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## **Rule 6. Record On Appeal.**

(a) Composition of record. The record shall be compiled in accordance with the rules of the Arkansas Supreme Court and Court of Appeals.

(b) Transcript of proceedings. On or before filing the notice of appeal, the appellant shall order from the reporter a transcript of such parts of the proceedings as he has designated in the notice of appeal and make any financial arrangements required by the court reporter pursuant to Ark. Code Ann. § 16-13-510(c). If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or contrary thereto, he shall include in the record a transcript of all evidence relevant to such finding or conclusion. If the appellant has designated less than the entire record or proceedings, the appellee, if he deems a transcript of other parts of the proceedings to be necessary, shall, within ten (10) days after the receipt of the notice of appeal, file and serve upon the appellant (and upon the court reporter if additional testimony is designated) a designation of the additional parts to be included. The appellant shall then direct the reporter to include in the transcript all testimony designated by appellee.

(c) Record to be abbreviated. All matters not essential to the decision of the questions presented by the appeal shall be omitted. Formal parts of all exhibits and more than one copy of any document shall be excluded. Documents shall be abridged by omitting all irrelevant and formal portions thereof. For any infraction of this rule or for the unnecessary substitution by one party of evidence in question and answer form for a fair narrative statement proposed by another, the appellate court may withhold or impose costs as the circumstances of the case and discouragement of like conduct in the future may require; and costs may be imposed upon offending attorneys or parties. Where parties in good faith abbreviate the record by agreement or without objection from opposing parties, the appellate court shall not affirm or dismiss the appeal on account of any deficiency in the record without notice to appellant and reasonable opportunity to supply the deficiency. Where the record has been abbreviated by agreement or without objection from opposing parties, no presumption shall be indulged that the findings of the circuit court are supported by any matter omitted from the record.

(d) Statement of the evidence or proceedings when no report was made or the transcript is unavailable. If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best means available, including his recollection. The statement shall be served on the appellee, who may serve objections or proposed amendments thereto within ten (10) days after service upon him. Thereupon the statement and any objections or proposed amendments shall be submitted to the circuit court for settlement and approval and as settled and approved shall be included in the record on appeal by the clerk of the circuit court that entered the judgment, decree, or order from which the appeal is taken.

(e) Correction or modification of the record. If any difference arises as to whether the record truly discloses what occurred in the circuit court, the difference shall be submitted by motion to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation, or the circuit court before the record is transmitted to the appellate court, or the appellate court on motion made no later than 30 days after the appellee's brief is filed in the appellate court, or on its own initiative, may direct that the omission or misstatement shall be corrected, and if necessary, that a supplemental record be certified and transmitted. All other questions as to form and content of the record shall be presented to the appellate court. No correction or modification of the record shall be made without prior notice to all parties.

(f) Access to parts of record under seal. When the record contains materials under seal, all counsel of record and pro se litigants shall have access to all parts of the record including the material under seal. For good cause shown on the motion of any party, the appellate court may modify the terms of access. Explanatory Note. This minor amendment harmonizes part of this Rule with part of Rule of Appellate Procedure?Civil 4(a). Under the latter rule, a party has at least ten days after receiving a notice of appeal to file a notice of cross appeal. The deadline for taking that step should be the same as the deadline for designating additional record materials under Rule of Appellate Procedure?Civil 6(b). The change makes Rule 6 track Rule 4: the ten-day window for filing either a cross appeal or a designation of additional record materials opens when a party receives a notice of appeal and closes ten days later.

#### **Comment Text:**

**Addition to Reporter's Notes, 2014 Amendment:** Rule 6(e) provided that if anything material to either party is omitted from the record by error, accident, or misstatement, the appellate court, on motion, could order that the omission or misstatement be corrected. However, the rule did not impose a time limit for making the motion. The amendment sets a time limit for making the motion of not later than 30 days after the appellee's brief has been filed in the appellate court.

#### **History Text:**

History. Adopted and amended July 10, 1995, effective January 1, 1996; amended June 7, 2001, effective July 1, 2001; amended February 10, 2005; Amended October 23, 2008, effective January 1, 2009; amended March 13, 2014, effective July 1, 2014.

#### **Associated Court Rules:**

Rules of Appellate Procedure?Civil

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