

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

2    (a) **Composition of the record on appeal.** The record on appeal consists of the documents  
3    and exhibits filed in or considered by the trial court, including the presentence report in  
4    criminal matters, and the transcript of proceedings, if any.

5    (b) **Preparing, paginating, and indexing the record.**

6    (1) **Preparing the record.** On the appellate court's request, the trial court clerk will  
7    prepare the record in the following order:

8            (A) all original documents in chronological order;

9            (B) all published depositions in chronological order;

10           (C) all transcripts prepared for appeal in chronological order;

11           (D) a list of all exhibits offered in the proceeding;

12           (E) all exhibits; and

13           (F) in criminal cases, the presentence investigation report.

14           (2) **Pagination.**

15           (A) Using Bates numbering, the entire record must be paginated.

16           (B) If the appellate court requests a supplemental record, the same procedures as  
17           in (b)(2)(A) apply, continuing Bates numbering from the last page number of the  
18           original record.

19           (3) **Index.** A chronological index of the record must accompany the record on appeal.  
20           The index must identify the date of filing and starting page of the document,  
21           deposition, or transcript.

22           (4) **Examining the record.** Appellate court clerks will establish rules and procedures  
23           for parties to check out the record after pagination.

24           (c) **The transcript of proceedings; duty of appellant to order; notice to appellee if partial  
25           transcript is ordered.**

26       (1) **Request for transcript; time for filing.** Within 1421 days after filing the ~~notice of appeal, or within 30 days of the notice of appeal where an indigent appellant has a statutory or constitutional right to counsel~~docketing statement, the appellant must  
27       order the transcript(s) online at [www.utcourts.gov](http://www.utcourts.gov), specifying the entire proceeding  
28       or parts of the proceeding to be transcribed that are not already on file. The appellant  
29       must serve on the appellee a designation of those parts of the proceeding to be  
30       transcribed. If no such parts of the proceedings are to be requested, within the same  
31       period the appellant must file a certificate to that effect with the appellate court clerk  
32       and serve a copy on the appellee.

35       (2) **Transcript required of all evidence regarding challenged finding or conclusion.**  
36       If the appellant intends to argue on appeal that a finding or conclusion is unsupported  
37       by or is contrary to the evidence, the appellant must include in the record a transcript  
38       of all evidence relevant to such finding or conclusion. Neither the court nor the  
39       appellee is obligated to correct appellant's deficiencies in providing the relevant  
40       portions of the transcript.

41       (3) **Statement of issues; cross-designation by appellee.** If the appellant does not order  
42       the entire transcript, the appellee may, within 14 days after the appellant serves the  
43       designation or certificate described in paragraph (c)(1), order the transcript(s) in  
44       accordance with (c)(1), and serve on the appellant a designation of additional parts to  
45       be included.

46       (d) **Supplementing or modifying the record.**

47       (1) If any dispute arises as to whether the record is complete and accurate, the dispute  
48       may be submitted to and resolved by the trial court. The trial court will ensure that  
49       the record accurately reflects the proceedings before the trial court, including by  
50       entering any necessary findings to resolve the dispute.

51       (2) If anything material to either party is omitted from or misstated in the record by  
52       error of the trial court or court personnel, by accident, due to audio issues, or because

53 the appellant did not order a transcript of proceedings that the appellee needs to  
54 respond to issues raised in the appellant's brief, the omission or misstatement may be  
55 corrected and a supplemental record may be created and forwarded:

56 (A) on stipulation of the parties;

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

58 (C) by the appellate court on a motion from a party. The motion must state the  
59 position of every other party on the requested supplement or modification or why  
60 the movant was unable to learn a party's position.

61 (3) The moving party, or the court if it is acting on its own initiative, must serve on  
62 the parties a statement of the proposed changes. Within 14 days after service, any  
63 party may serve objections to the proposed changes.

64 (e) **Accessing sealed records.** Any portion of the record properly designated as sealed in  
65 the trial court remains sealed on appeal. A party may file a motion or petition to access  
66 the sealed portion of the record in accordance with [Rule 4-202.04](#) of the Utah Code of  
67 Judicial Administration.

68 Effective May~~November~~ 1, 20265