I.A.R. 27. Clerk's or Agency's Record - Number - Clerk's Fees - Payment of Estimated Fees - Time for Preparation - Waiver of Clerk's Fee.

Idaho Appellate Rule 27. Clerk's or Agency's Record - Number - Clerk's Fees - Payment of Estimated Fees - Time for Preparation - Waiver of Clerk's Fee.

(a) Number and Use of Record. The clerk of the district court or agency shall prepare five copies of the clerk's or agency's record. Three copies shall be filed with the Supreme Court as provided by Rule 29. One copy shall be provided to the appellant and one copy shall be provided to the respondent. If there are multiple parties, they shall determine by stipulation which party shall be served with the record by the clerk and the manner and time of use of the record by each party. In the absence of such a stipulation, the determination shall be made by the district court or agency upon the application of any party or the clerk. Any party may also request and pay for an additional separate copy of the record from the clerk.

(b) Option for scanning the record. In counties listed on a roster maintained by the Office of the Supreme Court Clerk as authorized to scan the record, the appellant may request that the clerk of the district court scan the entire district court file as the record or may designate certain documents to be included in the scanned record. All filed documents will be scanned in pdf format and five copies of the clerk's record in CD format will be prepared and distributed in accord with subsection (a) of this rule. Exhibits, including a presentence investigation report, shall be sent in accord with Rule 31. The district court clerk shall notify the Clerk of the Supreme Court bye-mail that the record will be provided in this manner.

(c) Clerk's Fee.

(1) Paper copy. The clerk of the district court shall charge and collect a fee for the preparation of the record in the sum of $1.25 for each page of the record. Provided, in addition to this fee the clerk shall charge and collect an additional fee for the actual cost of the record covers. Such fee shall be full payment for five complete copies of the record. Any party may obtain an additional copy of the record for the charge of $.50 per page. The clerk of an administrative agency shall charge such sum, in any, as ordered by the administrative agency.

(2) Scanned Copy. The clerk of the district court shall charge and collect a fee for preparation of the scanned record in the sum of $0.65 for each page of the district court file if the entire file is scanned. If, at the appellant's request, less than the full record is scanned, then the clerk of the court shall collect a fee of $100.00 plus $.65 per page for the scanned pages. In both instances, such fee shall be full payment for five complete copies ofthe record. Any party may request an additional copy of the record on CD upon payment of $20.00 to the clerk of the district court.

(d) Payment of Estimated Fees. Before a notice of appeal is filed, the appellant shall pay the clerk an estimated record fee as computed by the clerk of the district court or administrative agency in accordance with subparagraph (b) of this rule, provided, if the estimated fee has not been made within two (2) days after the conclusion of the trial or proceeding, the estimated fees for preparation

of the record shall be deemed to be the sum of $100.00 until the actual fee has been computed.

(e) Time for Preparation. The clerk of the district court or administrative agency shall prepare the clerkís or agencyís record and have it ready for service on the parties within 30 days of the date of the filing of the notice of appeal. The clerk shall retain the copies of the clerk's or agency's record until the reporter's transcript, if any, is finished and thereafter cause the same to be settled and forwarded to the Supreme Court as provided by Rule 29. An extension of time for preparation of the record may be obtained by filing a motion for extension of time with the Idaho Supreme Court at least five days before the record is due unless good cause is shown for the failure to timely file a motion. The motion for extension of time shall be on a form approved by the Supreme Court.

(REPEALED April 7, 2008, NEW RULE 27(d) ADOPTED April 7, 2008, effective July 1, 2008)

(f) Waiver of Clerk's Fee. The payment of the clerk's record fee as required by this rule may be waived by the district court pursuant to section 31-3220, Idaho Code, in accordance with the local rules of the judicial district of the district court.

(Adopted March 25, 1977, effective July 1, 1977; amended March 31, 1978, effective July 1, 1978; amended December 27, 1979, effective July 1, 1980; amended March 24, 1982, effective July 1, 1982; amended March 20, 1985, effective July 1, 1985; amended June 19, 1995, effective July 1, 1995; amended March 9, 1999, effective July 1, 1999; amended March 24, 2005, effective July 1, 2005 amended February 4, 2008, effective March 1, 2008, ammended June 24, 2010, effective July 1, 2010; amended March 18, 2011, effective July 1, 2011.)

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