

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

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

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

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

51 (b)(~~3~~2) ~~Transmittal of~~ing a paginated record. Within 20 days from the date of the  
52 appellate court's request ~~from the appellate court,~~ the trial court, ~~juvenile court,~~  
53 ~~or government agency shall~~must transmit the ~~papers~~documents, transcripts, and  
54 exhibits in the appeal to the appellate court.

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

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

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

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