

Rule 30. Appendix to the Briefs.

(a) Appellant's Responsibility.

(1) Contents of the Appendix. The appellant must prepare and file an appendix to the briefs containing:

- (A) the relevant docket entries in the proceeding below;
- (B) the relevant pleadings, charge, findings, or opinion;
- (C) the judgment, order, or decision in question; and
- (D) other parts of the record to which the parties wish to direct the court's attention.

(2) Excluded Material. Memoranda of law filed in the Superior Court should not be included in the appendix unless they have independent relevance. Parts of the record may be relied on by the court or the parties even though not included in the appendix.

(3) Time to File; Number of Copies. The appellant must file 4 copies of the appendix with the brief and must serve one copy on counsel for each party separately represented.

(b) All Parties' Responsibilities.

(1) Determining the Contents of the Appendix. The parties are encouraged to agree on the contents of the appendix. In the absence of an agreement, the appellant must, within 20 days after the Clerk has notified the parties that the record is filed, serve on all other parties a designation of the parts of the record the appellant intends to include in the appendix and a statement of the issues the appellant intends to present for review. Any other party may, within 10 days after receiving the designation, serve on the appellant a designation of additional parts to which it wishes to direct the court's attention. The appellant must include the designated parts in the appendix. The parties must not engage in unnecessary designation of parts of the record, because the entire record is available to the court. This paragraph applies also to a cross-appellant and a cross-appellee.

(2) Costs of the Appendix. Unless the parties agree otherwise, the appellant must pay the cost of the appendix. If the appellant considers parts of the record designated by another party to be unnecessary, the appellant may advise that party, who must then advance the cost of including those parts. The cost of the appendix is a taxable cost. If any party causes unnecessary parts of the record to be included in the appendix, the court may impose the costs of those parts on that party. Appropriate sanctions may also be imposed, after notice and opportunity to respond, against a party or counsel who unreasonably increases litigation costs by including such material in the appendix.

(c) Format of the Appendix. The appendix must begin with a table of contents identifying the page at which each part begins. The pages of the appendix must be numbered consecutively. The relevant docket entries must follow the table of contents, and other parts of the record must follow

chronologically. When pages from the transcript of proceedings are placed in the appendix, the date of each transcript and the page numbers must be listed on a separate page of the appendix immediately before the included pages. Omissions in the text of papers or of the transcript must be indicated by asterisks. Immaterial formal matters (captions, subscriptions, acknowledgments, etc.) should be omitted.

(d) **Reproduction of Exhibits.** Exhibits designated for inclusion in the appendix may be reproduced in a separate volume, or volumes, suitably indexed. Four copies must be filed with each copy of the appendix, and one copy must be served on counsel for each separately represented party. If a transcript of a proceeding before an administrative agency, board, commission, or officer was used in a Superior Court action and has been designated for inclusion in the appendix, the transcript must be placed in the appendix as an exhibit.

(e) **Appeal on the Original Record Without an Appendix.** For good cause shown, the court may excuse a party from the requirements of producing an appendix, or any part thereof, and permit an appeal to proceed on the original record with any copies of the record, or relevant parts, that the court may order the parties to file.

(f) **Appendix in Appeals Proceeding with Waiver of Fees, Costs, or Security, Under the Criminal Justice Act, or Under the Prevention of Child Abuse and Neglect Act.** No appendix is required in cases in which a party has been granted a waiver of fees, costs, or security or counsel has been appointed to represent the party. In such cases, however:

(1) The appellant:

(A) must file with the brief 4 copies of any opinion, findings of fact, and conclusions of law, whether written or set forth orally in the transcript, that relate to the issues raised on appeal; and

(B) may, but is not required to, file with the brief 4 copies of any additional portions of the record to be called to the court's attention.

(2) The appellee may file with the brief 4 copies of any portions of the record to be called to the court's attention that were not furnished by the appellant.

(3) A copy of this document must be served on counsel for each party separately represented.