

6 Cir. R. 10 The Record On Appeal

- (a) **The Record on Appeal.** The record on appeal is comprised of the items specified in FRAP 10.
- (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) **Exhibits.** All exhibits filed with the district court are part of the record on appeal, as provided by FRAP 10(a). As a general matter, the district court does not send non-electronic records to the court of appeals unless and until the circuit clerk requests them. See 6 Cir. I.O.P. 11(a)(2). This sub-rule (c) applies to non-electronic exhibits that a party wishes to draw particular attention to by assuring that the court has actual possession of the exhibits or copies of them.
- (1) **Manageable Paper Exhibits.** If the district court has not made all paper exhibits part of its electronic record, a party may file manageable paper exhibits and excerpts from bulky paper exhibits with the court of appeals in an appendix to the party's brief as provided in 6 Cir. R. 30(f)(1). The filing should include only those exhibits or parts of exhibits necessary for effective understanding of the issues raised in the briefs.
- (2) **Physical and Bulky Paper Exhibits.** Counsel is responsible for arranging with the district court for the transmission of physical and bulky paper exhibits to this court when it is necessary for the court of appeals to have such exhibits in order to decide the appeal. The district court will not automatically include these exhibits with the record transmitted to the court of appeals. Therefore, they must be designated and a request made for their transmittal. Physical and bulky paper exhibits may not be transmitted to the court of appeals without the circuit clerk's express written permission. FRAP 34 sets forth the procedures for use of physical exhibits at oral argument.

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(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.