

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

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

4       (a)(1) Upon receipt of a request for a transcript, the court executive shall file with the clerk of  
5 the appellate court an acknowledgment that the request has been received and the date of its  
6 receipt. The court executive shall assign the preparation of the transcript to an official court  
7 reporter or, if recorded on video or audio equipment, to an official court transcriber in accordance  
8 with CJA 3-305. By stipulation of the parties approved by the appellate court, a person other than  
9 an official court transcriber may transcribe a recorded hearing. The transcript shall be completed  
10 and filed within 30 days of the assignment.

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

21       (a)(3) Upon completion of the transcript, if prepared by a certified court reporter, the reporter  
22 shall prepare an index of its contents and file the transcript and index with the clerk of the trial  
23 court and notify the clerk of the appellate court that the transcript has been filed. At the request of  
24 the person ordering the transcript or at the request of the appellate court, the court reporter shall  
25 file the transcript in a compressed format that places multiple complete pages of the original  
26 transcript upon each page of compressed transcript. The compressed transcript shall retain the  
27 page and line numbers of the original transcript. A compressed transcript may be certified as a  
28 correct copy of the original.

29       (b) Transmittal of record on appeal to appellate court; duty of trial court clerk or agency

30 clerk.

31 (b)(1) Duty of trial court clerk in criminal and postconviction cases. In criminal and  
32 postconviction cases, unless otherwise ordered by the appellate court the record will be  
33 transmitted by the clerk of the trial court to the clerk of the appellate court upon completion of  
34 the transcript under paragraph (a) above or, if there is no transcript, within 20 days of the filing of  
35 the notice of appeal. In cases where a party or a party's counsel notifies the court clerk in writing  
36 that the presentence investigation report is relevant to an issue on appeal, the clerk shall include  
37 the sealed presentence investigation report as part of the record.

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

48 (b)(2)(A) Transmit index. When the transcript is completed pursuant to paragraph (a) above,  
49 the clerk of the trial court shall immediately transmit a certified copy of the index prepared  
50 pursuant to Rule 11(b) to the clerk of the appellate court. If there is no transcript requested, the  
51 clerk of the trial court shall transmit the index of the record to the clerk of the appellate court  
52 within 20 days, but not sooner than 14 days, after the filing of the notice of appeal.

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

56 (b)(3) Duty of court clerk in juvenile court cases. In juvenile court cases, the record will be  
57 transmitted by the juvenile court clerk to the clerk of the appellate court upon completion of the  
58 transcript under paragraph (a) above or, if there is no transcript, within 20 days of the filing of the

59 notice of appeal.

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

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

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

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

75 (c) Retention of the record in the trial court. If the record or any part of it is required in the  
76 trial court beyond the time set forth in paragraph (b) of this rule, the trial court on its own motion  
77 or after motion of a party may order the clerk of the trial court to retain the record or parts thereof  
78 subject to the request of the appellate court. The clerk of the trial court shall transmit a copy of  
79 the order and of the index and the portion of the record not retained by the trial court to the clerk  
80 of the appellate court.

81 (d) Expedited transmittal of parts of the record. If prior to the time the record is transmitted  
82 the record is required in the appellate court, the clerk of the trial court at the request of any party  
83 or of the appellate court shall transmit to the appellate court such parts of the original record as  
84 designated.

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