

Change # 1997(23)

**Chapter 32. Colorado Appellate Rules
Appeals from Judgments and Orders
of Trial Courts and Agencies
Rule 10. Record on Appeal.**

C.A.R. 10.

(a) Composition of the Record on Appeal.

(1) * * * [No change] * * *

(2) The reporter's transcript, or such parts thereof as provided under section (b) of this rule ~~is~~ AND relevant depositions and exhibits may be made a part of the record.

(3) * * * [No change] * * *

(4) * * * [No change] * * *

(5) * * * [No change] * * *

(b) Record of Proceedings; Duty of Appellant to Order; Notice to Appellee if Partial Record is Ordered; Costs.

Within ten days after filing the notice of appeal, the appellant shall file with the clerk of the trial court either: (1) a statement that no portions of the record other than those numerated in section (a) are desired or (2) a detailed designation of record, setting forth specifically those portions of the record to be included and all dates of proceedings for which transcripts are requested and the name(s) of the court reporter(s) who reported the proceedings which the appellant directs to be included in the record. The appellant shall serve a copy of the designation of record on each court reporter listed therein. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion. Unless the entire transcript is to be included, the appellant shall include in the designation of record a description of the part of the transcript which the appellant intends to include in the record and a statement of the issues to be presented on appeal. If the appellee deems to be necessary a transcript of other proceedings, or other parts of the record, the appellee shall, within ten days after the service of the statement or the appellant's designation of the record, file and serve on the appellant and on any court reporter who reported proceedings of which the appellee desires additional transcript a designation of additional items to be included. Service on any court

reporter of the appellant's designation of record or the appellee's additional designation of record shall constitute a request for transcription of the specified proceedings. Within fourteen days after service of any such designation of record, each such court reporter shall provide in writing to all counsel and pro se parties in the appeal: (1) the estimated number of pages to be transcribed; (2) the estimated completion date; (3) the estimated cost of transcription; and (4) the proposed terms of payment for the transcript. The designating party shall immediately make arrangements for payment for the designated transcript. Each party shall advance the cost of preparing AND TRANSMITTING TO THE CLERK OF THE APPELLATE COURT that part of the record designated by such party; provided, however, that upon a showing by any party that such allocation of costs would be inequitable, the trial court may order that costs be allocated in some other way.

(c) * * * [No change] * * *

(d) * * * [No change] * * *

(e) * * * [No change] * * *

Amended and Adopted by the Court, En Banc, October 30, 1997, effective January 1, 1998.

BY THE COURT:

**Gregory J. Hobbs, Jr.
Justice, Colorado Supreme Court**

