

## RULE 11. PREPARING AND FORWARDING THE RECORD

**(a) Preparation of the Record.** ~~Upon written direction from the court, the district court clerk shall provide the clerk of the Supreme Court with the papers or exhibits comprising the trial court record. The district court clerk must transmit the trial district court record to the clerk of the Supreme Court only when required by statute or court rule or upon order of the Supreme Court or Court of Appeals. The record shall be assembled, paginated, and indexed district court clerk must assemble, paginate, and index the record~~ in the same manner as an appendix to the briefs under Rule 30. If the Supreme Court or Court of Appeals determines that its review of original papers or exhibits is necessary, the district court clerk shall must forward the original trial district court record in lieu of copies.

**(1) Exhibits.** If the Supreme Court or Court of Appeals directs transmittal of exhibits, the exhibits shall must not be included with the documents comprising the record. The district court clerk shall must place exhibits in an envelope or other appropriate container, so far as practicable. The title of the case, the court docket number, and the number and description of all exhibits shall must be listed on the envelope, or if no envelope is used, then on a separate list.

**(2) Record in Pro Se Cases.** When the court directs transmission of the complete record in cases in which the appellant is proceeding without counsel, the record shall must contain each and every paper, pleading and other document filed in, or submitted for filing in, or otherwise retained in by the district court. The record shall must also include any previously prepared transcripts of the proceedings in the district court. If the Supreme Court or Court of Appeals should determine that additional transcripts are necessary

**Commented [DW1]:** Sharon has proposed that we revise the rule as follows:

**(a) Preparation of the Record.**

**(1) Appellant and Respondent.** The Appellant and Respondent will prepare and forward the appendix pursuant to Rule 30 unless a written directive is sent from the court to the district court.

**(2) Written directive to the district court.** The district court clerk must transmit the trial court record to the clerk of the Supreme Court only when required by statute or court rule or upon order of the Supreme Court or Court of Appeals. The district court clerk must assemble, paginate, and index the record in the same manner as an appendix to the briefs under Rule 30. If the Supreme Court or Court of Appeals determines that its review of original papers or exhibits is necessary, the district court clerk shall forward the original trial court record in lieu of copies.

**(3) Exhibits...**

**(4) Record in Pro Se Cases...**

**Commented [WJD2]:** This addition was included to reflect the proposed modified definition of "district court record" in NRAP 10(a) which incorporates documents "otherwise retained by" the district court.

to its review, the court may order the reporter or recorder who recorded the proceedings to prepare and file the transcripts.

**(b) Duty of Clerk to Certify and Forward the Record.** The district court clerk shallmust certify and forward the record to the clerk of the Supreme Court. The district court clerk shallmust indicate, by endorsement on the face of the record or otherwise, the date upon which it is forwarded to the clerk of the Supreme Court.

**(c) Time for Forwarding the Record.** The ~~trial~~district court record shallmust be forwarded within the time allowed by the court, unless the time is extended by an order entered under Rule 11(d).

**(d) Failure of Timely Transmittal; Extensions.**

**(1) Failure of Timely Transmittal.** A district court clerk who fails to forward a timely record on appeal without sufficient excuse may be subject to sanctions.

**(2) Extension of Time; Supporting Documentation and Affidavits.** If the district court clerk cannot timely forward the record, the clerk shallmust seek an extension of time from the requesting court. The district court clerk may request by telephone a 14-day extension of time to transmit the record. If good cause is shown, the clerk of the Supreme Court may grant the request by telephone. Any additional request for an extension of time to transmit ~~motion~~ to extend the time for transmitting the record shallmust be sought by filing a written motion with the clerk of the Supreme Court and must be accompanied by the~~affidavit~~ declaration of the clerk or deputy clerk setting forth the reasons for the requested extension, and the length of additional time needed to prepare the record.

**Commented [WJD3]:** Addition suggested by Julie Ollom to permit for telephonic extension requests by the district court clerk.