

Rule Change 2006 (14)

CHAPTER 32

THE COLORADO APPELLATE RULES

Rule 10. Record on Appeal

(a) Composition of the Record on Appeal.

(1) through (3) [No change.]

(4) Unless the record is transmitted in electronic form pursuant to C.A.R. 11(b)(4), the original papers in all instances shall be in the record submitted. Except on written request by a party, the trial court need not duplicate or retain a copy of the papers or exhibits included in the record. The party requesting that a duplicate be retained shall advance the cost of preparing the copies.

(5) Unless the record is transmitted in electronic form pursuant to C.A.R. 11(b)(4), the record shall be properly paginated and fully indexed and shall be prepared and bound under the direction of the clerk of the court.

Rule 11. Transmission of Record

(a) [No change.]

(b) Duty of Clerk to Transmit the Record

(1) When the record, including any designated transcript, is complete for purposes of the appeal, the clerk of the trial court shall transmit the record to the clerk of the appellate court.

(2) The clerk of the trial court shall number the documents comprising the entire designated record and shall transmit with the record a list of the documents correspondingly numbered and identified with reasonable definiteness.

(3) Documents of unusual bulk or weight and physical exhibits other than documents which are designated by the parties, shall not be transmitted by the clerk unless ~~he is~~ directed to do so by ~~a party or by~~ the clerk of the appellate court. ~~The designating~~A party must make advance arrangements with the clerks for the transportation and receipt of exhibits of unusual bulk or weight.

(4) Where the record is maintained in electronic form by the trial court, or can be made available in electronic form by the trial court, the clerk of the trial court is authorized to

transmit the record electronically in accordance with procedures established by the appellate court.

(5) Transmission of the record is effected when the clerk of the trial court mails or otherwise forwards the record to the clerk of the appellate court. The clerk of the trial court shall indicate, by endorsement on the face of the record or otherwise, the date upon which it is transmitted to the appellate court.

Rule 28. Briefs

(a) Through (d) [No change.]

(e) **References in Briefs to the Record.** References to the bound and paginated record shall be by appropriate page and line numbers and references to material appearing in an addendum to the brief shall be by appropriate page numbers. References to the electronic record shall be by ID number and appropriate page and line number. When the reference is to the evidence, to the giving and refusal to give an instruction, or to a ruling upon the report of a master, the page and line number must be specific, and if the reference is to the exhibit both the page and line number at which the exhibit appears and at which it was offered in evidence must be indicated.

Amended and Adopted by the Court, En Banc September 7, 2006, effective immediately.

BY THE COURT:

Nancy E. Rice
Justice, Colorado Supreme Court