

1 | Rule 12. ~~Transmission of~~ ftting 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 payment
16 | arrangements have been made. that date.

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

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

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

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

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

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

55 ~~or government agency shall~~ must transmit the record, including papers,
56 transcripts, and exhibits, ~~in the appeal~~ to the appellate courts.

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

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

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

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

