

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

2 (a) **Composition of the record on appeal.** The record on appeal consists of the
3 documents and exhibits filed in or considered by the trial court, including the
4 presentence report in 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
7 will 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; and

12 (E) in criminal cases, the presentence investigation report.

13 (2) **Pagination.**

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

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

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

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

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

25 (1) Request for transcript; time for filing. Within 14 days after filing the notice of
26 appeal, or within 30 days of the notice of appeal where an indigent appellant has
27 a statutory or constitutional right to counsel, the appellant must order the
28 transcript(s) online at www.utcourts.gov, specifying the entire proceeding or
29 parts of the proceeding to be transcribed that are not already on file. The
30 appellant must serve on the appellee a designation of those parts of the
31 proceeding to be transcribed. If no such parts of the proceedings are to be
32 requested, within the same period the appellant must file a certificate to that
33 effect with the appellate court clerk and serve a copy on the appellee.

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

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

45 (d) **Agreed statement as the record on appeal.** In lieu of the record on appeal as defined
46 in paragraph (a) of this rule, the parties may prepare and sign a statement of the case,
47 showing how the issues presented by the appeal arose and were decided in the trial
48 court and setting forth only so many of the facts averred and proved or sought to be
49 proved as are essential to a decision of the issues presented. If the court deems the
50 statement accurate, it, together with such additions as the trial court may consider
51 necessary fully to present the issues raised by the appeal, will be approved by the trial
52 court. The trial court clerk will transmit the statement to the appellate court clerk within

53 the time prescribed by Rule 12(b)(2). The trial court clerk will transmit the record to the
54 appellate court clerk on the trial court's approval of the statement.

55 (e) **Statement of evidence or proceedings when no report was made or when**
56 **transcript is unavailable.** If no report of the evidence or proceedings at a hearing or
57 trial was made, or if a transcript is unavailable, or if the appellant is impecunious and
58 unable to afford a transcript in a civil case, the appellant may prepare a statement of the
59 evidence or proceedings from the best available means, including recollection. The
60 statement must be served on the appellee, who may serve objections or propose
61 amendments within 14 days after service. The statement and any objections or
62 proposed amendments must be submitted to the trial court for resolution, and the trial
63 court clerk will conform the record to the trial court's resolution.

64 (f) **Supplementing or modifying the record.**

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

69 (2) If anything material to either party is omitted from or misstated in the record
70 by error of the trial court or court personnel, by accident, or because the
71 appellant did not order a transcript of proceedings that the appellee needs to
72 respond to issues raised in the appellant's brief, the omission or misstatement
73 may be corrected and a supplemental record may be created and forwarded:

74 (A) on stipulation of the parties;

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

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

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

82 | *Effective ~~November~~ May 1, 20223*