

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

2 (a) Duty 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 clerk of the appellate court shall
5 assign the preparation of the transcript to the court reporter who reported the
6 proceedings or, if recorded on video or audio equipment, to an official court transcriber
7 and notify the requesting party of the assignment. By stipulation of the parties approved
8 by the appellate court, a person other than an official court transcriber may transcribe a
9 recorded hearing.

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

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

23 (a)(4) Upon completion of the transcript, the reporter and, if applicable, the
24 transcriber shall certify that the transcript is a true and correct record of the court
25 hearing or of the file provided by the clerk of the appellate court. The reporter or
26 transcriber shall prepare an index of its contents and file the ~~text~~ electronic file through
27 the transcript management program. The original hard copy of the transcript and index
28 shall be filed with the clerk of the trial court. ~~and notify the clerk of the appellate court~~
29 ~~that the transcript has been filed.~~ At the request of the person ordering the transcript or
30 at the request of the appellate court, the reporter or transcriber shall file the transcript in

31 a compressed format that places multiple complete pages of the original transcript upon
32 each page of compressed transcript. The compressed transcript shall retain the page
33 and line numbers of the original transcript. A compressed transcript may be certified as
34 a correct copy of the original.

35 (b) Transmittal of record on appeal to appellate court.

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

40 (b)(2) Transmittal of non-paginated record. Within 7 days from the date of request
41 from the appellate court, the trial court, juvenile court, or government agency shall
42 transmit the papers and any transcripts on file to the clerk of the appellate court. These
43 papers may be sent "as is," without pagination, and will be used by the appellate court
44 for purposes of preliminary review. If the appeal is not summarily dismissed, the record
45 will be returned for indexing and pagination.

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

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

54 (b)(5) Checking out record on appeal. During the briefing period, counsel for the
55 parties who are members of the Utah State Bar in good standing may, as officers of the
56 court, check out the record upon written request to the clerk of court of the court in
57 possession of the record on appeal. The record may be mailed by registered mail or
58 other reputable overnight carrier, return receipt requested, provided that counsel
59 requesting mailing makes advance arrangements with the clerk and pays the cost of
60 shipping. The record may be picked up in person by counsel, or his or her authorized

61 agent. Counsel shall be responsible for promptly returning the record to the court not
62 later than when the party's brief is filed.

63 (c) Expedited transmittal of parts of the record. If prior to the time the record is
64 transmitted the record is required in the appellate court, the clerk of the trial court at the
65 request of any party or of the appellate court shall transmit to the appellate court such
66 parts of the original record as designated.

67 **Advisory Committee Notes**

68 The amendment keeps the requirement that the court reporter acknowledge the
69 receipt of the request for transcript. Formerly, that acknowledgment was to appear at
70 the foot of the request itself. Rule 12 now treats the acknowledgment as a separate
71 document. The content of the acknowledgment includes a statement regarding the
72 satisfactory arrangement for payment. Until satisfactory arrangements for payment
73 have been made, the reporter is under no obligation to prepare the transcript.

74 Rule 12 is amended to impose upon the court reporters the same standard of "good
75 cause" and the same procedures now applicable to parties in seeking an extension of
76 time for preparation of the transcript.