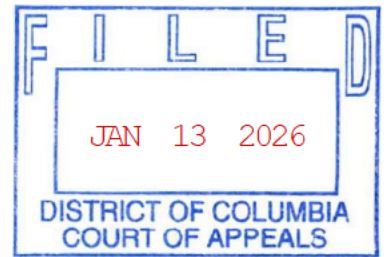


# District of Columbia Court of Appeals

No. M292-26



BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

## NOTICE

(FILED – January 13, 2026)

The court is considering possible revisions to D.C. App. R. 10(b), which sets out the procedure to be followed when an appellant does not order the transcript of the entire proceedings in the trial court. In its current form, R. 10(b)(3) provides that if an appellant orders a “partial transcript”: (A) the appellant has ten days after filing of the notice of appeal to file a statement of the issues that the appellant intends to raise; (B) any other party who thinks “a transcript of other parts of the proceedings” is needed has ten days to designate the “additional parts to be ordered”; and (C) if the appellant does not order those additional parts within ten days, the other party can within ten additional days either order these parts or move in the Superior Court for an order directing the appellant to do so.

The current rule’s use of the singular term “transcript” and the modifiers “partial” and “entire” is potentially confusing. Moreover, concerns have been raised that the current procedure is unnecessary and cumbersome. Specifically, it has been suggested that (1) parties rarely actually follow the procedure; (2) the failure to follow the procedure does not usually create either delays in the handling of appeals or other problems; (3) the procedure seems to reflect the somewhat implausible view that appellants will typically have a good sense of what issues will be raised on appeal within ten days of the filing of the notice of appeal; and (4) enforcing compliance with the procedure would be somewhat burdensome to appellants, particularly those who are not represented.

The court is considering streamlining this procedure while retaining the basic idea that an appellee can order additional transcripts or seek to have the appellant be required to do so. The court also is considering revising R. 10(b)(1) to require that any transcript order be filed with this court and served on all other parties.

Below are (1) the current rule; (2) a marked-up version reflecting the possible revisions under consideration; and (3) a clean version reflecting the possible revisions.

This notice is published to afford interested parties an opportunity to submit written comments. Comments must be submitted by February 13, 2026. Comments may be submitted electronically to [rules@dcappeals.gov](mailto:rules@dcappeals.gov), or in writing, addressed to the Clerk, D.C. Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001. All comments submitted pursuant to this notice will be available to the public.

**PER CURIAM**

■ **Current version of R. 10(b)(1) and (3):**

(1) Appellant's Duty to Order. Within 10 days after filing the notice of appeal, the appellant, unless proceeding on appeal as specified in Rule 10(b)(5), must:

(A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary, and identify for the Court Reporting Division any transcript already prepared that is to be included in the record on appeal; or

(B) file a certificate in this court stating that no transcript will be ordered.

. . . .

(3) Partial Transcript. Unless the entire transcript is ordered:

(A) the appellant must, within the 10 days provided in Rule 10(b)(1) -- file a statement of the issues that the appellant intends to present on the appeal and must serve on all other parties a copy of both the transcript order or certificate required by Rule 10(b)(1) and the statement;

(B) if any other party considers it necessary to have a transcript of other parts of the proceedings, it must, within 10 days after service of the transcript order or certificate and statement of the issues, file and serve on the appellant a designation of additional parts to be ordered; and

(C) unless within 10 days after service of that designation the appellant has ordered all such parts, and has so notified the other parties, the designating party may within the following 10 days either order the parts or move in the Superior Court for an order requiring the appellant to do so.

■ **Marked-up version of R. 10(b)(1) and (3) with possible revisions:**

(1) Appellant's Duty to Order. Within 10 days after filing the notice of appeal, the appellant, unless proceeding on appeal as specified in Rule 10(b)(5), must:

(A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary, and identify for the Court Reporting Division any transcript already prepared that is to be included in the record on appeal; or

(B) file a certificate in this court, with service on all other parties, stating that no transcript will be ordered.

The order described in Rule 10(b)(2)(A) shall be filed with this court and served on all other parties to the appeal.

....

(3) Additional Transcripts~~Partial Transcript~~. If no transcripts are ordered or transcripts are ordered for only part of the proceedings, the appellee may order additional transcripts or may file a motion requesting that the Superior Court or this court require the appellant to order additional transcripts.~~Unless the entire transcript is ordered:~~

~~(A) the appellant must, within the 10 days provided in Rule 10(b)(1) — file a statement of the issues that the appellant intends to present on the appeal and must serve on all other parties a copy of both the transcript order or certificate required by Rule 10(b)(1) and the statement;~~

~~(B) if any other party considers it necessary to have a transcript of other parts of the proceedings, it must, within 10 days after service of the transcript order or certificate and statement of the issues, file and serve on the appellant a designation of additional parts to be ordered; and~~

~~(C) unless within 10 days after service of that designation the appellant has ordered all such parts, and has so notified the other parties, the designating party may within the following 10 days either order the parts or move in the Superior Court for an order requiring the appellant to do so.~~

■ **Clean version of R. 10(b)(1) and (3) with possible revisions:**

(1) Appellant's Duty to Order. Within 10 days after filing the notice of appeal, the appellant, unless proceeding on appeal as specified in Rule 10(b)(5), must:

(A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary, and identify for the Court Reporting Division any transcript already prepared that is to be included in the record on appeal; or

(B) file a certificate in this court, with service on all other parties, stating that no transcript will be ordered.

The order described in Rule 10(b)(2)(A) shall be filed with this court and served on all other parties to the appeal.

....

(3) Additional Transcripts. If no transcripts are ordered or transcripts are ordered for only part of the proceedings, the appellee may order additional transcripts or may file a motion requesting that the Superior Court or this court require the appellant to order additional transcripts.