

Presented at:
2020 Robert O. Dawson
Conference on Criminal Appeals

May 6–8, 2020
Austin, TX

Appellate Practice in the Digital Age

Rosa Theofanis

Rosa Theofanis
Travis County District Attorney's Office
Austin, TX

Rosa.Theofanis@traviscountytexas.gov
512.854.9530

Appellate Practice in the Digital Age:

**We are in a transitional phase in the law's
adaptation to the digital era.**

Appellate Practice in the Digital Age:

1. The digital age has changed legal writing.
2. People have adapted inconsistently.
3. Standards, rules, and practices are undeveloped.

3

*Sandifer v. United States
Steel Corp.,*
678 F.3d 590, 591
(7th Cir. 2012)

“These appeals arise out of a class action The plaintiffs argue that U.S. Steel has violated the [**Fair Labor Standards Act**] by failing to compensate them for the time they spend in putting on and taking off their work clothes in a locker room at the plant (‘clothes-changing time’) and in walking from the locker room to their work stations, and back again at the end of the day (‘travel time’).”



4

Sandifer Issue:

Were workers “changing clothes?”

(if so, they aren’t working)

Plaintiffs (hourly workers at U.S. Steel’s steel works in Gary, Indiana) argued, no, it’s “personal protective equipment.”



*Sandifer v. United States
Steel Corp.,
678 F.3d 590, 592
(7th Cir. 2012)*

POSNER, *Circuit Judge*:
“These work clothes are
in the record, and since
a picture is worth a
thousand words, here is
a photograph of a man
modeling the clothes:”



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Appellate Practice in the Digital Age

Also available as part of the eCourse

[2020 Robert O. Dawson eConference on Criminal Appeals](#)

First appeared as part of the conference materials for the
2020 Robert O. Dawson Conference on Criminal Appeals session
"Appellate Practice in the Digital Age"