

6 Cir. R. 10 The Record On Appeal

(a) The Record on Appeal (ROA).

- (1) **Generally.** When the record is complete as described in FRAP 11(b)(2), the clerk will compile an electronic record on appeal (ROA) from the district court's electronic record. The ROA will be an electronic file in PDF format or, where the size of the record requires, multiple files. Each document in the ROA will retain its original pagination and the entire PDF document will be sequentially numbered. The ROA file(s) will be docketed in the court of appeals and may be downloaded. The ROA will include those parts of the record specified in FRAP 30(a)(1), including transcripts.
- (2) **Supplemental Record.** If a supplement to the ROA is necessary, the court of appeals will prepare and docket a supplemental ROA labeled appropriately for ease of reference in the briefs. The sequential numbering of a supplemental ROA will not continue from the original ROA but will begin anew with page one of each supplemental ROA file.
- (3) **Presentence Investigation Reports.** Presentence investigation reports will not be made a part of the ROA. They will be submitted to the court of appeals by counsel and maintained by the court in paper. Access will be restricted to the court itself.

- (b) **Ordering Transcript.** It is the responsibility of the parties to use Form 6CA-30, available on the court's website, to order and to make satisfactory financial arrangements for the production of a transcript necessary for resolution of those issues to be raised on appeal. Only those parts of a transcript shall be ordered that relate to issues to be raised on appeal. If a transcript is unnecessary for the appeal, the appellant must certify that on form 6CA-30. Where the appellant is represented by counsel, counsel must complete form 6CA-30 electronically on the court's website, download it, and file it electronically. The appellant is responsible for serving copies of form 6CA-30 on the appellee(s), the district court, and other persons and offices indicated on the form.

Failure to order a transcript, to make financial arrangements with the reporter(s) or to inform the court that a transcript is unnecessary, within the time specified in FRAP 10, may result in dismissal of the appeal.

- (c) **Physical Exhibits.** Counsel is responsible for arranging with the district court for the transmission of physical exhibits to this court. The district court will not automatically include these exhibits with the record. Therefore, they must be designated and a request made for their transmittal. Physical exhibits are never to be transmitted to the court of appeals without the clerk's express written permission. FRAP 34 sets forth the procedures for use of physical exhibits at oral argument.

- (1) **Cases with an Electronic Record on Appeal.** For cases where there is an electronic record on appeal and the district court has not scanned paper exhibits into electronic format, a party may file manageable paper exhibits with the court of appeals, which will scan them and make them part of the electronic record on appeal.
- (2) **Cases without an Electronic Record on Appeal.** For cases where there is not an electronic record on appeal, manageable paper exhibits may be transmitted as part of the record on appeal and, in order to call them to the court's attention, may appear in an appendix.

COMMITTEE NOTE: (b) - former 6 Cir. R. 13(a) and former I.O.P. 8; (c) - former I.O.P. 14.1. See also 6 Cir. R. 11 and 6 Cir. R. 30.

Comments

The title is changed because the scope of the rule is expanded.

Rule 10(a) sets out how the electronic record on appeal is compiled.

Rule 10(b) specifies that the transcript order form must be filed electronically.

Rule 10(c) specifies how physical exhibits are handled when there is an electronic record on appeal and when there is not.