

Rule 3.03

TRANSCRIPT IN RECORD ON APPEAL

- (a) **Requesting Transcript; Appellant's Duty; Stipulation.** When the appellant considers a hearing transcript necessary to properly present the appeal, the appellant must request the transcript no later than 21 days after filing the notice of appeal in the district court. The request must be clearly designated "for appeal purposes." Unless all affected parties stipulate that specific portions are not required for purposes of the appeal, the request must be for a complete transcript of the hearing. Counsel for the parties must make a good faith effort to stipulate to avoid unnecessary expenses. The appellate court may consider an unreasonable refusal to stipulate when apportioning the cost of the transcript under Rule 7.07(d). Jury voir dire, opening statements, and closing arguments of counsel will not be transcribed unless specifically requested.
- (b) **No Court Order Required for Transcript Request.** Notwithstanding K.S.A. 22-4505(b), 22-4506(b), and 22-4509, a district court order is not required to request a transcript from a court reporter.
- (c) **Transcript Requested by Appellee.** No later than 14 days after service of appellant's request under subsection (a), the appellee may request a transcript of the jury voir dire, opening statements, closing arguments, or any other hearing not requested by appellant, but the appellee is responsible for payment for the additional transcript, including advance payment, in the same manner as the appellant is responsible for the main transcript.
- (d) **Filing and Service of Transcript Request.** The original of a transcript request must be filed in the district court and served on the reporter and all parties. At the time the appeal is docketed under Rule 2.04, the appellant must file with the clerk of the appellate courts a copy of the initial transcript request and any stipulation for less than a complete transcript of a hearing. An additional transcript request must be served and filed in the same manner.
- (e) **Time Schedule for Transcripts; Certificate of Completion.** A transcript must be completed no later than 40 days after service of a request unless the court reporter applies for and receives an extension of time under Rule 5.02. The court reporter must file the completed transcript with the clerk of the district court and must serve on the clerk of the appellate courts and each party a certificate of completion. A certificate of completion must identify the hearing date, the type of hearing transcribed, and the date the transcript was filed. The transcript and the certificate of completion must include

the court reporter's Supreme Court certified court reporter registration number.

- (f) **Advance Payment.** An appellant, other than the state or a state agency or subdivision, must advance the payment of the estimated cost of a requested transcript if the court reporter serves on the appellant—no later than 14 days after receipt of a request for a transcript—the estimated cost and demand for advance payment. A reporter who properly serves a demand for advance payment under this subsection is not required to begin the transcript until the reporter receives payment of the estimated cost. Failure to make advance payment no later than 14 days after service of a demand under this subsection is ground for dismissal of the appeal by the appellate court.
- (g) **Electronically Filed Transcripts.** When filing a transcript electronically, a certified shorthand reporter must use an assigned username and password to access the appellate courts' electronic filing system.
- (h) **Seal.** If a transcript is being filed electronically, an electronic signature by a certified shorthand reporter acts as a seal required by K.S.A. 20-913.

[**History:** Am. effective March 6, 1978; Am. effective July 1, 1982; Am. effective April 10, 1987; Am. effective August 30, 1990; Am. effective October 9, 1992; Am. (a) and (d) effective March 21, 2008; Am. (b) and (e) effective July 1, 2010; Restyled rule effective July 1, 2012; Am. effective December 19, 2016.]