BEST PRACTICES ON HOW TO AVOID REJECTED COURT FILINGS

WHITE PAPER

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INTRODUCTION

This guide was created to help filers provide working electronic documents to the Courts using Word (2010 or later versions) and Foxit PDF Editor Pro, Foxit PDF Compressor and Foxit Rendition Server. The guide isn't just for appellate attorneys; it has many useful tips for lawyers practicing in the trial courts as well.

Be sure to check all rules with the court you are filing with to make sure you have met all their requirements and local rules for electronic documents.

Foxit provides one unified PDF platform for combining, editing, redacting and making PDFs searchable either through an easy-to-use, powerful PDF editor or through enterprise automation using back-end servers for multiple document redactions, automated 508 compliance requirements compression, or conversions of large number of documents.

The Judiciary is planning to change the technical standard for filing documents in the Case Management and Electronic Case Filing (CM/ECF) system from PDF to PDF/A. This change will improve the archiving and preservation of case-related documents. Courts currently accept PDF/A documents and Foxit PDF Editor, Foxit PDF Compressor and Foxit Rendition Server provide conversion from many different formats to PDF/A for standardization.

The PDF Compressor is also part of EMC Captiva which allows EMC Captiva users to create color PDF and PDF/A files distinguished by small file size and high quality.

PDF Compressor is also packaged with Panasonic scanners, differentiating itself from other scanners with high compression rates.

I. CREATING ELECTRONIC APPELLATE BRIEFS, ORIGINAL PROCEEDINGS, ETC.

A. Format

Check with the court's website that you are filing your document(s) with to ensure that you meet their requirements or guidelines for formatting.

B. Tools

Word processor

The primary tool for creating an electronic brief or original proceeding is your word processor. Microsoft Word provides some helpful features that make creating an electronic document easier. In particular, Word's Styles feature (see Generating Bookmarks below) allows you to create headings in your brief that will automatically create bookmarks when you convert the document as a PDF.

Foxit PDF Editor

Foxit PDF Editor sets the standard for creating, combining, editing, redacting and making PDFs searchable. Eventually you will need to do all of these things if you are working with electronic documents.

C. Basic Steps

- Save or convert your document from the original word processing document, such as Word, directly to PDF (do not scan the document to create a PDF).
- Create bookmarks[1] from the Table of Contents.
- Redact any information that must be redacted under the rules. (See Redacting.)
- Make text-searchable.

You can skip step 3 above if your document does not contain any information that must be redacted.

D. Pagination

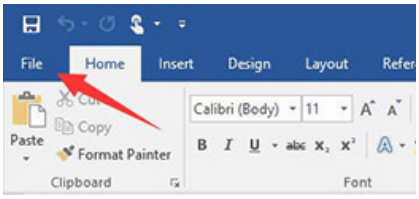
Before saving/converting the document as a PDF, make sure to number the pages consecutively beginning with the cover page of the document, using only the Arabic numbering system, as in 1, 2, 3, with a number on every page. Do not use a separate pagination system for tables within the document and the page number does not need to appear on the cover page and can be suppressed.

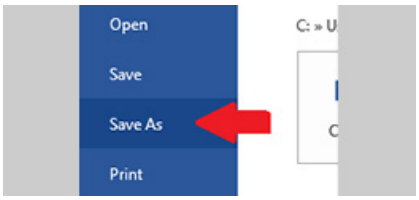
[1]Bookmarks are a fast and easy way to quickly navigate to different parts of a document and are required by the California Supreme Court and all Courts of Appeal.

1. Saving/Converting directly to PDF

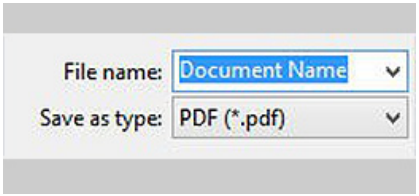
Word 2010 or later version

Click on the **File** tab.

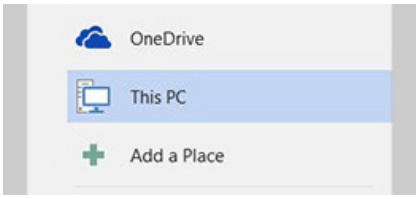




Choose **Save As**.



In the dialog box that appears, choose the Save as type = PDF. Click **Save**.



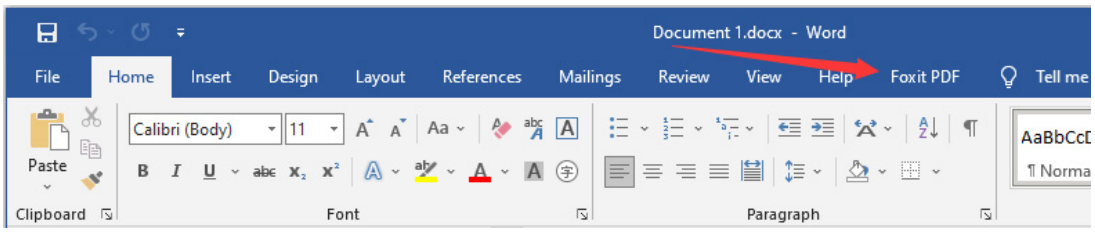
Click **Browse**.

Foxit PDF Editor Ribbon in Word

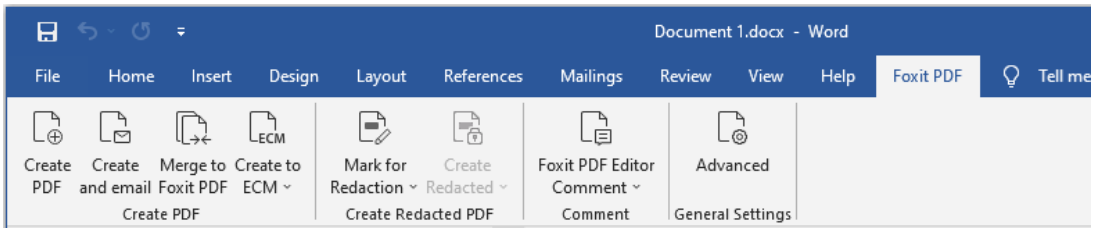
When you install Foxit PDF Editor, the installer may add Foxit PDF buttons or menu commands to Microsoft Office applications (e.g., Word, Excel, PowerPoint).

The advantage of using the Foxit PDF Editor to create PDF from Word is that it will automatically create bookmarks for your document if you have used Word's Styles feature.

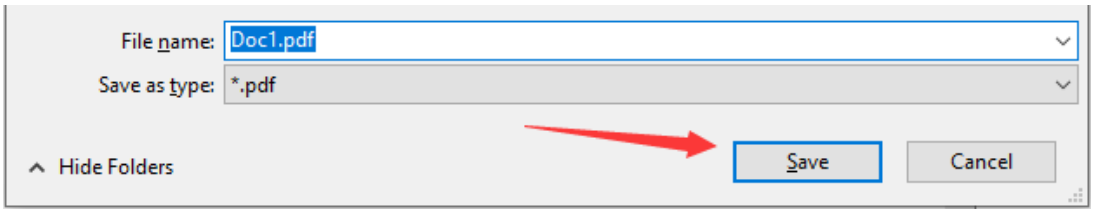
- Choose **Foxit PDF** at the top of the screen (to the right of **View**).



- Click **Create PDF** in the menu.



- In the dialog box that appears, click **Save**.

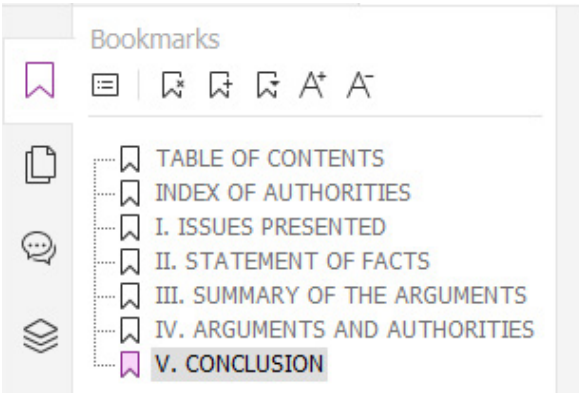


When printing a hard-copy of a document, be sure to use the PDF file to insure that the print exactly replicates the e-file version. Pagination and sentence structure may change when converting a document to a PDF.

2. Create bookmarks

A bookmark is a text link that appears in the **Bookmarks Panel** of Foxit PDF Reader and Foxit PDF Editor. Readers can use the bookmarks to quickly navigate to different sections of a document. Make sure to include bookmarks in all electronic documents and be sure to use descriptive labels for your bookmarks (e.g. Trial Court Judgment, Court of Appeals Opinion) as illustrated below.

Clicking on the **Bookmarks Icon** (left side of screen) opens the **Bookmarks Panel** revealing the list of bookmarks, as in this illustration.



Bookmark settings

To maximize the impact of your document, set the bookmarks to open automatically.

- While the document is open, **File** > **Preferences** > **Page Display** tab.
- Click the **Navigation tab** dropdown and select **Bookmarks Panel and Page**.
- Click **OK**.

Generating bookmarks

If you use the paragraph styles available in Word to label the headings in your document, when you use the built-in Foxit PDF ribbon to generate your PDF, your document will already include bookmarks to the headings in your document.

A tutorial on Word's Styles feature is beyond the scope of these instructions, but Microsoft provides a tutorial on the web. Word's Styles feature is a tremendous time saver for generating bookmarks, the table of contents, and formatting your document.

Manually adding bookmarks

To manually add a bookmark, in Foxit PDF Editor, follow these steps:

- Click on the page where you want to create a bookmark.
- Click the **New Bookmark** Icon in the Bookmarks Panel or select **CTRL** and **B** keys on your keyboard at the same time.
- In the text of the new bookmark, type the name or label that you want to give the bookmark.

OR

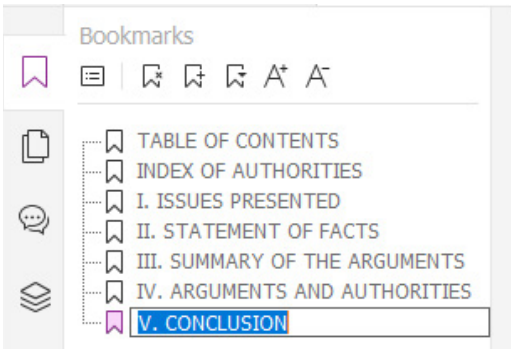
- Highlight the text on the page you want to bookmark, then press the **CTRL** and **B** keys on your keyboard at the same time. The bookmark will appear in the panel and the name will be the same as the text you highlighted.

Editing bookmarks

To delete a bookmark, **select the bookmark** and press the **Delete** key.

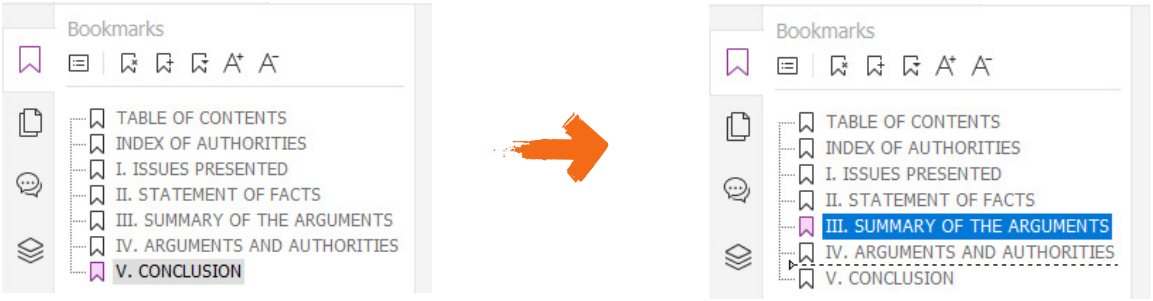
To edit the name of a bookmark, double click on the bookmark. Once the bookmark text is highlighted, you can edit the text of the bookmark. Press **Enter** when you are satisfied with the results.

Avoid using names like Header A, Header B, etc. Instead, try something like Statement of the Case, Conclusion.



Moving bookmarks

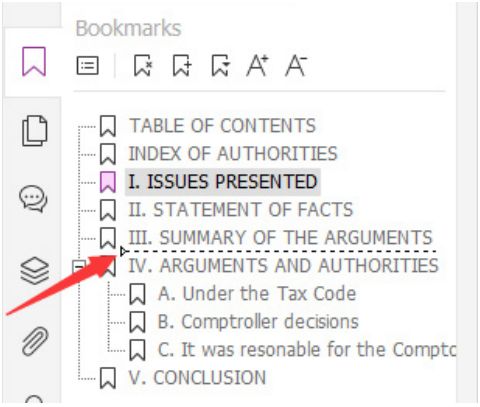
To move bookmarks up and down in the Bookmarks Panel, left click and hold the text and drag the bookmark to the desired location in the Bookmarks panel. Once the arrow and dotted line are in the new location, release the left mouse button to drop the bookmark in its new location.

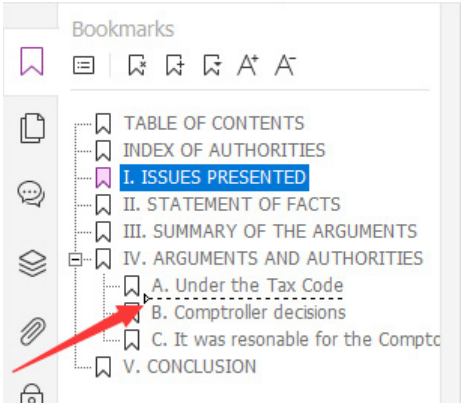


Nesting bookmarks

Bookmarks can also be nested underneath other bookmarks to create a tiered structure of bookmarks, as in the illustration. Clicking on the minus sign next to the Argument and Authorities bookmarks collapses these bookmarks so that they are not visible. A plus sign then appears next to the Arguments and Authorities bookmark, which will expand the nested bookmarks and make them visible again when selected.

To nest a bookmark underneath another bookmark, move the bookmark as described above. But this time, move the bookmark up and over underneath the bookmark where you want it nested. In other words, select the bookmark by left clicking and holding the mouse button down. Then move it up and to the right without releasing the mouse button. Release the mouse button once the bookmark appears to be indented. Once you have the bookmarks the way you want them, be sure to save your document in order to save your changes!





3. Redacting

Redaction should be done before creating bookmarks and making the appendices text searchable. The steps below will remove bookmarks and text recognition.

Pursuant to Cal. Rules of Court, rule 1.20, you must redact the following information from an appendix submitted to the court:

- Social security numbers
- Birth date
- Home address
- Name of any person who was a minor when the underlying suit was filed
- Driver's license number
- Passport number
- Tax identification number
- Any similar government-issued personal identification number
- Bank account numbers
- Credit card numbers
- Any other financial account number

The most important thing to remember about redacting documents is to **permanently remove the information from the document. Do not use a black highlighter in Foxit PDF Editor to cover up the information!** Highlighter marks can be removed by anyone with Foxit PDF Editor and anyone can search the text of the document to find the text that is beneath the highlighter mark.

If you have Foxit PDF Editor Pro, you can use the redaction features of the program to redact documents electronically (see Redacting Using Foxit PDF Editor Pro below).

Please note that only Foxit PDF Editor Pro has redaction features.

Redacting using Word

If you do not have Foxit PDF Editor Pro, then you should edit the text of any document that you have in the original file (e.g., a Word document) to remove the information. Replace any characters that you remove with the letter x and then save the edited document as a new document. Here is an example:

Original text document:

Mike Brown's social security number is 357-57-7372. His home address is 1510 Maple Avenue, New York, 201292. His credit card number is 2138 2912 2938 2919.

Edited Text:

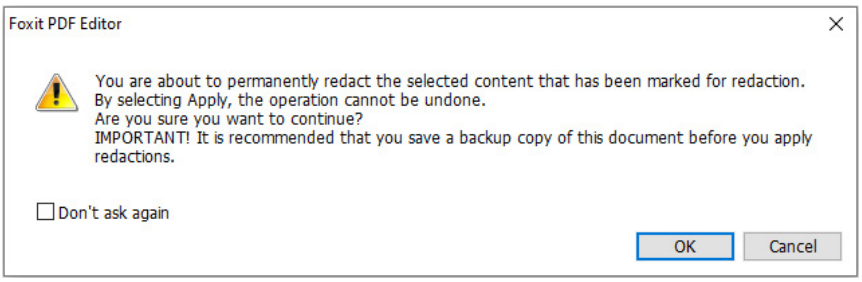
Mike Brown's social security number is xxxxxxxxxx. His home address is xxxx xxxxx xxxxxxx xxx xxxxx xxxxxxx. His credit card number is xxxx xxxx xxxx xxxx.

As you can see, depending on the font you are using, editing the document in this way may slightly alter the layout of your document. Be sure to check the page layout to see if your page numbering has been altered.

If you do not have Foxit PDF Editor Pro and you only have the documents in paper format, you can use Foxit PDF Compressor to convert digital files such as MS Word, scanned documents (TIFF, JPEG, ...), PDFs (also XFA) and Post-Script files to searchable PDF or PDF/A. Then integrate Foxit Rendition Server into other applications to automate redactions based on pattern recognition.

Redacting Using Foxit PDF Editor Pro

- Click the **Protect** ribbon > **Mark for Redaction**.
- Select the text you want to redact. To select text, click the left button on the mouse and drag it across the text using the redaction tool. You can also double click a word to mark it for redaction.
- Place the cursor over the word marked for redaction to preview what the text will look like when redacted.
- Once you are satisfied with the appearance, choose **Apply Redactions**. This window will appear



- Click **OK**.
- Save the document.

Redactions can also be automated using pattern recognition. You can find and remove content either in a single PDF file or in multiple PDF files under a specified folder that contain searchable text with the Search & Redact command.

- Select **Protect** > **Mark for Redaction** > **Search and Redact**. Then specify what you want to redact in the Search pane. Please do one of the following:
    - Type the text you wish to find and redact into the search dialogue box. For more about the search feature, please refer to “advanced search”.
    - Check the item **Patterns** and select a pattern. The patterns vary with different countries. Choose **Country** based on the file you are using.
- Click **Search**.
- Check the results you want to redact.
- Click the button **Mark whole (**or **partial) word(s) for redaction** at the bottom of the search dialogue box.
- Choose **Protect** > **Mark for Redaction** > **Apply Redactions**. Or click the button **Apply Redactions**.

Note: This operation cannot be undone and the selected content will be removed permanently when you select **Apply Redactions** It is recommended that you save a backup copy of this document before you apply the redaction.

Generate Redacted and RMS-protected PDFs (Pro Only)

Foxit PDF Editor Pro enables users to generate a redacted and AIP-protected PDF from an existing PDF. Authorized users are granted access to view the full document while unauthorized users are only able to view the redacted document, which allows for improved knowledge sharing of non-sensitive information within a protected document.

To generate a redacted and AIP-protected PDF, please do the following:

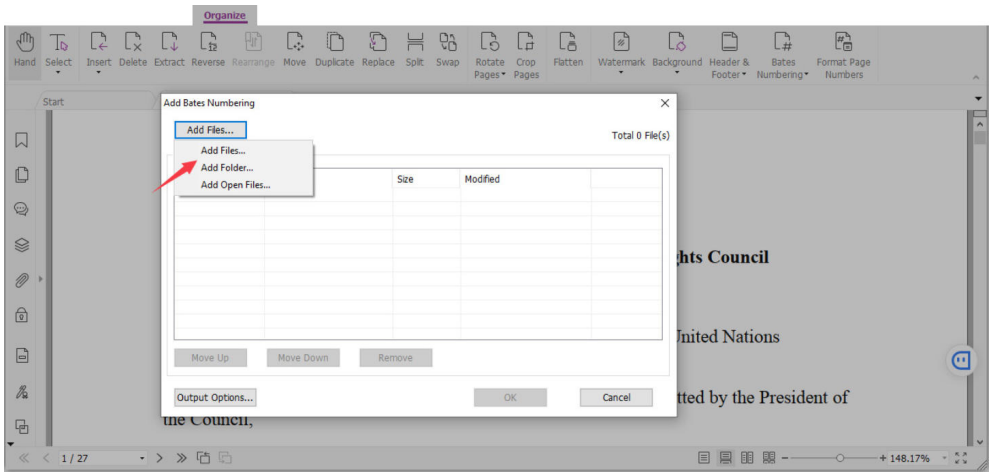
- Mark the content for redaction.
- Click **Protect** > **Protect Redactions**, log on your AIP server and then choose an AIP template to encrypt the document.
- Then the document with redaction protected by the AIP template is generated and opened with a message box appearing in the document area. Click **View the full content** to view the full content without redaction. This message box appears only when the document is opened by the document owner.
- After clicking **View the full content**, two messages appear in the message box. Click **Redacted Mode** to exit the full content mode and return to the document with redaction. Click **View Permission** to view the security properties of the document.
- When the authorized users open this protected document, only the message to view permissions appears in the message box.

4. Bates Numbering

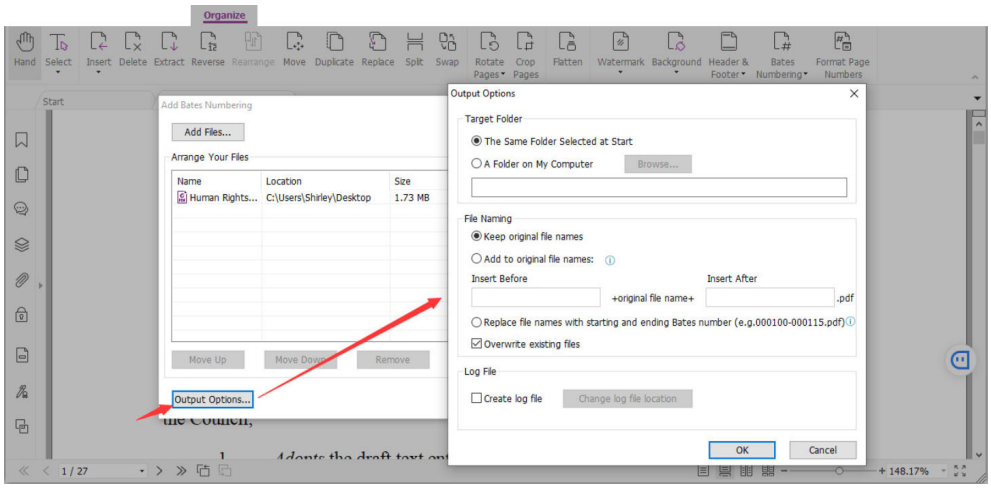
Bates numbering is used in the legal field to place identifying numbers and/or date/time-marks on images and documents. It is a unique serial number attached to every page of a document collected and is also a method of indexing legal documents for easy identification and retrieval. With Foxit PDF Editor Pro, you can Bates number your PDF appendix rather than manually numbering the pages.

- Choose **Organize** > **Bates Numbering** > **Add**.

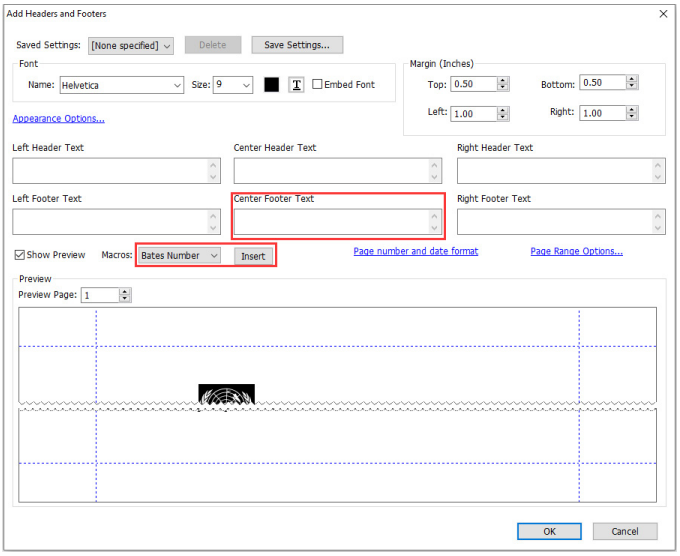
- In the **Add Bates Numbering** dialog box, add the files, folders or opened files by clicking **Add Files, Add Folder** or **Add Open Files**. In the files list, you can change the order by clicking **Move Up** or **Move Down** and delete a file by clicking **Remove**.



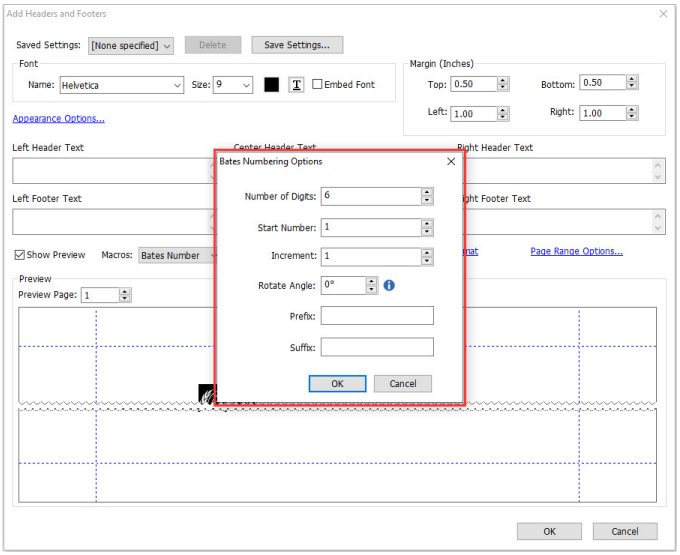
- Click **Output Options**. Here, you can set the target output folder, name the file and create the log file in the dialogue box. Click **OK** to exit the box after completing these settings.



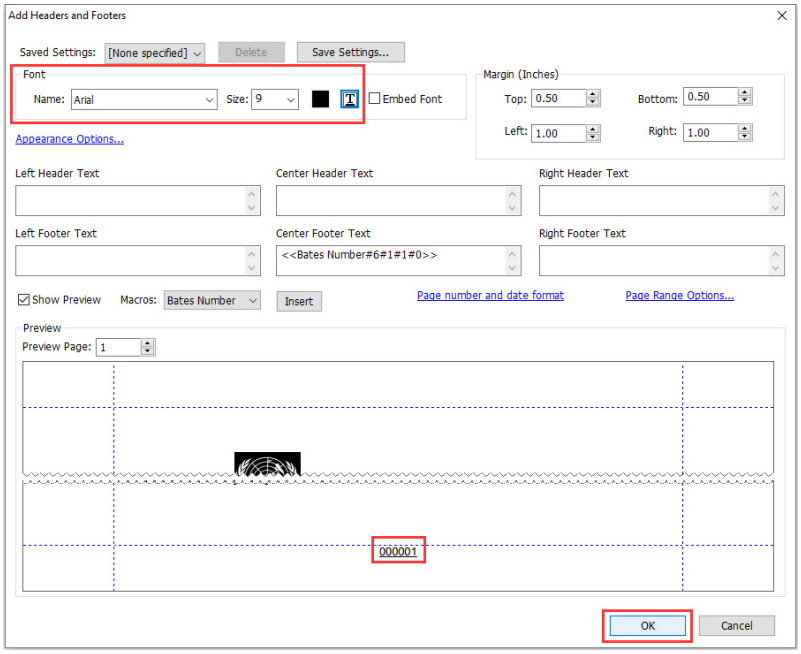
- Click **OK** and the **Add Headers and Footers** dialog box will pop up. In the popup dialog box, click into the white space where you want the Bates numbering to appear (e.g. Center Footer Text), select **Bates Number** in the Macro menu, and then click **Insert**.



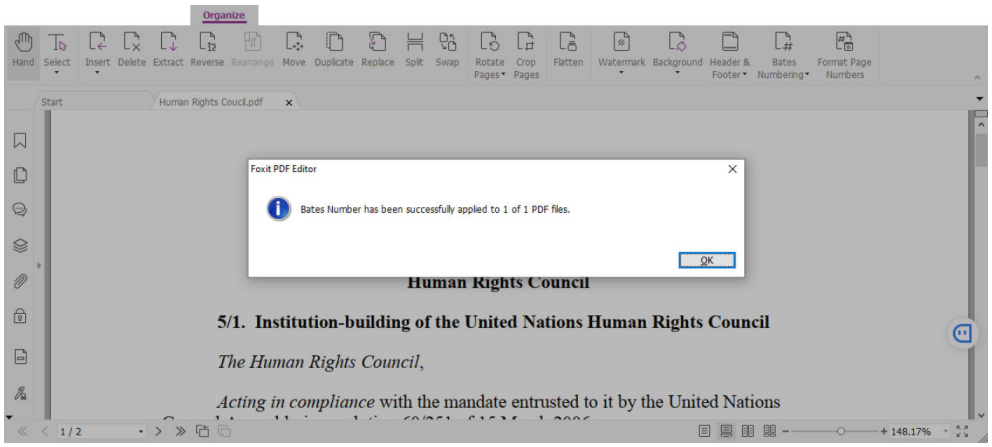
- In the **Bates Numbering Options** dialog box, specify the number of digits used, start number, rotate angle and prefix/suffix, if needed. Click **OK** to finalize the setting.



- In the **Add Headers and Footers** dialog box, specify the font style, size, and color. You can check numbering in the Preview pane at the bottom of the dialog box. When you have your settings as desired, click **OK**.



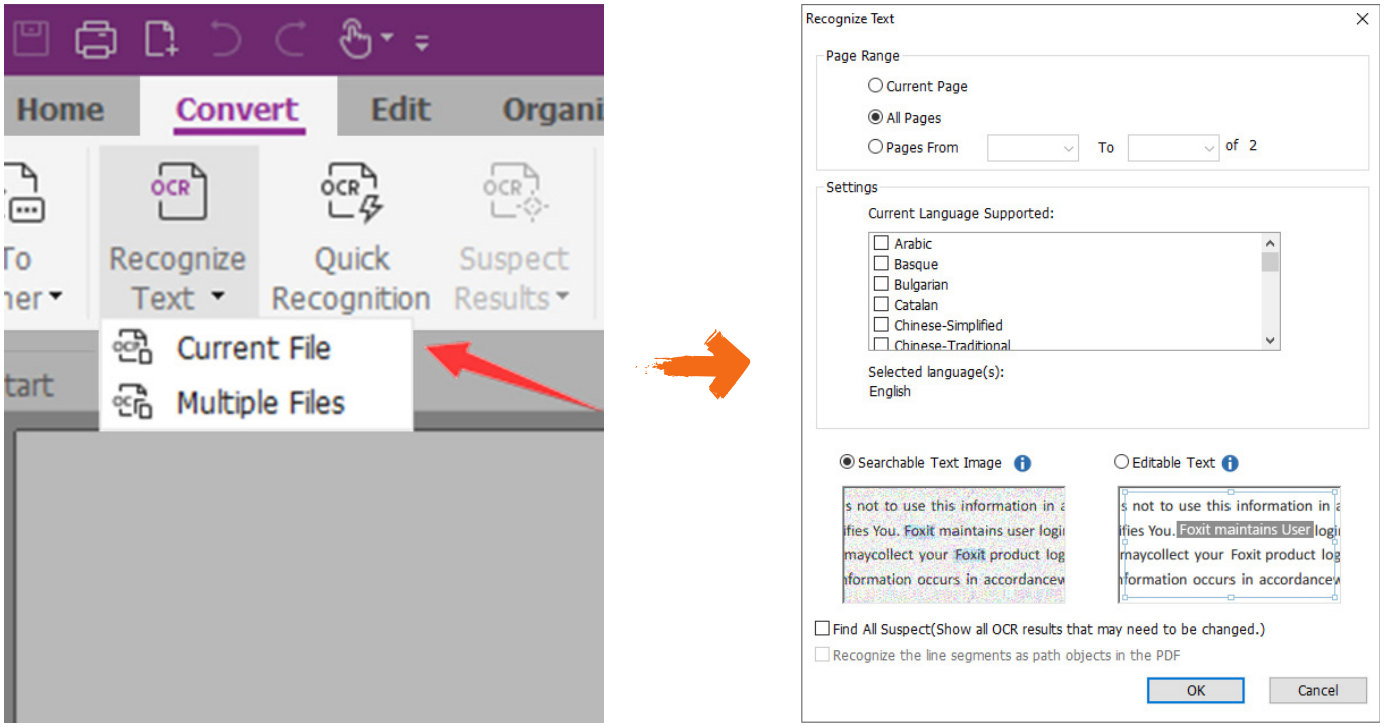
- When completed, you will receive a message showing that Bates Number has been successfully applied.



5. Text-Searchable

All electronic documents must be text-searchable, in PDF (portable document format) while maintaining the original document formatting. If you find your PDF is not text- searchable, follow the instructions below.

- Open the document in Foxit PDF Editor. Click **Convert** ribbon > **Recognize Text** > **Current File**.



When the Text Recognition process is complete, remember to save the document

For mass quantities of scanned documents, PDF Compressor provides optimal OCR capabilities with back-end server technology.

6. Fixing Mistakes in Foxit PDF Editor

It is not unusual to get to the end of the process of creating an electronic brief and discover that you have made a typographical error. You may be able to fix some simple typographical errors using Foxit PDF Editor. The Edit Text tool allows you to erase and type in a PDF as though it were a word processing document. Foxit PDF Editor automatically recognizes the font type and size, and you can backspace to remove text and then retype.

- Select **Edit** ribbon > **Edit Text**. Then place your cursor where you want to edit and type as you would with a word processor. The tool has some limitations and not all fonts are available in Foxit PDF Editor. If you used an unusual font, the newly typed text will be replaced with another font available in Foxit PDF Editor.

Reflow editing mode allows users to edit document content in a continuous mode, like in a word processor.

To edit PDF with the Reflow Editing command:

- Choose **Edit** > **Reflow Editing**, and a dialog box pops up to inform you about the benefits and notes about the reflow editing mode. Click **Continue** if you need to edit content in the Reflow Editing mode.
- The Format tab appears in the right panel, allowing you to edit text format and paragraph styles.

When you complete editing, click **Apply Changes** to save the changes, or click **Exit Reflow Editing** to exit the Reflow Editing mode without applying any change.

To make editing easier, Foxit PDF Editor also supports linking multiple text blocks together or connecting separate text blocks into one single paragraph. You can link text blocks not only in one page but also across pages. Text will reflow in these linked blocks and will not cover the page contents that are located among these blocks.

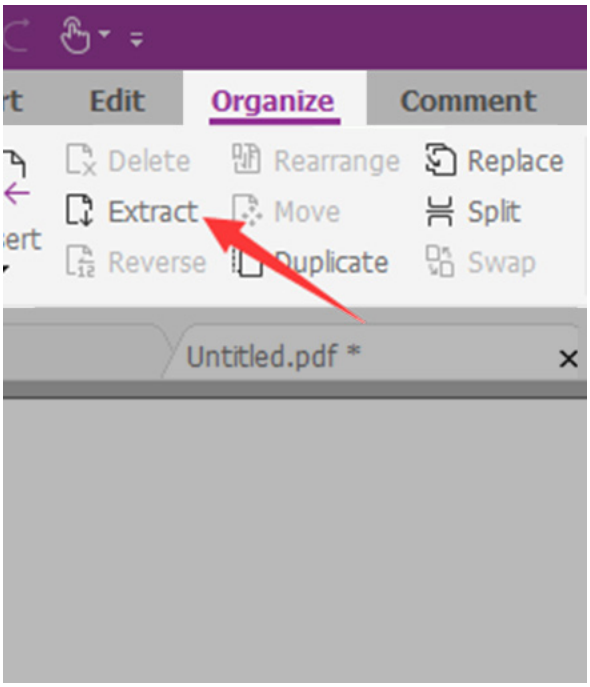
To link text blocks, please do the following:

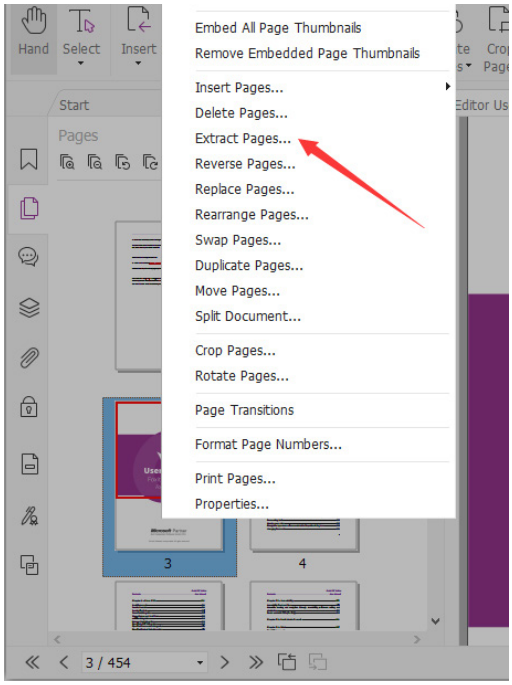
- Click **Edit** > **Link & Join Text** and the **Join & Split** context tab appears on the ribbon. Select text blocks you need to link together and the selected blocks will be marked with numbers as you click them.
- Click the **Link** command in the **Join & Split** context tab, or right-click the selected blocks and choose **Link Text Boxes**. Then the selected blocks will be linked together.
- Then when you add or edit text in these blocks with the **Edit Text** command , the text will reflow in these linked blocks and will not cover the image among them. And when the text added exceeds the final block, content followed the linked blocks will be covered because they have not been linked together.
- To unlink a text block, please click **Edit** > **Link & Join Text**, select the text block you need to unlink and then click the **Unlink** command in the **Join & Split** context tab. You can also right-click the selected block and choose **Unlink Text Blocks**.

7. Replacing Pages

If the mistake cannot be fixed with the **Edit Text** tool, you may be able to fix the error by deleting the offending page and replacing it with a corrected page. To replace a page, first fix the mistake in your word processing program. Then convert the corrected word processing document to PDF. Now **Extract** the corrected page from your corrected PDF and save it as a separate PDF document. Then **Delete** the page with the error from your original PDF and **Insert** the corrected page into the proper place in the original PDF.

- Click **Organize** > **Extract** or click the Page Thumbnail icon on the left, right click on the page(s), select **Extract Pages**.





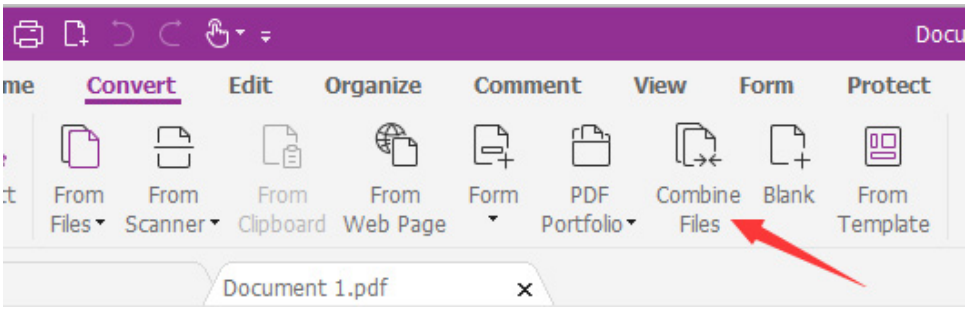
Depending on the mistake, it may just be easier to start over and recombine all your files after fixing the error in your brief. But if you have done a lot of manual bookmarking and hyperlinking, replacing the page using Foxit PDF Editor may be easier than starting all over again.

8. Combine individual files into one PDF file

To combine individual files into a single PDF document, follow these steps:

Within a document in Foxit PDF Editor

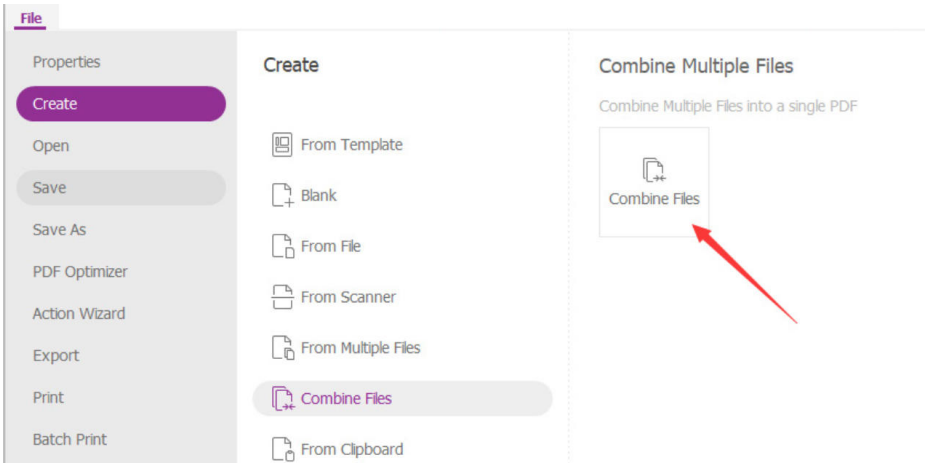
- Choose **Convert** ribbon > **Combine Files**.



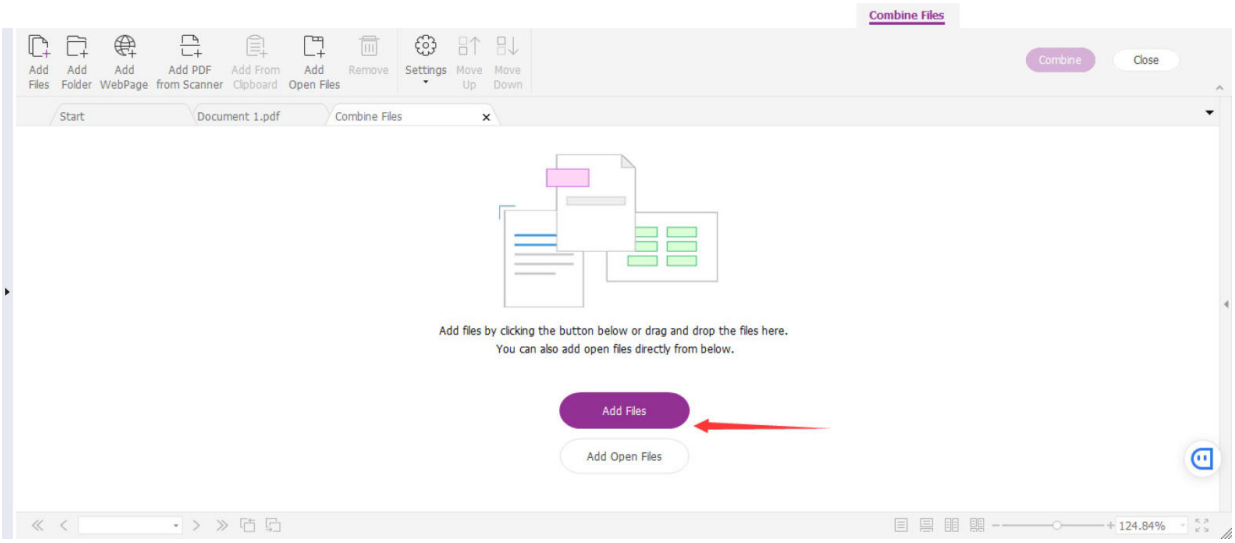
OR

From the File Menu in Foxit PDF Editor

- Choose **File** > **Create** > **Combine Files**.



- In the dialog box, add the individual files or folders that you want to combine into a single PDF. The files can be of any format supported by Foxit PDF Editor (Word, PDF, Excel, JPG, PNG etc.).



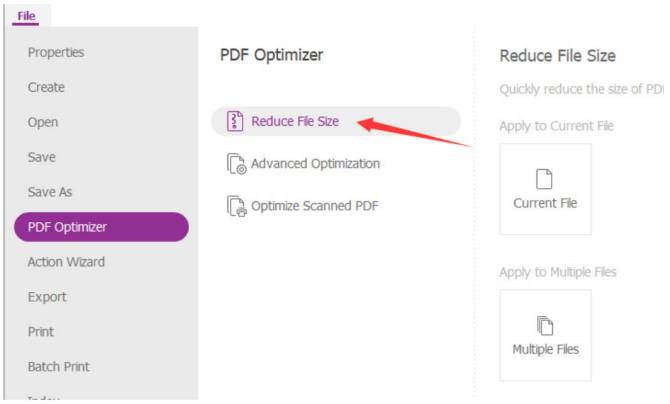
- Arrange the files in the order that you want to combine them.
- Save and name the combined document.

9. File Size

A single PDF file may not exceed a total of 25 megabytes in size. If a filing exceeds this file size limitation, the TrueFiling system will not accept the document and the user must either (a) submit the filing in multiple parts or (b) provide the court with the filing in electronic format on a CD (compact disc), DVD or flash drive. Please note that audio files must be submitted in .wav or mp3 format and any video files must be submitted in .avi or mp4 format.

Be sure to check all rules with the court you are filing with to make sure you have met all their requirements and local rules for electronic documents.

- Select **File** > **PDF Optimizer** > **Reduce File Size**.



To optimize PDFs created from scanned documents, Foxit PDF Compressor provides the following file size reductions:

- black/white = up to 1/10th of the original
- color scans = up to 1/100th of the original

Be sure to check the rules with the court you are in regarding whether color scans are allowed.

II. CREATING ELECTRONIC APPELLATE RECORD ON APPEAL/EXHIBITS

Appendices must comply with California Rules of Court, rule 8.124, including chronological and alphabetical indices. For Exhibits, see rule 8.486(b). When possible, use PDF files that are converted from native formats, rather than scanned documents. (See Saving/Converting directly to PDF.) Counsel or parties should cooperate in providing electronic copies of documents when requested and should check the local rules of the court where they will be filing to make sure all requirements for electronic documents have been met.

1. Chronological Index

The chronological and alphabetical index should be converted from the word processing program used to create them.

2. Pagination

Make sure to number the pages consecutively beginning with the cover page of the document, using only the Arabic numbering system, as in 1, 2, 3. Every page must have a number. Do not use a separate pagination system for chronological or alphabetical index within the document. The page number does not need to appear on the cover page.

3. Scanning Documents

Although you are prohibited from scanning your documents that are available in electronic format (e.g. cases, statutes, etc.), there are occasions where you will need to scan a document in order to include it in your appendix. For example, a trial court may not have electronic filing so you may have to scan a trial court order. Or maybe you really want to include a contract in your appendix and it is only available in paper form. In those situations the only solution is to scan the document.

You can create a PDF file directly from your scanner using Foxit PDF Editor or other software. When scanning, make sure that the scanner settings are:

- 300 dots per inch (dpi)
- Black and white (not gray scale or color, unless scanning an image)
- OCR (optical character recognition)

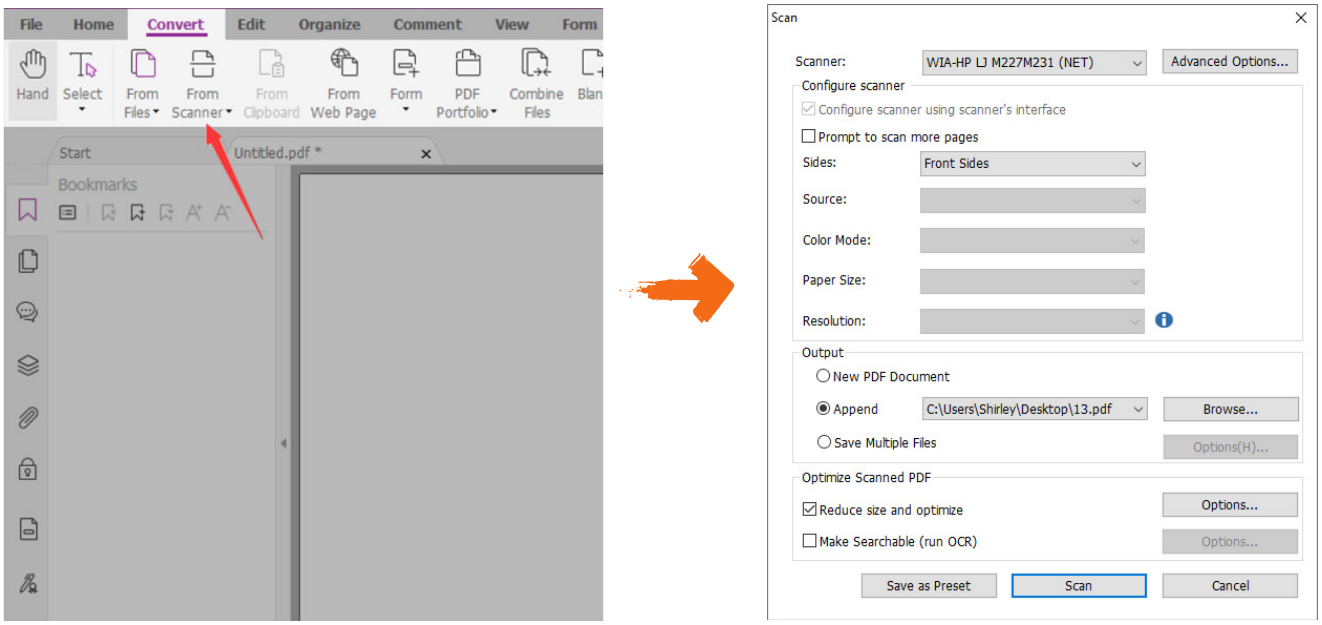
A one hundred page scanned document (that does not include images) with these settings should be about 3.5 megabytes in size. (NOTE: File size may vary with certain documents.) If scanning is creating files that are too large, check the settings on your scanner. Most office copiers, have a menu that allows the scanner settings to be adjusted.

If you have already adjusted the scanner settings, and the file size is still too large, some computer programs have the capability to reduce the file size. Foxit PDF Editor can do that (see instructions below). Make sure to do this before bookmarking the appendix. There are also a number of online resources that explain how to reduce the file size of scanned documents.

4. Scanning with Foxit PDF Editor

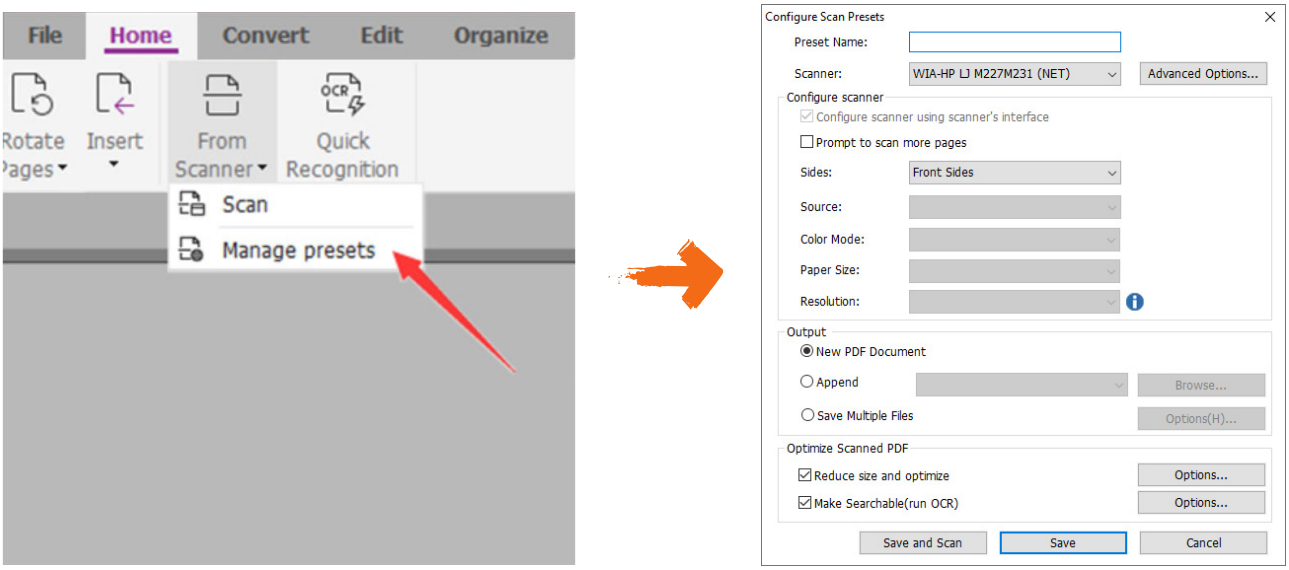
If you have a scanner connected to your computer that Foxit PDF Editor recognizes, you can scan documents using Foxit PDF Editor. Follow these steps:

- Insert the document into your scanner
- Open Foxit PDF Editor
- In Foxit PDF Editor choose **Convert** ribbon > **From Scanner**
- Choose Black and White in Color Mode



Preset scanning settings for Foxit PDF Editor

- Foxit allows you to preset settings for scanning a document. Select the **Home** ribbon > **From Scanner** > **Manage presets**.

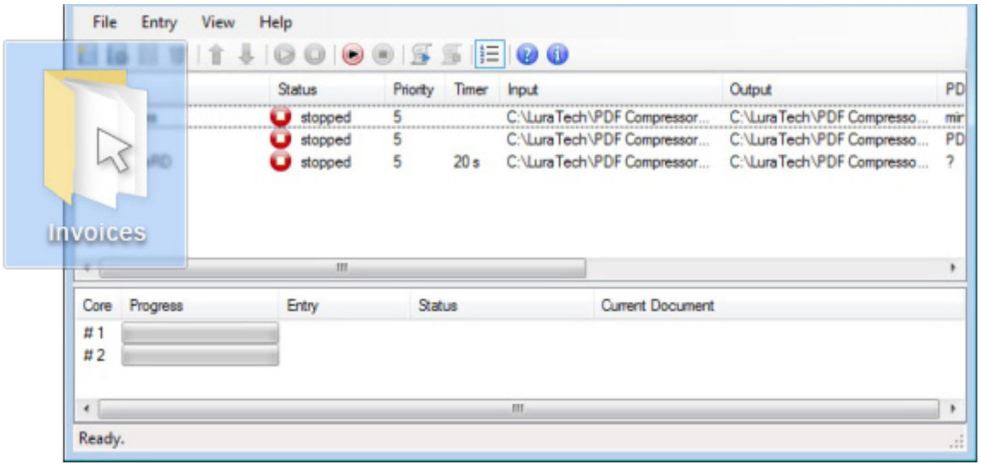


Configure your presets to scan at 300 dpi. Be sure to check **Make Searchable (Run OCR)**. For standard black and white documents you do not need to move the slider to create a high quality scan—smaller file size is preferred. Save your settings before scanning. The default settings are now set and each time you choose to scan, the document will be scanned using these settings.

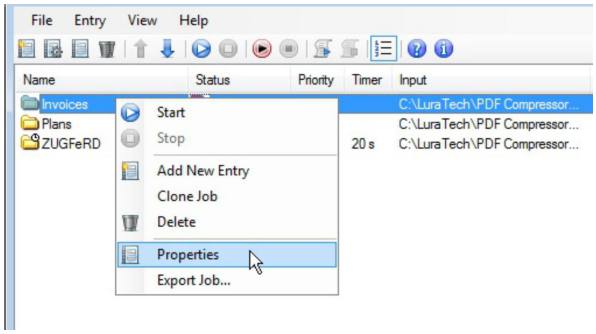
5. Scanning with PDF Compressor

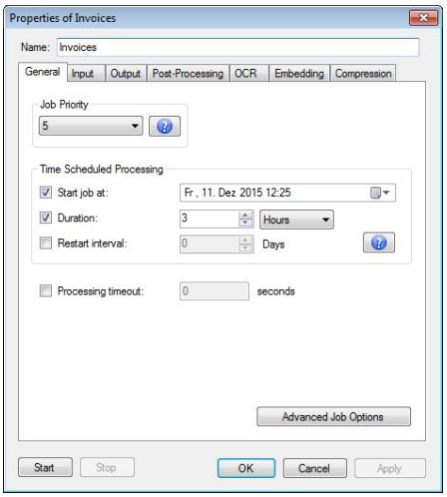
The PDF Compressor compresses and converts scanned documents to PDF or PDF/A. The outstanding document compression provided by the PDF Compressor greatly reduces file sizes while ensuring prime document quality in an ISO standard compliant format suitable for long-term archiving.

- Open PDF Compressor.
- Drag and drop a file or a folder onto the list window to add entries to the list.

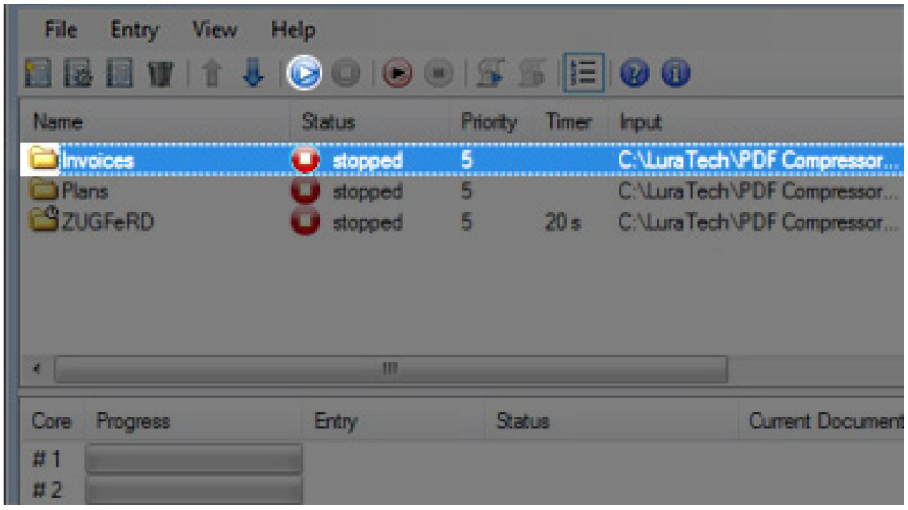


- Double-click the corresponding entry within the list or right-click the entry and choose **Properties** to edit the properties such as the job priority, input and output options, OCR, etc.





- After configuration, select the entry you want to start and click the start button on the toolbar to run the job.



6. Create bookmarks for all documents contained in the appendix

A bookmark is a text link that appears in the Bookmarks Panel of Foxit PDF Editor. Some courts require bookmarks for each document that is listed in the index. Be sure to check the local rules of the court you are filing with to make sure you have met all requirements for electronic appendices.

For documents without titles, be sure to use descriptive labels for your bookmarks. See Create Bookmarks in Section I. above.

7. Redacting

See Redacting in Section I. above.

8. Text searchable

See Text-searchable in Section I. above.

9. File Size

See File Size in Section I. above.

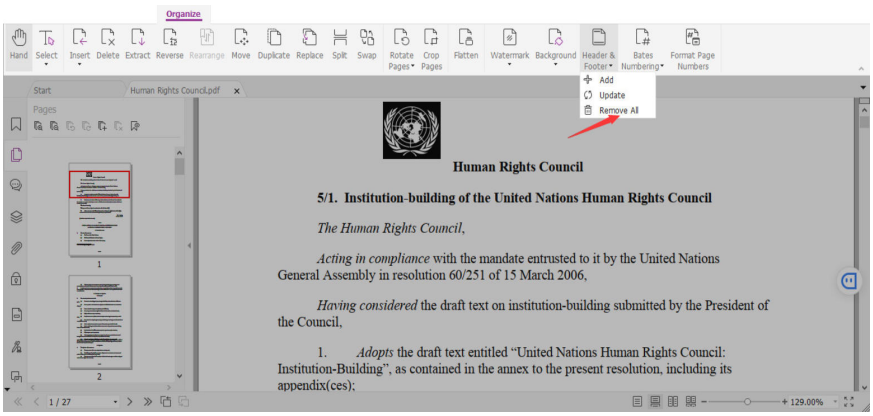
III. COMMON MISTAKES

Common errors in documents e-filed include:

1. Conflicts with e-filing header

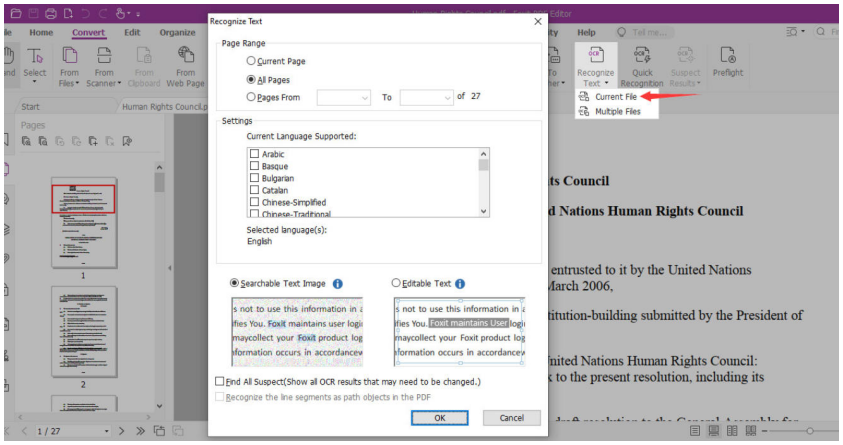
If the text on the PDF document overlaps with the e-filing header, an easy way to solve the problem is to organize headers using the Header & Footer features in Foxit PDF Editor.

- Open the PDF document with Foxit PDF Editor.
- Choose **Organize** > **Header & Footer** > **Remove All**.

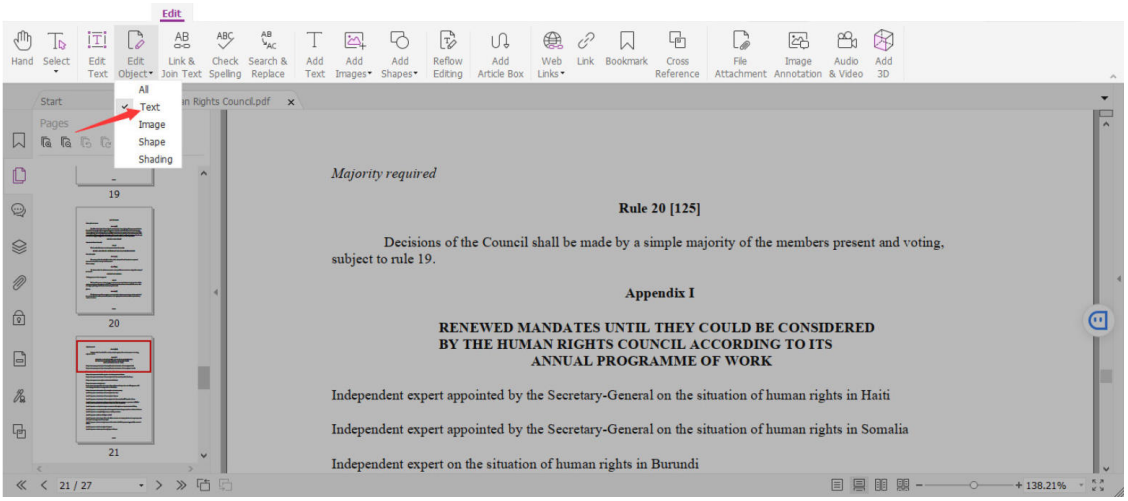


If your PDF is a scanned document, you can OCR it first and then use the Edit features in Foxit PDF Editor to organize headers.

- Open the scanned document with Foxit PDF Editor.
- Go to **Convert** > **Recognize Text** > **Current File**. Choose the page range, language and output type, and click **OK** to apply.

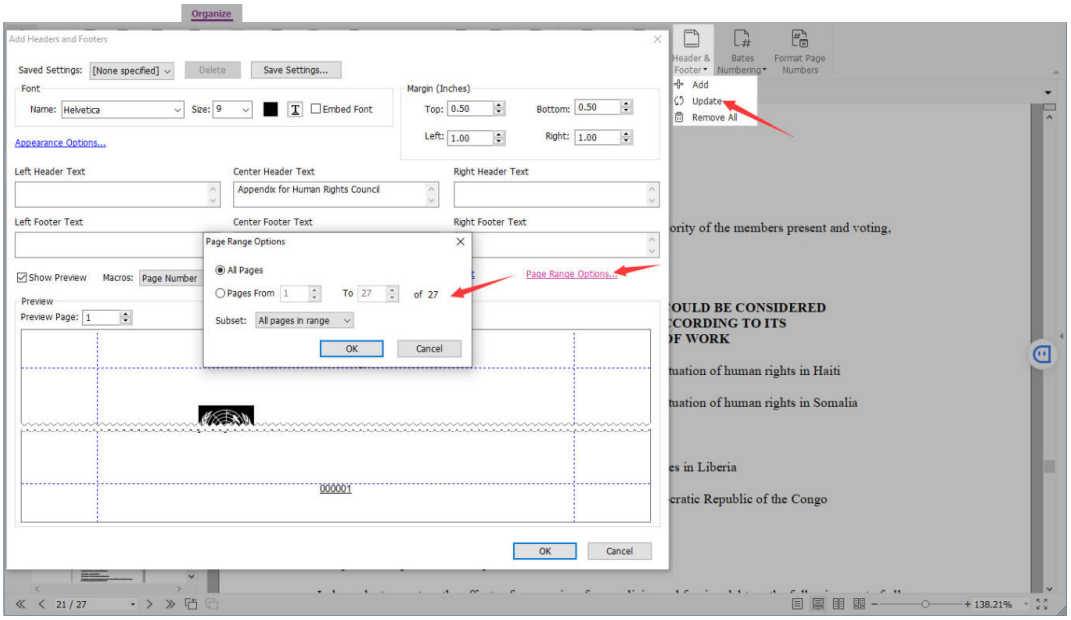


- Go to **Edit** > **Edit Object** > **Text**.



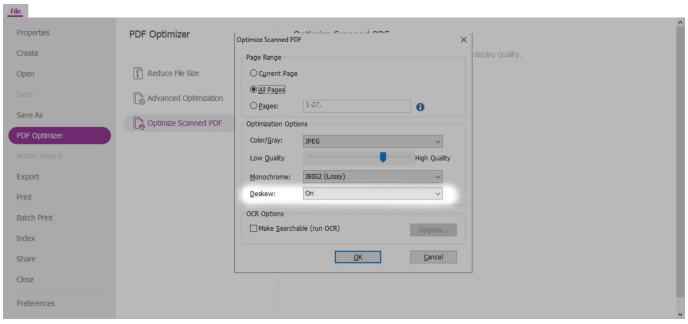
- Drag a box across the header that you want to remove, and press the **Delete** key on your keyboard.

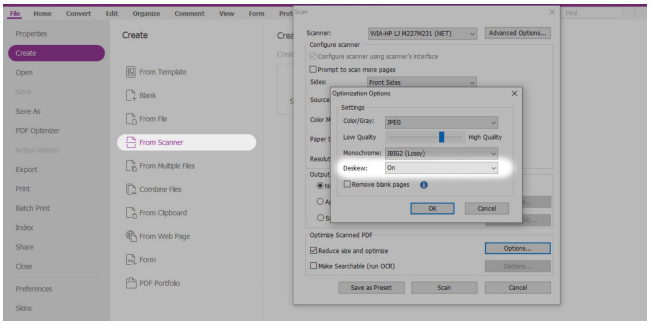
After merging the documents, you can apply the e-filing header to all pages by choosing **Organize** > **Header & Footer** > **Update**. And then choose **Page Range Options** to specify the page range.



2. Skewed documents

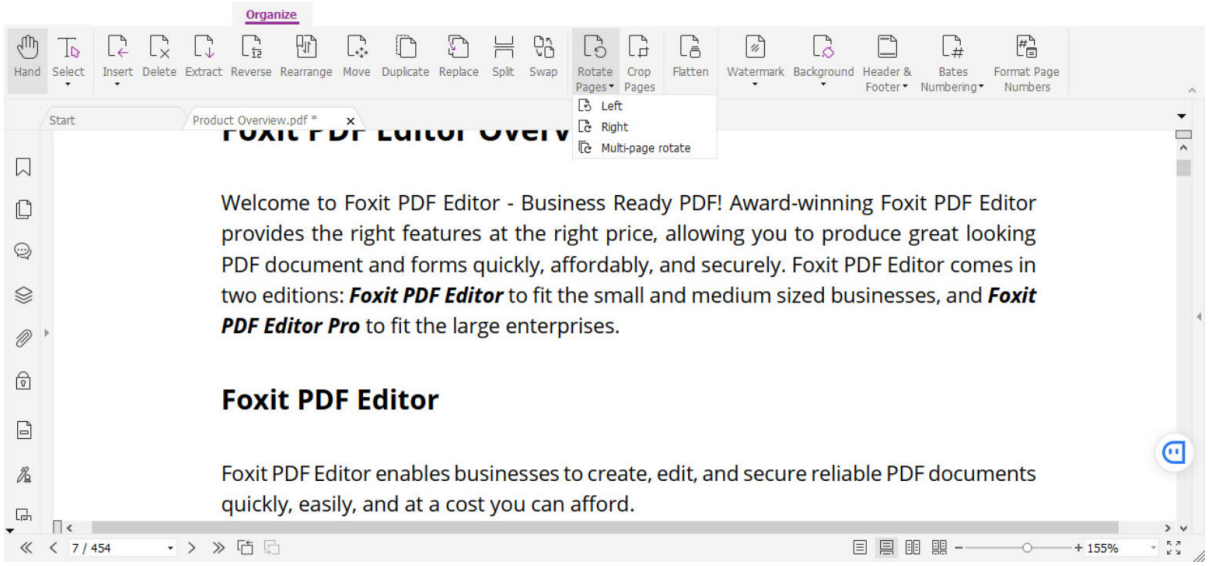
Many times, scanned exhibits saved to PDF are skewed. The "Deskew" option is under "File" > "PDF Optimizer" > "Optimize Scanned PDF". Also you may turn on "Deskew" via "File"->"Create"->"From Scanner"->"Optimize Scanned PDF". You can also apply OCR to all documents to make them text-searchable PDFs from this dialog box.





3. Rotated pages

Many e-filing systems require PDF documents to be submitted in portrait mode but sometimes scanned images may result in rotated pages. Just click on the “Organize” tab and choose “Rotate Pages” to select which way to rotate pages.



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