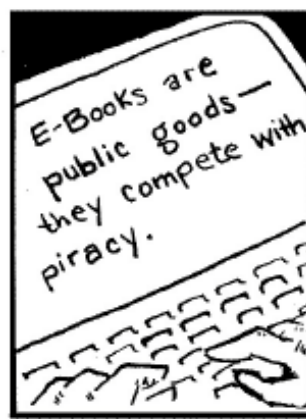
Defendants.

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**BRIEF OF BOB KOHN AS *AMICUS CURIAE* \***

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\* Five-page version of Proposed Brief *Amicus Curiae* at Docket No. 97.







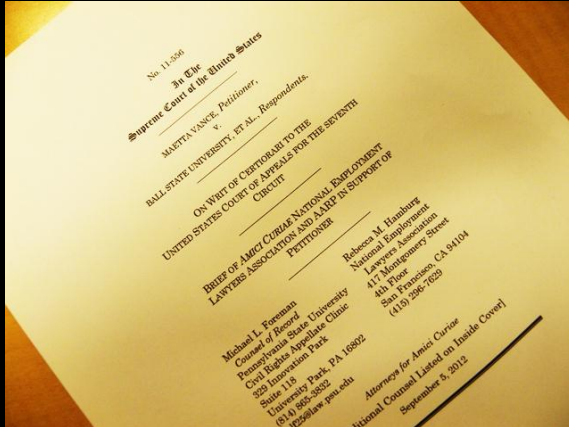


Fed. R.App. P. 32(a)

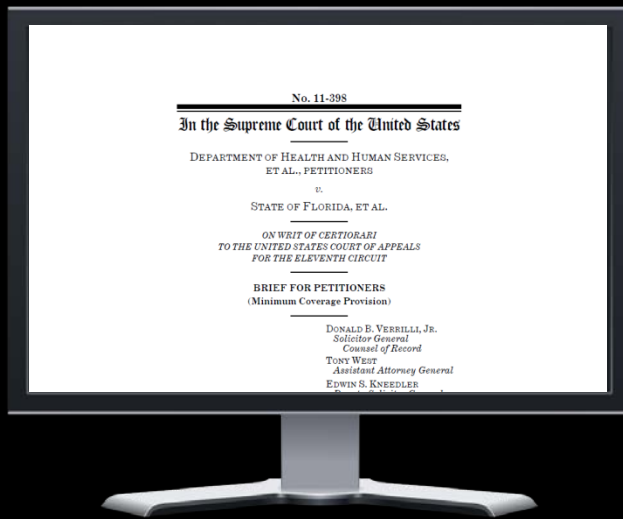
(5) Typeface. . . .

- a. A proportionally spaced face must include **serifs**, but **sans-serif** type may be used in **headings** and **captions**.

# Conventional Wisdom

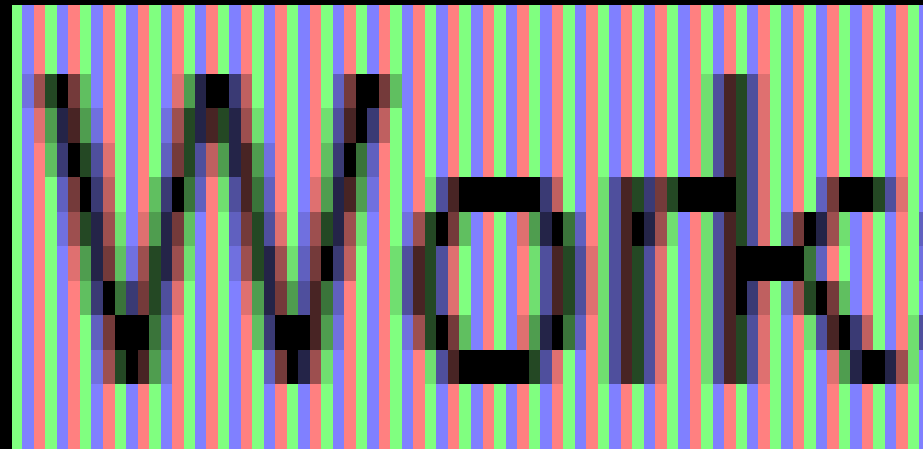


Paper = **Serif**  
(e.g., Book Antiqua)



Screens = **Sans Serif**  
(e.g., Arial)

wind



But we don't know  
how judges will  
read briefs —  
paper or screens.

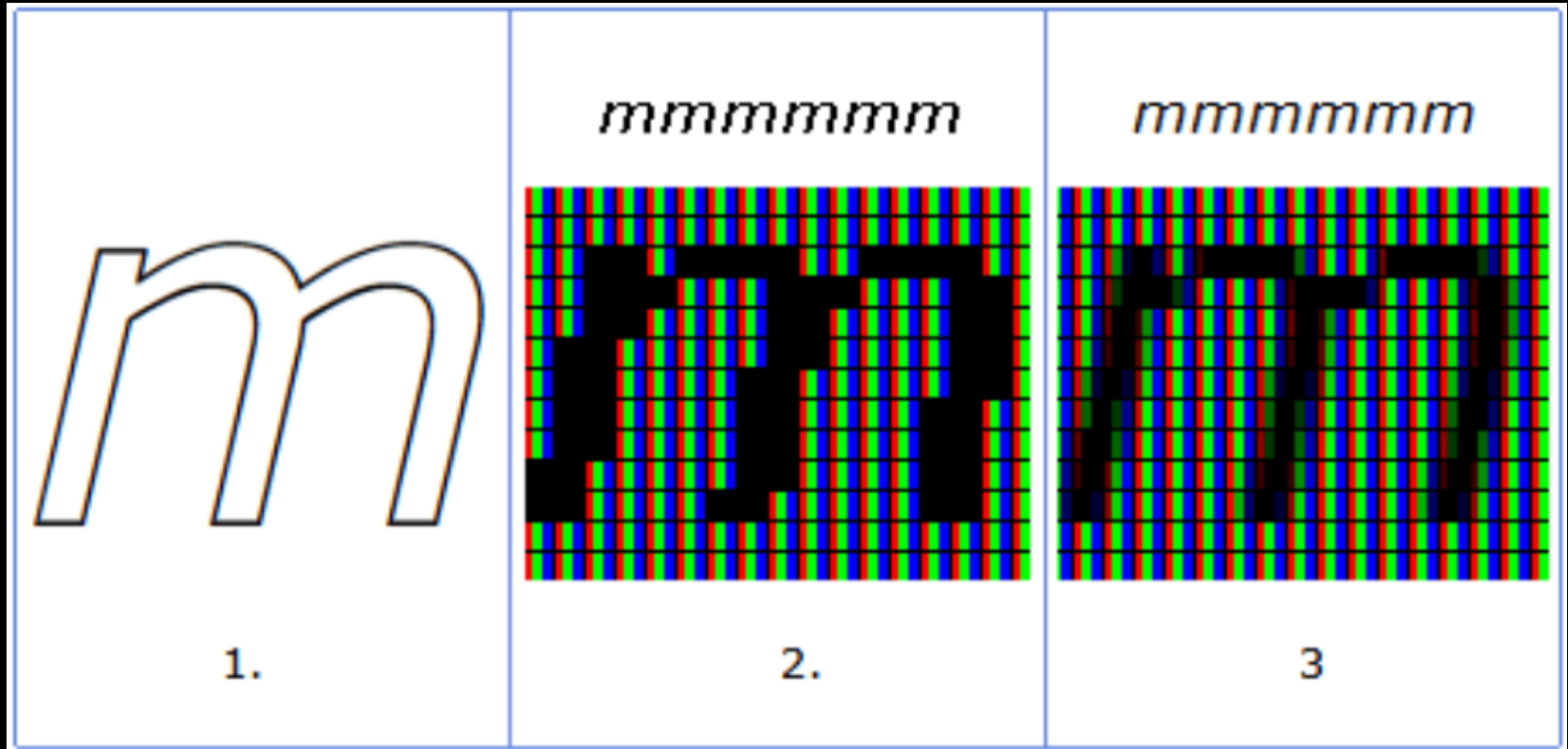
What can we do?



Joe Friend  
Microsoft

“To support digital consumption, the new fonts were created to **improve screen readability**. They [Microsoft employees] do this via a technology called **ClearType**.”

# LCDs – ClearType



No ClearType    ClearType

# Fonts Designed for ClearType

## Cambria

The five boxing wizards jump quickly

*The five boxing wizards jump quickly*

**The five boxing wizards jump quickly**

*The five boxing wizards jump quickly*

## Calibri

The five boxing wizards jump quickly

*The five boxing wizards jump quickly*

**The five boxing wizards jump quickly**

*The five boxing wizards jump quickly*

## Constantia

The five boxing wizards jump quickly

*The five boxing wizards jump quickly*

**The five boxing wizards jump quickly**

*The five boxing wizards jump quickly*

## Candara

The five boxing wizards jump quickly

*The five boxing wizards jump quickly*

**The five boxing wizards jump quickly**

*The five boxing wizards jump quickly*

Serif

Sans Serif



# Headings

- More **white space before** than after
- Keep with next
- **Slightly larger (1 pt)** than body text

Heading 2

## A. Eliminate Times New Roman

Heading 3

### 1. Seventh Circuit

Body Text

“Professional typographers avoid using Times New Roman (brief-length) documents. This face was designed for new narrow columns, and has a small x-height in order to square narrow space. Type with a small x-height functions well in

# Footnotes?

(Slip Opinion) OCTOBER TERM, 2011 1

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

**SUPREME COURT OF THE UNITED STATES**

Syllabus

**NATIONAL FEDERATION OF INDEPENDENT  
BUSINESS ET AL. v. SEBELIUS, SECRETARY OF  
HEALTH AND HUMAN SERVICES, ET AL.**

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE ELEVENTH CIRCUIT

No. 11–393. Argued March 26, 27, 28, 2012—Decided June 28, 2012\*

In 2010, Congress enacted the Patient Protection and Affordable Care Act in order to increase the number of Americans covered by health insurance and decrease the cost of health care. One key provision is the individual mandate, which requires most Americans to maintain “minimum essential” health insurance coverage. 26 U. S. C. §5000A. For individuals who are not exempt, and who do not receive health insurance through an employer or government program, the means of satisfying the requirement is to purchase insurance from a private company. Beginning in 2014, those who do not comply with the mandate must make a “[s]hared responsibility payment” to the Federal Government. §5000A(b)(1). The Act provides that this “penalty” will be paid to the Internal Revenue Service with an individual’s taxes, and “shall be assessed and collected in the same manner” as tax penalties. §§5000A(c), (g)(1).

Another key provision of the Act is the Medicaid expansion. The current Medicaid program offers federal funding to States to assist pregnant women, children, needy families, the blind, the elderly, and



Simplify



Resist the temptation to make more



You need less.





# Hyperlinks in briefs

Potentially thousands of pages (within page limits)



... but beware PDF/A



**PACER**

PUBLIC ACCESS TO COURT ELECTRONIC RECORDS

“The Judiciary is planning to change ... from PDF to PDF/A.”

“The **effect** on **hyperlinks** will vary depending on the **specific PDF writer** used to create or convert the document.”

Some Acrobat versions will **NOT** automatically open some hyperlinks.

[pacer.gov/announcements/general/pdfa.html](http://pacer.gov/announcements/general/pdfa.html)



# Documents cannot be so complex (rich) that the reader is lost

## AMERICAN LEGAL HISTORY

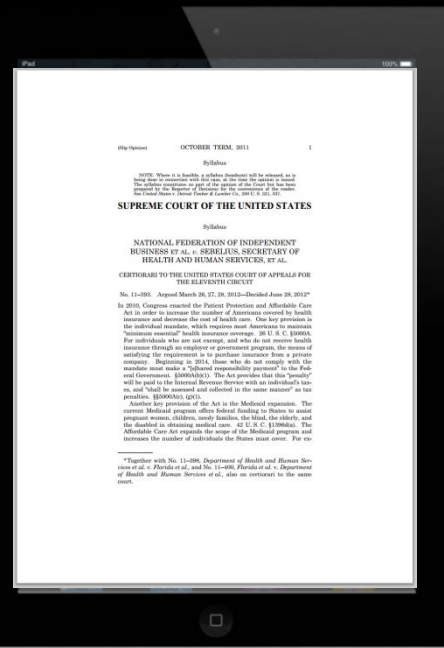
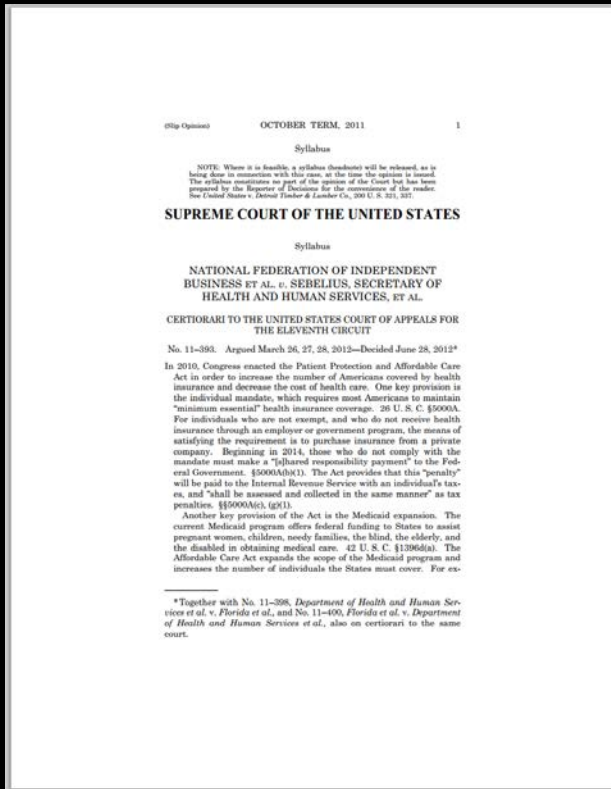
### I. The Beginnings of American Law, to 1760

#### a. Early Constitutionalism in America

- i. American colonists frequently asserted their “ancient rights” as English people
- ii. The English have a cultural tradition of protecting their rights against tyranny/ bad kings
- iii. Magna Carta 1215
  1. Response to King John. Barons, etc forced him to sign it. It was designed to protect the barons and their property. Later, became more of an idealized myth of the English people of how they love liberty/ hate tyranny
    - a. Became an underlying aspect of American Revolution
  2. The fact that the government (king) is subject to the law was a radical idea at the time
  3. Rights Established:
    - a. Right to trial by jury
    - b. Law of the land → rudimentary idea of due process
      - i. The law is an external check on the King

# Especially for screens

## Cannot as easily flip between pages



# Skimmable and digestible



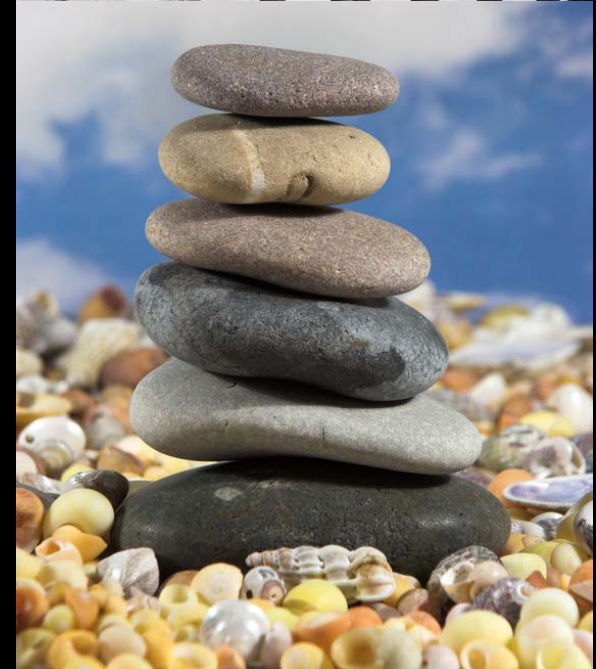
A screenshot of the Kiehl's website's shopping bag page. The page is titled 'Shopping Bag' and shows a list of items in the cart, including 'Ultra Facial Moisturizer SPF 15'. A heatmap is overlaid on the page, showing high engagement (red and yellow) on the 'Add to Bag' buttons for the items in the cart and on the 'Check Out' button at the bottom right. The page also features sections for 'COMPLIMENTARY SAMPLES' and 'YOU MAY ALSO LIKE'.

A screenshot of the BNSF Railway website's 'Vision & Values' page. The page features a large heading 'Vision & Values' and a sub-heading 'Delivering What's Important'. A heatmap is overlaid on the page, showing high engagement (red and yellow) on the 'Vision & Values' heading and the 'Delivering What's Important' section. The page also includes a list of bullet points under the heading 'Success in living our vision and values is evident when we fulfill the highest expectations of our four key stakeholder groups.' and a footer with contact information.

Tech is not an excuse to bury the court



# E-discovery buries us; we shouldn't bury courts





# Great briefs vs. Winning Briefs



“The difference between the great brief and the winning brief is **not** one of **grammar** and **style**. ... The difference instead is **focus**.”

# Great briefs vs. Winning Briefs

“It requires an author to **choose** the **best argument** and then intentionally to omit other arguments.”



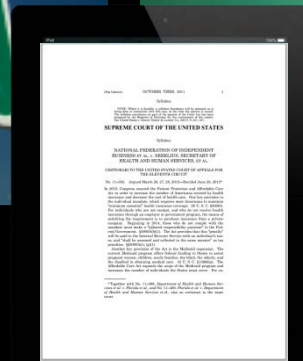
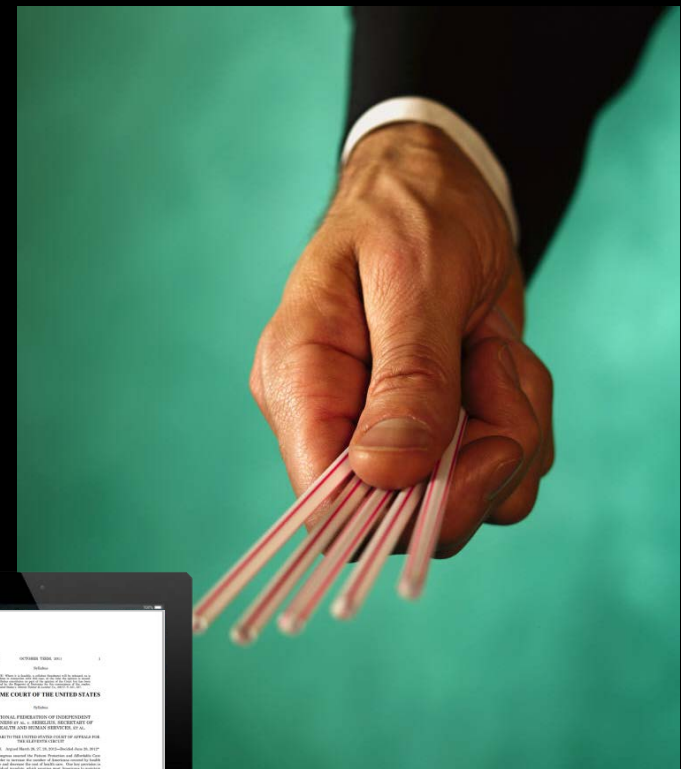


# ARTICLE: Great briefs vs. Winning Briefs



“Most judges are average. Most days are average. Most **winning briefs** are **aimed** at the **average judge** on the **average day**. Great briefs are not.”

# Those concepts apply doubly to screens



Questions?



FIN