

* The proposed amendment to Appellate Rule 11 would require a court reporter to serve a copy of a motion for extension of time to file the transcript on the trial judge in addition to the parties to the appeal. The proposed amendment would also require the appellant to serve a copy of a motion to compel the transcript on the trial judge and parties to the appeal.

Rule 11. Duties Of Court Reporter

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C. Extension of Time to File Transcript. If the Court Reporter believes the Transcript cannot be filed within the time period prescribed by this rule, then the Court Reporter shall promptly move the Court on Appeal designated in the Notice of Appeal for an extension of time to file the Transcript pursuant to Rule 35 (A) and shall state in such motion the factual basis for inability to comply with the prescribed deadline despite exercise of due diligence. (See Form # App.R. 11-2). The Court Reporter shall serve a copy of the motion on the trial judge and the parties to the appeal in accordance with Rule 24. Motions for extension of time in interlocutory appeals, appeals involving worker's compensation, issues of child custody, support, visitation, paternity, adoption, determination that a child is in need of services, and termination of parental rights are disfavored and shall be granted only in extraordinary circumstances.

D. Failure to Complete Transcript. If the Court Reporter fails to file the Transcript with the trial court clerk within the time allowed, the appellant shall seek an order from the Court on Appeal compelling the Court Reporter to do so. The motion to compel shall be verified and affirmatively state that the motion was served on the Court Reporter and that the appellant has complied with the agreement for payment made in accordance with Rule 9(H). The motion to compel shall be served on the trial judge and parties to the appeal. Failure of appellant to seek such an order not later than seven (7) days after the Transcript was due to have been filed with the trial court clerk shall subject the appeal to dismissal.

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