

1       **Rule 12. Transmission of the record.**

2       (a) Duty ~~of reporter~~ to prepare and file transcript; request for enlargement of time;  
3 notice to appellate court.

4       (a)(1) Upon receipt of a request for a transcript, the ~~court executive shall file with the~~  
5 ~~clerk of the appellate court an acknowledgment that the request has been received and~~  
6 ~~the date of its receipt. The clerk of the appellate~~ court executive shall assign the  
7 preparation of the transcript to ~~an official—the~~ court reporter who reported the  
8 proceedings or, if recorded on video or audio equipment, to an official court transcriber  
9 in accordance with CJA 3-305 and notify the requesting party of the assignment. By  
10 stipulation of the parties approved by the appellate court, a person other than an official  
11 court transcriber may transcribe a recorded hearing.

12       (a)(2) A party requesting a transcript shall make satisfactory arrangements for  
13 paying the fee to the reporter or transcriber and notify the clerk of the appellate court of  
14 the date on which satisfactory arrangements were made. The transcript shall be  
15 completed and filed within 30 days ~~of the assignment after that date.~~

16       ~~(a)(2)–(a)(3)~~ The reporter or transcriber may request from the clerk of the appellate  
17 court an enlargement of time in which to file the transcript. The request for enlargement  
18 of time shall be in writing and shall contain the elements stated in CJA 5-201(1). If filed  
19 prior to the expiration of the transcript preparation period, the request shall make a  
20 showing of good cause. If filed after the expiration of the period, the request shall make  
21 a showing of extraordinary circumstances beyond the control of the reporter or  
22 transcriber. The reporter or transcriber shall provide a copy of the request to the parties.  
23 The clerk of the appellate court shall provide written notice of the disposition of the  
24 request for enlargement of time to the ~~court~~ reporter or transcriber, and the parties, ~~and~~  
25 ~~the court executive. If the reporter fails to file the transcript within the original or~~  
26 ~~extended period of time, the clerk of the appellate court shall notify the court executive.~~

27       ~~(a)(3)–(a)(4)~~ Upon completion of the transcript, ~~if prepared by a certified court~~  
28 ~~reporter,~~ the reporter and, if applicable, the transcriber shall certify that the transcript is  
29 a true and correct record of the court hearing or of the file provided by the clerk of the  
30 appellate court. The reporter or transcriber shall prepare an index of its contents and file  
31 the text file, transcript and index with the clerk of the trial court and notify the clerk of the

32 appellate court that the transcript has been filed. At the request of the person ordering  
33 the transcript or at the request of the appellate court, the ~~court~~-reporter or transcriber  
34 shall file the transcript in a compressed format that places multiple complete pages of  
35 the original transcript upon each page of compressed transcript. The compressed  
36 transcript shall retain the page and line numbers of the original transcript. A compressed  
37 transcript may be certified as a correct copy of the original.

38 (b) Transmittal of record on appeal to appellate court; ~~duty of trial court clerk or~~  
39 ~~agency clerk.~~

40 ~~\_(b)(1) Duty of trial court clerk in criminal and postconviction cases. In criminal and~~  
41 ~~postconviction cases, unless otherwise ordered by the appellate court the record will be~~  
42 ~~transmitted by the clerk of the trial court to the clerk of the appellate court upon~~  
43 ~~completion of the transcript under paragraph (a) above or, if there is no transcript, within~~  
44 ~~20 days of the filing of the notice of appeal. In cases where a party or a party's counsel~~  
45 ~~notifies the court clerk in writing that the presentence investigation report is relevant to~~  
46 ~~an issue on appeal, the clerk shall include the sealed presentence investigation report~~  
47 ~~as part of the record.~~

48 ~~(b)(2) Duty of trial court clerk in civil cases. In civil cases other than post-conviction~~  
49 ~~cases, unless otherwise ordered by the appellate court, the record shall remain in the~~  
50 ~~custody of the trial court clerk during the preparation and filing of briefs unless checked~~  
51 ~~out by counsel. During the briefing period, counsel for the parties who are members of~~  
52 ~~the Utah State Bar in good standing may, as officers of the court, check out the record~~  
53 ~~upon written request to the trial court clerk. The record may be mailed by registered mail~~  
54 ~~or other reputable overnight carrier, return receipt requested, provided that the party~~  
55 ~~requesting mailing makes advance arrangements with the clerk, and pays the cost of~~  
56 ~~shipping. The record may be picked up in person by such an officer of the court, or his~~  
57 ~~or her authorized agent. Each attorney shall be responsible for promptly returning the~~  
58 ~~record to the clerk of the trial court not later than when that party's brief is filed.~~

59 ~~(b)(2)(A) Transmit index. When the transcript is completed pursuant to paragraph (a)~~  
60 ~~above, the clerk of the trial court shall immediately transmit a certified copy of the index~~  
61 ~~prepared pursuant to Rule 11(b) to the clerk of the appellate court. If there is no~~  
62 ~~transcript requested, the clerk of the trial court shall transmit the index of the record to~~

63 ~~the clerk of the appellate court within 20 days, but not sooner than 14 days, after the~~  
64 ~~filing of the notice of appeal.~~

65 ~~(b)(2)(B) Transmit record. Within 10 days from the date of notice from the clerk of~~  
66 ~~the appellate court that briefing is complete the clerk of the trial court shall transmit the~~  
67 ~~papers, transcript and exhibits in the appeal to the appellate court.~~

68 ~~(b)(3) Duty of court clerk in juvenile court cases. In juvenile court cases, the record~~  
69 ~~will be transmitted by the juvenile court clerk to the clerk of the appellate court upon~~  
70 ~~completion of the transcript under paragraph (a) above or, if there is no transcript, within~~  
71 ~~20 days of the filing of the notice of appeal.~~

72 ~~(b)(4) Duty of clerk in agency cases. In agency cases, unless otherwise ordered by~~  
73 ~~the appellate court, the record shall remain in the custody of the agency during the~~  
74 ~~preparation and filing of briefs.~~

75 ~~(b)(4)(A) Transmit index. When the transcript is completed pursuant to paragraph (a)~~  
76 ~~above, the clerk shall immediately transmit a certified copy of the index prepared~~  
77 ~~pursuant to Rule 11(b) to the clerk of the appellate court. If there is no transcript~~  
78 ~~requested, the clerk shall transmit the index of the record to the clerk of the appellate~~  
79 ~~court within 20 days, but not sooner than 14 days, after the filing of the petition for~~  
80 ~~review.~~

81 ~~(b)(4)(B) Transmit record. Within 10 days from the date of notice from the clerk of~~  
82 ~~the appellate court that briefing is complete, the clerk shall transmit the papers,~~  
83 ~~transcript and exhibits in the appeal to the appellate court.~~

84 ~~(b)(5) Transmission of exhibits. Documents of unusual bulk or weight, and physical~~  
85 ~~exhibits other than documents shall not be transmitted by the clerk of the trial court~~  
86 ~~unless directed to do so by a party or by the clerk of the appellate court. A party must~~  
87 ~~make advance arrangements with the clerks for the transportation and receipt of~~  
88 ~~exhibits of unusual bulk or weight.~~

89 ~~(c) Retention of the record in the trial court. If the record or any part of it is required~~  
90 ~~in the trial court beyond the time set forth in paragraph (b) of this rule, the trial court on~~  
91 ~~its own motion or after motion of a party may order the clerk of the trial court to retain~~  
92 ~~the record or parts thereof subject to the request of the appellate court. The clerk of the~~

93 ~~trial court shall transmit a copy of the order and of the index and the portion of the~~  
94 ~~record not retained by the trial court to the clerk of the appellate court.~~

95 (b)(1) Transmittal of index. Within 20 days from the date of request from the  
96 appellate court, the trial court, juvenile court, or government agency shall transmit a  
97 certified copy of the index prepared pursuant to Rule 11(b) to the clerk of the appellate  
98 court.

99 (b)(2) Transmittal of non-paginated record. Within 7 days from the date of request  
100 from the appellate court, the trial court, juvenile court, or government agency shall  
101 transmit the papers and any transcripts on file to the clerk of the appellate court. These  
102 papers may be sent “as is,” without pagination, and will be used by the appellate court  
103 for purposes of preliminary review. If the appeal is not summarily dismissed, the record  
104 will be returned for indexing and pagination.

105 (b)(3) Transmittal of paginated record. Within 20 days from the date of request from  
106 the appellate court, the trial court, juvenile court, or government agency shall transmit  
107 the papers, transcripts and exhibits in the appeal to the appellate court.

108 (b)(4) Transmission of exhibits. Documents of unusual bulk or weight, and physical  
109 exhibits other than documents, photographs, or binders, shall not be transmitted by the  
110 trial court, juvenile court, or government agency unless directed to do so by a party or  
111 by the clerk of the appellate court. A party must make advance arrangements with the  
112 clerks for the transportation and receipt of exhibits of unusual bulk or weight.

113 (b)(5) Checking out record on appeal. During the briefing period, counsel for the  
114 parties who are members of the Utah State Bar in good standing may, as officers of the  
115 court, check out the record upon written request to the clerk of court of the court in  
116 possession of the record on appeal. The record may be mailed by registered mail or  
117 other reputable overnight carrier, return receipt requested, provided that counsel  
118 requesting mailing makes advance arrangements with the clerk and pays the cost of  
119 shipping. The record may be picked up in person by counsel, or his or her authorized  
120 agent. Counsel shall be responsible for promptly returning the record to the court not  
121 later than when the party's brief is filed.

122 ~~(d)-(c)~~ Expedited transmittal of parts of the record. If prior to the time the record is  
123 transmitted the record is required in the appellate court, the clerk of the trial court at the

124 request of any party or of the appellate court shall transmit to the appellate court such  
125 parts of the original record as designated.

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