

## Agenda

### Utah Supreme Court Advisory Committee Utah Rules of Appellate Procedure

*Paul C. Burke, Chair*

Location: Webex (see calendar appointment for instructions)  
Date: May 6, 2021  
Time: 12:00 to 1:30 p.m.

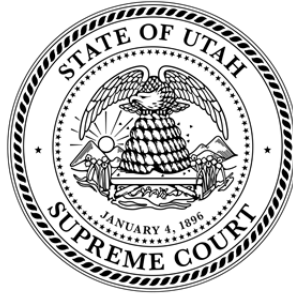
<b>Action:</b> Welcome and approval of April 1, 2021 minutes	Tab 1	Paul C. Burke, Chair
<b>Action:</b> Rules 59-62 (child welfare rules)	Tab 2	Adam Trupp, Margaret Lindsay
<b>Action:</b> Draft letter re: long-standing appellate cases	Tab 3	Lisa Collins, Sarah Roberts
<b>Action:</b> Rule 11	Tab 4	Sarah Roberts
<b>Action:</b> Rule 12	Tab 5	Sarah Roberts
<b>Discussion:</b> Old/new business		Paul C. Burke

**Committee Webpage:** <https://www.utcourts.gov/utc/appellate-procedure/>

#### **2021 Meeting schedule:**

June 3, 2021	September 2, 2021	December 2, 2021
July 1, 2021	October 7, 2021	
August 5, 2021	November 4, 2021	

Tab 1



## Minutes

### Supreme Court's Advisory Committee on the Utah Rules of Appellate Procedure

Administrative Office of the Courts  
450 South State Street  
Salt Lake City, Utah 84114

Via WebEx Videoconference  
Thursday, April 1, 2021  
12:00 pm to 2:00 pm

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#### PRESENT

Christopher Ballard  
Paul C. Burke—Chair  
Jacqueline Carlton—  
Guest  
Lisa Collins  
Tyler Green  
R. Shawn Gunnarson  
Michael Judd—  
Recording Secretary  
Joanna Landau—Guest

Debra Nelson—Guest  
Judge Gregory Orme  
Judge Jill Pohlman  
Sarah Roberts—Staff  
Clark Sabey  
Nathalie Skibine  
Scarlet Smith  
Nick Stiles—Staff  
Mary Westby

#### EXCUSED

Troy Booher—  
Emeritus Member  
Patrick Burt  
Alan Mouritsen  
Rodney Parker

#### 1. Welcome, Approval of March 2021 Minutes

Paul C. Burke

Paul Burke welcomed the committee and thanked its members for their attendance. The committee reviewed the March 2021 minutes. Mr. Burke suggested that a missing honorific be added in Section 5, and the committee agreed. Mary Westby suggested that the minutes be amended to clarify the result of the committee's discussion regarding Rules 30 and 31: Rule 30 was passed as amended, while Rule 31 was tabled. The committee agreed that that amendment accurately reflected the committee's treatment of those



parties were already addressed in subpart (b)(1), Mr. Ballard recommended that the option to stipulate to an expedited decision appear in its own subpart. Mr. Ballard also recommended that the words “and stipulation” be stricken from the title language of subpart 31(a). The committee also recommended that subpart 31(a) refer to an “expedited decision” rather than an “expedited hearing,” and that the lead title for the rule be simply “Expedited Decisions.” The committee retitled subpart 31(c), “Procedure for expedited decision.”

*Following those changes, Judge Pohlman moved to adopt, and Mr. Ballard seconded that motion. The motion passed without objection by unanimous consent.*

Mr. Burke suggested that the committee present the draft rule and the planned draft letter together for Supreme Court’s consideration.

**4. Action: Sarah Roberts**  
**Rules 23, 27, 56**

Sarah Roberts introduced the proposed amendments. Those amendments relate to the committee’s project to combine form requirements into a single rule, by incorporating Standing Order 11 and moving form-related requirements to one place. After discussion about timing, the committee agreed to change the time requirement in subpart 23(c) back to “5 days” until large-scale timing rules are changed.

*With that change made, Ms. Westby moved to approve Rule 23. Judge Pohlman seconded, and it passed without objection by unanimous consent.*

The committee discussed the proper terminology for cover and caption pages in the context of Rule 27(c), then moved to a discussion of binding. The committee also discussed striking line 85 on to conform to existing practice.

*After that brief discussion, Tyler Green moved to approve Rule 27 as amended and as reflected on-screen at the committee’s meeting. Lisa Collins seconded that motion and it passed without objection by unanimous consent.*

*After brief discussion to confirm agreement to the proposed changes, Ms. Westby moved to approve Rule 56 as it appeared on-screen. Judge Pohlman seconded and it, too, passed without objection by unanimous consent..*

Near the close of the meeting, Ms. Collins noted a possible concern regarding the “postmark date” provision contained in the rules, and given the lack of time to discuss that concern in detail, suggested that she follow up on that concern by email.

5. **Action:**  
**Rule 11**

**Debra Nelson**  
**Joanna Landau**  
**Judge Pohlman**

Debra Nelson and Joanna Landau joined the committee to discuss the problem of transcript costs, as it relates to indigent defense. Ms. Nelson and Ms. Landau explained that the indigent-defense office needs time to review and evaluate cases before ordering often-expensive transcripts. The committee understands that the Supreme Court has been informed of the proposed changes and approves of them. Ms. Collins reminded the committee of one implication of the proposed change: the additional length of time tacked on to any affected cases. Ms. Nelson suggested that the proposed changes would not apply to all cases, and that even when extra time to consider transcript orders is extended, it will not always be used.

The committee also discussed subpart 11(e), as it relates to issues regarding the record on appeal. The committee noted that a record full of contradictory statements is of little use to the appellate court, and that amendments to the rule need to be sensitive to that concern. The committee also discussed Rule 11(f), addressing the rule's unusual language in an effort to clarify its meaning.

*Following that discussion, Judge Orme moved to table the proposed amendments to allow for more time to consider full scope of changes. Judge Pohlman seconded that motion and it passed without objection by unanimous consent.*

6. **Action:**  
**Rule 12**

**Judge Pohlman**  
**Sarah Roberts**

Given that the committee did not have time to discuss Rule 12 in meaningful detail, the committee elected to defer that discussion until a future meeting.

7. **Discussion:**  
**Old / New Business**

**Paul C. Burke**

None.

**8. Adjourn**

*The committee adjourned its April 2021 meeting and will meet again on May 6, 2021.*

Tab 2



Proposed Changes to Utah Child Welfare Appeals  
Rule 52-59, Utah Rules of Appellate Procedure  
11.12.20 DRAFT

**Rule 52. Time for Appeal**

No change

**Rule 53. Time for Appeal**

No change

**Rule 54. Transcripts and Duty of Appellant**

(a) Duty of appellant to request transcript. Within 4 days after filing the notice of appeal, the appellant shall file with the clerk of the appellate court a written request for transcript, specifying the entire proceeding or parts of the proceeding to be transcribed that are not already on file. Within the same period, the appellant shall file a copy with the clerk of the juvenile court and serve the parties.

(b) If appellant intends to urge on appeal that a finding or conclusion is unsupported by or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to such finding or conclusion. Neither the court nor the appellee is obligated to correct appellant's deficiencies in providing the relevant portions of the transcript.

(c) Notice that no transcript needed. If no parts of the proceeding need to be transcribed, within four days after filing the notice of appeal, the appellant shall file a notice to that effect with the clerk of the Court of Appeals and a copy with the clerk of the juvenile court.

(d) After filing the notice of appeal, the appellant shall take any other action necessary to enable the clerk of the juvenile court to assemble and transmit the record on appeal to the appellate court. (NOTE: this is language taken from Rule 11. Another approach would be to require a specific designation of record from appellant.)

**Rule 55. Petition on Appeal**

(a) Filing; dismissal for failure to timely file. The appellant must file with the clerk of the Court of Appeals a petition on appeal within 15 days from the filing of the notice of appeal or the amended notice of appeal **transmission of the record on appeal by the Court of Appeals to each party**. ~~The petition will be deemed filed on the date of the postmark if first-class mail is used.~~ **Filing of the petition shall be in accordance with Rule 21(a)**. If the petition on appeal is not timely filed, the court may dismiss the appeal or take other appropriate action. The petition must be accompanied by proof of service. The appellant must serve a copy on counsel

of record of each party, including the Guardian ad Litem, or, if the party is not represented by counsel, then on the party at the party's last known address, in the manner prescribed in Rule 21(c).

(b) Preparation by ~~trial~~ counsel. **If the petitioner has appointed counsel in the juvenile court, or has been found to be indigent, then the petition on appeal must be prepared by appellate counsel pursuant to the requirements of Rule 11-401 of the Utah Code of Judicial Administration. Otherwise, [t]he petition on appeal** must be prepared by appellant's trial counsel. Trial counsel may only be relieved of this obligation by the juvenile court upon a showing of extraordinary circumstances. Claims of ineffective assistance of counsel do not constitute extraordinary circumstances but should be raised by trial counsel in the petition on appeal.

(c) Format. All petitions on appeal must substantially comply with the Petition on Appeal form that accompanies these rules. The petition must not exceed ~~15 pages~~ **7,000 words<sup>1</sup>**, excluding the attachments required by Rule 55(d)(7). The petition ~~must be typewritten, printed or prepared by photocopying or other duplicating or copying process that will produce clear, black and permanent copies equally legible to printing, on opaque, unglazed paper 8 inches wide and 11 inches long. Paper may be recycled paper, with or without deinking. The printing must be double spaced, except for matter customarily single spaced and indented. Margins must be at least one inch on the top, bottom and sides of each page. Page numbers may appear in the margins. Either a proportionally spaced or monospaced typeface in a plain, roman style may be used. A proportionally spaced typeface must be 13 point or larger for both text and footnotes. Examples are CG Times, Times New Roman, New Century, Bookman and Garamond. A monospaced typeface may not contain more than ten characters per inch for both text and footnotes. Examples are Pica and Courier~~ **must comply with Rule 27(a) and (b), except that it may be printed or duplicated on one side of the sheet.**

(d) Contents. The petition on appeal must include all of the following elements:

(d)(1) A statement of the nature of the case and the relief sought.

(d)(2) The entry date of the judgment or order on appeal.

(d)(3) The date and disposition of any post-judgment motions.

(d)(4) A concise statement of the material adjudicated facts as they relate to the issues presented in the petition on appeal.

(d)(5) A statement of the legal issues presented for appeal, how they were preserved for appeal, and the applicable standard of review. The issue statements should be concise in nature, setting forth specific legal questions. General, conclusory statements such as "the juvenile court's ruling is not supported by law or the facts" are not acceptable.

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<sup>1</sup> 7000 is the length of a reply brief. Rule 55 currently does not require—nor really provide for—argument as to issues raised on appeal.

(d)(6) The petition should include supporting statutes, case law, and other legal authority **and argument** for each issue raised, including authority contrary to appellant's case, if known.

(d)(7) The petition on appeal must have attached to it:

(d)(7)(A) a copy of the order, judgment, or decree on appeal;

(d)(7)(B) a copy of any rulings on post-judgment motions.

### **Rule 56. Response to petition on appeal.**

(a) Filing. Any appellee, including the Guardian ad Litem, may file a response to the petition on appeal. ~~An original and four copies of the response must be filed with the clerk of the Court of Appeals within 15 days after service of the appellant's petition on appeal.~~ **Filing of the petition must be in accordance with Rule 21(a).** It shall be accompanied by proof of service. ~~The response shall be deemed filed on the date of the postmark if first-class mail is utilized.~~ The appellee shall serve a copy on counsel of record of each party, including the Guardian ad Litem, or, if the party is not represented by counsel, then on the party at the party's last known address, in the manner prescribed in Rule 21(c).

(b) Format. A response shall substantially comply with the Response to Petition on Appeal form that accompanies these rules. The response shall not exceed ~~15 pages~~ **7,000 words**, excluding any attachments, and shall comply with Rule 27(a) and (b), except that it may be printed or duplicated on one side of the sheet.

### **Rule 57. Record on appeal; transmission of record.**

(a) The record on appeal shall include the legal file, any exhibits admitted as evidence, and any transcripts.

(b) The record shall be transmitted by the juvenile court clerk to the clerk of the Court of Appeals upon completion of the transcript or, if there is no transcript, within 20 days after the filing of the notice of appeal.

### **Rule 58. Ruling.**

(a) After reviewing the petition on appeal, any response, and the record, the Court of Appeals may rule by opinion, memorandum decision, or order. The Court of Appeals may issue a decision or may set the case for full briefing under [Rule 24](#). The Court of Appeals may order an expedited briefing schedule and specify which issues shall be briefed.

~~(b) If the Court of Appeals sets the case for briefing under [Rule 24](#) and the petitioner has appointed counsel, the Court of Appeals will remand to the juvenile court to appoint appellate counsel pursuant to [Rule 11-401](#) of the Utah Code of Judicial Administration.~~

(c) If the Court of Appeals affirms, reverses, or remands the juvenile court order, judgment, or decree, further review pursuant to [Rule 35](#) may be sought, but refusal to grant full briefing shall not be a ground for such further review.

**Rule 59. Extensions of Time.**

No change.

# Tab 3

**Michele M. Christiansen Forster**  
Presiding Judge  
**Jill M. Pohlman**  
Associate Presiding Judge  
**Gregory K. Orme**  
Judge  
**Kate Appleby**  
Judge  
**David N. Mortensen**  
Judge  
**Ryan M. Harris**  
Judge  
**Diana Hagen**  
Judge

# Utah Court of Appeals

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**Nick Stiles**  
Appellate Court Administrator  
**Lisa A. Collins**  
Clerk of Court

[Date]

[Party Name]

[Email]

State v. Doe

Court of Appeals No. 2021XXXX-CA

Dear Counsel,

The case referenced above was argued on [date]. Typically, the court will issue its decisions within nine months of hearing oral argument, with most decisions issuing more quickly, and some decisions, for a variety of reasons, taking longer. This case is unfortunately in the latter category, but I wanted to assure you that it has not fallen through the cracks. This matter is receiving sustained attention from the responsible judges, who are mindful of the uncharacteristic delay. The court anticipates that a decision will be forthcoming soon. Thank you for your continued patience.

Respectfully,

Lisa A. Collins  
Clerk of Court

Tab 4

1 **Rule 11. The record on appeal.**

2 (a) **Composition of the record on appeal.** The record on appeal consists of the original  
3 papers documents and exhibits filed in or considered by in the trial court, including the  
4 presentence report in criminal matters, the transcript of proceedings, if any, and the  
5 record index. ~~prepared by the clerk of the trial court, and the docket sheet, shall~~  
6 ~~constitutes the record on appeal in all cases. A copy of the record certified by the clerk~~  
7 ~~of the trial court to conform to the original may be substituted for the original as the~~  
8 ~~record on appeal. Only those papers prescribed under paragraph (d) of this rule shall be~~  
9 ~~transmitted to the appellate court.~~ The record must include all of these items, unless the  
10 appellate court directs otherwise on its own motion or on granting a party's motion to  
11 amend or supplement the record.

12 (b) Preparing, pagination, and indexing of the record.

13 (1) Preparing the record. ~~Immediately upon filing of the notice of appeal~~ On the  
14 appellate court's request, ~~the clerk of the trial court clerk shall will securely~~  
15 ~~fasten the record in a trial court case file, with collation~~ prepare the record in the  
16 following order:

17 (A) the record index ~~prepared by the clerk;~~

18 ~~(B) the docket sheet;~~

19 ~~(C)~~ all original papers documents in chronological order;

20 ~~(D)~~ all published depositions in chronological order;

21 ~~(E)~~ all transcripts prepared for appeal in chronological order;

22 ~~(F)~~ a list of all exhibits offered in the proceeding; and

23 ~~(G)~~ in criminal cases, the presentence investigation report.

24 (2) Pagination.

25 (A) ~~The clerk shall mark the bottom right corner of every page of the~~  
26 ~~collated index, docket sheet, and all original papers as well as~~ Using bates



27 numbering, the entire record must be paginated, except that only the  
28 cover pages must be paginated ~~only of~~ n all published depositions and ~~and~~  
29 ~~the cover page only of each volume of~~ transcripts prepared for appeal  
30 ~~constituting the record with a sequential number using one series of~~  
31 ~~numerals for the entire record.~~

32 (B) If the appellate court requests a supplemental record ~~is forwarded to~~  
33 ~~the appellate court~~, the ~~clerk shall collate~~ same procedures as in (b)(2)(A)  
34 apply, continuing bates numbering from the last page number of the  
35 original record. ~~the papers, depositions, and transcripts of the~~  
36 ~~supplemental record in the same order as the original record and mark the~~  
37 ~~bottom right corner of each page of the collated original papers as well as~~  
38 ~~the cover page only of all published depositions and the cover page only~~  
39 ~~of each volume of transcripts constituting the supplemental record with a~~  
40 ~~sequential number beginning with the number next following the number~~  
41 ~~of the last page of the original record.~~

42 (3) Index. ~~The clerk shall prepare a~~ A chronological index of the record must  
43 accompany the record on appeal. For each document, deposition, or transcript,  
44 ~~T~~the index ~~shall~~ must contain ~~a reference to~~ the date of filing and starting page of  
45 the record ~~on which the paper, deposition or transcript was filed in the trial court~~  
46 ~~and the starting page of the record on which the paper, deposition or transcript~~  
47 ~~will be found.~~

48 (4) Examining the record. ~~Clerks of the trial and a~~ Appellate courts clerks  
49 ~~shall~~ will establish rules and procedures for parties to ~~checking~~ ing out the record  
50 after pagination. ~~for use by the parties in preparing briefs for an appeal or in~~  
51 ~~preparing or briefing a petition for writ of certiorari.~~

52 (c) **Duty of appellant.** ~~After filing the notice of appeal, t~~ The appellant, or in the event  
53 that more than one appeal is taken, each appellant, ~~shall~~ must comply with ~~the~~  
54 ~~provisions of paragraphs (d) and (ed) of this rule and shall~~ must take any other action

55 necessary to enable ~~the clerk of~~ the trial court clerk to assemble and transmit the record.  
56 ~~A single record shall be transmitted.~~

57 ~~(d) Papers on appeal.~~

58 ~~(1) Criminal cases. All of the papers in a criminal case shall be included by the~~  
59 ~~clerk of the trial court as part of the record on appeal.~~

60 ~~(2) Civil cases. Unless otherwise directed by the appellate court upon sua sponte~~  
61 ~~motion or motion of a party, the clerk of the trial court shall include all of the~~  
62 ~~papers in a civil case as part of the record on appeal.~~

63 ~~(3) Agency cases. Unless otherwise directed by the appellate court upon sua~~  
64 ~~sponte motion or motion of a party, the agency shall include all papers in the~~  
65 ~~agency file as part of the record.~~

66 **(ed) The transcript of proceedings; duty of appellant to order; notice to appellee if**  
67 **partial transcript is ordered.**

68 (1) Request for transcript; time for filing. Within ~~104~~ days after filing the notice of  
69 appeal, or within 30 days of the notice of appeal where an indigent appellant has  
70 a statutory or constitutional right to counsel, the appellant ~~shall~~ must order the  
71 transcript(s) online at [www.utcourts.gov](http://www.utcourts.gov), specifying the entire proceeding or  
72 parts of the proceeding to be transcribed that are not already on file. The  
73 appellant ~~shall~~ must serve on the appellee a designation of those parts of the  
74 proceeding to be transcribed. ~~If the appellant desires a transcript in a compressed~~  
75 ~~format, appellant shall include the request for a compressed format within the~~  
76 ~~request for transcript.~~ If no such parts of the proceedings are to be requested,  
77 within the same period the appellant ~~shall~~ must file a certificate to that effect  
78 with the ~~clerk of the~~ appellate court clerk and serve a copy ~~of that certificate~~ on  
79 the appellee.

80 (2) Transcript required of all evidence regarding challenged finding or  
81 conclusion. If the appellant intends to ~~urge~~ argue on appeal that a finding or

82 conclusion is unsupported by or is contrary to the evidence, the appellant ~~shall~~  
83 must include in the record a transcript of all evidence relevant to such finding or  
84 conclusion. Neither the court nor the appellee is obligated to correct appellant's  
85 deficiencies in providing the relevant portions of the transcript.

86 (3) Statement of issues; ~~C~~cross-designation by appellee. If the appellant does not  
87 order the entire transcript, the appellee may, within ~~10~~4 days after the appellant  
88 ~~services of~~ the designation or certificate described in paragraph (e)(1) ~~of this~~  
89 ~~rule~~, order the transcript(s) in accordance with (e)(1), and file and serve on the  
90 appellant a designation of additional parts to be included.

91 ~~(f)~~(e) **Agreed statement as the record on appeal.** In lieu of the record on appeal as  
92 defined in paragraph (a) of this rule, the parties may prepare and sign a statement of  
93 the case, showing how the issues presented by the appeal arose and were decided in the  
94 trial court and setting forth only so many of the facts averred and proved or sought to  
95 be proved as are essential to a decision of the issues presented. If the court deems - the  
96 statement complete and accurate conforms to the truth, it, ~~together with such additions~~  
97 as the trial court may consider necessary fully to present the issues raised by the appeal,  
98 ~~shall~~ will be approved by the trial court. The ~~clerk of the~~ trial court clerk shall will  
99 transmit the statement to the ~~clerk of the~~ appellate court clerk within the time  
100 prescribed by Rule 12(b)(2). The ~~clerk of the~~ trial court clerk shall will transmit the  
101 record index ~~of the record~~ to the ~~clerk of the~~ appellate court clerk ~~up~~ upon the trial court's  
102 approval of the statement ~~by the trial court~~.

103 ~~(g)~~(f) **Statement of evidence or proceedings when no report was made or when**  
104 **transcript is unavailable.** If no report of the evidence or proceedings at a hearing or  
105 trial was made, or if a transcript is unavailable, or if the appellant is impecunious and  
106 unable to afford a transcript in a civil case, the appellant may prepare a statement of the  
107 evidence or proceedings from the best available means, including recollection. The  
108 statement ~~shall~~ must be served on the appellee, who may serve objections or propose  
109 amendments within ~~10~~4 days after service. The statement and any objections or

110 proposed amendments ~~shall~~ must be submitted to the trial court for resolution, and the  
111 trial court clerk will conform the record to such resolution. ~~for settlement and approval~~  
112 ~~and, as settled and approved, shall be included by the clerk of the trial court in the~~  
113 ~~record on appeal.~~

114 (hg) Supplementing or ~~Correction or modification~~ ing of the record.

115 (1) If any ~~difference-dispute~~ arises as to whether the record ~~truly discloses what~~  
116 ~~occurred in the trial court~~ is complete and accurate, the ~~difference-dispute shall~~  
117 may be submitted to and resolved ~~settled~~ by the ~~at~~ trial court. The trial court will  
118 ensure that ~~and~~ the record ~~made to conform to the truth~~ accurately reflects the  
119 proceedings before the trial court.

120 (2) If anything material to either party is omitted from or misstated ~~or is omitted~~  
121 ~~from in~~ the record by error of the trial court or court personnel, by accident, or  
122 because the appellant did not order a transcript of proceedings that the appellee  
123 needs to respond to issues raised in appellant's brief ~~the Brief of Appellant, the~~  
124 ~~parties by stipulation, the trial court, or the appellate court, either before or after~~  
125 ~~the record is transmitted, may direct that~~ the omission or misstatement may be  
126 corrected and, ~~if necessary, that~~ a supplemental record may be ~~certified~~ created  
127 and forwarded ~~and transmitted~~:

128 (A) on stipulation of the parties;

129 (B) by the trial court before or after the record has been forwarded; or

130 (C) by the appellate court on a motion from a party.

131 (3) The moving party, or the court if it is acting on its own initiative, ~~shall~~ must  
132 serve on the parties a statement of the proposed changes. Within 104 days after  
133 service, any party may serve objections to the proposed changes. ~~All other~~  
134 ~~questions as to the form and content of the record shall be presented to the~~  
135 ~~appellate court.~~

# Tab 5

1 **Rule 12. Transmission of ~~the~~ 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~~ On receiving a transcript request,  
5 the ~~clerk of the~~ appellate court clerk shall will assign ~~the preparation of the~~  
6 transcript preparation to the court reporter who reported the proceedings or, if  
7 recorded on video or audio equipment, to an official court transcriber and notify  
8 the requesting party of the assignment. With appellate court approval, By  
9 ~~stipulation of the parties approved by the appellate court,~~ the parties may  
10 stipulate that a person other than an official court transcriber may transcribe a  
11 recorded hearing.

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

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

27 (a)(4) ~~Upon completion of~~On completing the transcript, the reporter and, if  
28 applicable, the transcriber ~~shall~~must certify that the transcript is a true and  
29 correct record of the court hearing or of the file provided by the ~~clerk of the~~  
30 appellate court clerk. The reporter or transcriber ~~shall~~must prepare an index of  
31 its contents and file the electronic file through the transcript management  
32 program. ~~The original hard copy of the transcript and index shall must be filed~~  
33 ~~with the clerk of the trial court.~~ At the request of the person ordering the  
34 transcript or at the request of the appellate court, the reporter or transcriber  
35 ~~shall~~must file the transcript in a compressed format that places multiple  
36 complete pages of the original transcript upon each page of compressed  
37 transcript. The compressed transcript ~~shall~~must retain the page and line numbers  
38 of the original transcript. ~~A compressed transcript may be certified as a correct~~  
39 ~~copy of the original.~~

40 (b) ~~Transmittal of~~ing the record on appeal to the appellate court.

41 (b)(1) ~~Transmittal of~~ing an index. Within 20 days from the date of the appellate  
42 court's request ~~from the appellate court, the trial court, juvenile court, or~~  
43 ~~government agency shall must~~ transmit ~~a certified copy of~~ the index prepared  
44 ~~pursuant to~~under Rule 11(b) to the ~~clerk of the~~ appellate court clerk.

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

52 (b)(~~3~~2) ~~Transmittal of~~ing a paginated record. Within 20 days from the date of the  
53 appellate court's request ~~from the appellate court, the trial court, juvenile court,~~

54 ~~or government agency shall~~must transmit the ~~papers~~documents, transcripts, and  
55 exhibits in the appeal to the appellate court.

56 (b)(~~43~~) ~~Transmission of~~ting exhibits. Documents of unusual bulk or weight, and  
57 physical exhibits other than documents, photographs, or binders, ~~shall~~must not  
58 be transmitted by the trial court, ~~juvenile court, or government agency~~ unless  
59 directed to do so by a party or by the ~~clerk of the~~ appellate court clerk. A party  
60 must make advance arrangements with the clerks for ~~the transportation and~~  
61 ~~receipt of~~transporting and receiving exhibits of unusual bulk or weight.

62 (b)(~~54~~) Examining the record. During the briefing period, the parties may obtain  
63 a copy of the record on appeal from the appellate courts. If a digital record is  
64 available, it may be shared with the parties electronically.

65 (b)(~~65~~) Checking out the record on appeal. If a physical record on appeal exists,  
66 dDuring the briefing period, counsel for the parties who are members of the  
67 Utah State Bar in good standing may, as officers of the court, check out the  
68 record upon written request to the clerk of court of the court in possession of the  
69 record on appeal. The record may be mailed by registered mail or other  
70 reputable overnight carrier, return receipt requested, provided that counsel  
71 requesting mailing makes advance arrangements with the clerk and pays the cost  
72 of shipping. The record may be picked up in person by counsel, or his or her  
73 authorized agent. Counsel ~~shall~~must be responsible for promptly returning the  
74 record to the court not later than when the party's brief is filed.

75 (c) ~~Expedited~~ing the transmittal of parts of the record. If ~~prior to~~the appellate court  
76 requires the record before the time the record is transmitted ~~the record is required in the~~  
77 ~~appellate court~~, the ~~clerk of the~~ trial court clerk at the request of any party or of the  
78 appellate court ~~shall~~must transmit to the appellate court such parts of the original  
79 record as designated.