

1 **Rule 12. ~~Transmission of the record~~ Transcripts.**

2 **(a) Time for filing request for transcript.** Within 14 days after filing the notice of appeal, the
3 appellant must order online at www.utcourts.gov a transcript of the entire proceeding or desired parts of
4 the proceeding or file a certificate that no parts of the proceeding need to be transcribed. The appellant
5 must serve on the appellee a designation of the parts of the proceeding to be transcribed or the certificate
6 that no parts of the proceeding need to be transcribed.

7 **(b) Transcript required of all evidence regarding challenged finding.** If the appellant intends to
8 urge on appeal that a finding or conclusion is unsupported by or is contrary to the evidence, the appellant
9 must include in the record a transcript of all evidence relevant to the finding or conclusion. Neither the
10 court nor the appellee is obligated to correct appellant's deficiencies in providing the relevant portions of
11 the transcript.

12 **(c) Cross-designation by appellee.** If the appellant does not order the entire transcript, the appellee
13 may, within 14 days after the filing of the designation or certificate described in paragraph (a), order
14 additional parts of the proceeding to be transcribed.

15 **~~(a)(d) Duty to prepare and file transcript; request for enlargement of time; notice to appellate~~**
16 **court Assignment of reporter or transcriber; payment of fee.**

17 ~~(a)(1)-(d)(1)~~ Upon receipt of a request for a transcript, the clerk of the appellate court ~~shall will~~
18 assign the preparation of the transcript to the court reporter who reported the proceedings or, if
19 recorded on video or audio equipment, to an official court transcriber and notify the requesting party
20 of the assignment. ~~By stipulation of the parties approved by the appellate court, a person other than~~
21 ~~an official court transcriber may transcribe a recorded hearing.~~

22 ~~(a)(2)-(d)(2)~~ A party requesting a transcript ~~shall must~~ make satisfactory arrangements for paying
23 the fee to the reporter or transcriber and ~~notify the clerk of the appellate court of the date on which~~
24 ~~satisfactory arrangements were made.~~ The transcript ~~shall must~~ be completed and filed within 30
25 days after that date. Upon completion of the transcript, the reporter and, if applicable, the transcriber
26 must certify that the transcript is a true and correct record of the court hearing or of the file provided
27 by the clerk of the appellate court. The reporter or transcriber must prepare an index of its contents
28 and file the electronic file through the transcript management program.

29 ~~(a)(3)~~ The reporter or transcriber may request from the clerk of the appellate court an
30 enlargement of time in which to file the transcript. The request for enlargement of time shall be in
31 writing and shall contain the elements stated in CJA 5-201(1). If filed prior to the expiration of the
32 transcript preparation period, the request shall make a showing of good cause. If filed after the
33 expiration of the period, the request shall make a showing of extraordinary circumstances beyond the
34 control of the reporter or transcriber. The reporter or transcriber shall provide a copy of the request to
35 the parties. The clerk of the appellate court shall provide written notice of the disposition of the
36 request for enlargement of time to the reporter or transcriber and the parties.

37 ~~(a)(4) Upon completion of the transcript, the reporter and, if applicable, the transcriber shall certify~~
38 ~~that the transcript is a true and correct record of the court hearing or of the file provided by the clerk of~~
39 ~~the appellate court. The reporter or transcriber shall prepare an index of its contents and file the~~
40 ~~electronic file through the transcript management program. The original hard copy of the transcript~~
41 ~~and index shall be filed with the clerk of the trial court. At the request of the person ordering the~~
42 ~~transcript or at the request of the appellate court, the reporter or transcriber shall file the transcript in~~
43 ~~a compressed format that places multiple complete pages of the original transcript upon each page of~~
44 ~~compressed transcript. The compressed transcript shall retain the page and line numbers of the~~
45 ~~original transcript. A compressed transcript may be certified as a correct copy of the original.~~

46 **~~(b) Transmittal of record on appeal to appellate court.~~**

47 ~~(b)(1) Transmittal of index. Within 20 days from the date of request from the appellate court, the~~
48 ~~trial court, juvenile court, or government agency shall transmit a certified copy of the index prepared~~
49 ~~pursuant to Rule 11(b) to the clerk of the appellate court.~~

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

55 ~~(b)(3) Transmittal of paginated record. Within 20 days from the date of request from the appellate~~
56 ~~court, the trial court, juvenile court, or government agency shall transmit the papers, transcripts and~~
57 ~~exhibits in the appeal to the appellate court.~~

58 ~~(b)(4) Transmission of exhibits. Documents of unusual bulk or weight, and physical exhibits other~~
59 ~~than documents, photographs, or binders, shall not be transmitted by the trial court, juvenile court, or~~
60 ~~government agency unless directed to do so by a party or by the clerk of the appellate court. A party~~
61 ~~must make advance arrangements with the clerks for the transportation and receipt of exhibits of~~
62 ~~unusual bulk or weight.~~

63 ~~(b)(5) Checking out record on appeal. During the briefing period, counsel for the parties who are~~
64 ~~members of the Utah State Bar in good standing may, as officers of the court, check out the record~~
65 ~~upon written request to the clerk of court of the court in possession of the record on appeal. The~~
66 ~~record may be mailed by registered mail or other reputable overnight carrier, return receipt requested,~~
67 ~~provided that counsel requesting mailing makes advance arrangements with the clerk and pays the~~
68 ~~cost of shipping. The record may be picked up in person by counsel, or his or her authorized agent.~~
69 ~~Counsel shall be responsible for promptly returning the record to the court not later than when the~~
70 ~~party's brief is filed.~~

71 ~~(c) Expedited transmittal of parts of the record. If prior to the time the record is transmitted the~~
72 ~~record is required in the appellate court, the clerk of the trial court at the request of any party or of the~~
73 ~~appellate court shall transmit to the appellate court such parts of the original record as designated.~~

74 **(e) Request for extension of time.**

75 (e)(1) The reporter or transcriber may file with the appellate court a written request showing good
76 cause for an extension of time in which to file the transcript. The request must be filed before
77 expiration of the deadline sought to be extended. The request must state the reasons for the request
78 and the date on which the reporter or transcriber will file the transcript. The clerk of the appellate court
79 will notify the reporter or transcriber of the disposition of the request.

80 (e)(2) If a reporter or transcriber fails to file a transcript with the trial court and notify the clerk of
81 the appellate court of the filing within the original or extended time, the reporter or transcriber will be
82 subject to disciplinary action under Code of Judicial Administration Rule 5-202 and may be ordered to
83 appear and show cause why sanctions should not be imposed.

84 **Advisory Committee Notes**

85 ~~The amendment keeps the requirement that the court reporter acknowledge the receipt of the request~~
86 ~~for transcript. Formerly, that acknowledgment was to appear at the foot of the request itself. Rule 12 now~~
87 ~~treats the acknowledgment as a separate document. The content of the acknowledgment includes a~~
88 ~~statement regarding the satisfactory arrangement for payment. Until satisfactory arrangements for~~
89 ~~payment have been made, the reporter is under no obligation to prepare the transcript.~~

90 ~~Rule 12 is amended to impose upon the court reporters the same standard of "good cause" and the~~
91 ~~same procedures now applicable to parties in seeking an extension of time for preparation of the~~
92 ~~transcript.~~

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