

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; ~~and~~

12 (E) all exhibits; and

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

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

54 prescribed by Rule [12\(b\)\(2\)](#). The trial court clerk will transmit the record to the appellate  
55 court clerk on the trial court's approval of the statement.

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

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

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

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

75 (A) on stipulation of the parties;

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

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

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

83 (g) **Accessing sealed records.** Any portion of the ~~A~~-record properly designated as sealed  
84 in the district court remains sealed on appeal. A party may file a motion or petition to  
85 access the sealed portion of the record in accordance with Rule 4-202.04 of the Utah Code  
86 of Judicial Administration.

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