

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 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, ~~[in]~~ 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 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 ~~[shall]~~ must certify and forward the record to the clerk of the Supreme Court. The district court clerk ~~[shall]~~ must 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 ~~[shall]~~ must 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 ~~[shall]~~ must 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. ~~[A motion to extend the time for transmitting]~~ Any additional request for an extension of time to transmit the record [shall] must be sought by filing a written motion with the clerk of the Supreme Court and must be accompanied by [the affidavit] a declaration of the district court clerk or deputy clerk setting forth the reasons for the requested extension, and the length of additional time needed to prepare the record.

REVIEWING NOTE

The proposed amendments to this Rule are primarily stylistic, with two minor exceptions. First, subdivision (d)(2) provides the district court clerk's office with the ability to seek a 14-day telephonic extension of time to transmit the record for good cause. Second, the Commission recommends an official note to this Rule be included to clarify for non-attorneys that appellants and respondents are still required to comply with any appendix requirements of NRAP 30 that may apply.