

## **Citations to Records on Appeal in the Fifth Circuit.**

Prior to 2013, the paper record on appeal (ROA) prepared by the district court was the official record on appeal. Paper ROA contained Bates stamped pagination that included "USCA5" on each page. Supplemental records (if any) in paper record cases restarted pagination at page one, rather than continuing the pagination from the original record. Parties cited to the paper record using the USCA5 page number (and when necessary, to the supplemental volume number).

In 2013, the court adopted the Electronic Record on Appeal (EROA) as the official record on appeal. The EROA also uses Bates stamped pagination, but one that includes the Fifth Circuit appeal number, followed by a period, followed by the page number (for example, "13-12345.123"). When there are supplemental proceedings in an EROA record, the pagination continues from the last page of the original EROA.

At present, appeals in the Fifth Circuit may include cases in which the paper ROA is the official record on appeal, cases in which the EROA is the official record, or appeals with a combination of a paper ROA and a supplemental EROA.

Parties should cite to the record using the following rules:

--If the official record contains USCA5 pagination, cite to the USCA5 page number. If the record in that appeal contains a supplemental record, then cite to the volume and page of the supplemental record, as appropriate.

--If the official record is the EROA, cite with the format "ROA," followed by a period, followed by the page number (e.g., ROA.123) if the appeal involves only one record. If the appeal is consolidated with other appeals, and hence there are multiple records, cite using the format "ROA," followed by a period, by the Fifth Circuit's case number of the record you reference, followed by another period, and then the page number (e.g., ROA.13-12345.123).

--For any appeal that contains both a paper record (paginated with "USCA5") and an electronic record (with the actual case number, such as 13-12345) cite using the rules set out above for the type of record referenced.

These formats comply with the 2014 amendment to Fifth Circuit Rule 28.2.2, and permit a court developed computer program to insert hyperlinks into pleadings, providing judges a link to the actual page of the EROA cited by parties.

Never use the "ROA" shorthand citation when referring to records with USCA5 pagination, as the program will not properly hyperlink those records.