

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 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 forward the original trial court record in lieu of copies.

(1) Exhibits. If the Supreme Court or Court of Appeals directs transmittal of exhibits, the exhibits shall not be included with the documents comprising the record. The district court clerk shall 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 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 contain each and every paper, pleading and other document filed, or submitted for filing, in the district court. The record shall 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.

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...

(b) Duty of Clerk to Certify and Forward the Record. The district court clerk shall certify and forward the record to the clerk of the Supreme Court. The district court clerk shall 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 court record shall 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 seek an extension of time from the requesting court. A motion to extend the time for transmitting the record shall be accompanied by the affidavit 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.