



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 one electronic copy of the clerk's or agency's record for the Supreme Court. If requested, the clerk shall also prepare a hard copy of the record for service on the appellant and respondent, as each party may elect whether to receive it in electronic format or in hard copy or both. 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) Clerk's Fee.

(1) Paper copy. If a paper copy of the record is requested, 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. This fee shall be full payment for two complete paper copies of the record, one for the appellant and one for the respondent, and one electronic copy for the Supreme Court. 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, if any, as ordered by the administrative agency.

(2) Electronic Copy. If only an electronic copy of the record is requested, the clerk of the district court shall charge and collect a fee for preparation of the electronic record in the sum of \$0.65 for each page. Any party may request an additional copy of the record on CD upon payment of \$20.00 to the clerk of the district court.

(c) Payment of Estimated Fees. Upon the filing of a notice of appeal, or within three (3) working days thereof, 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.

(d) Time for Preparation. The clerk of the district court or administrative agency shall prepare the clerk's or agency's record and have it ready for service on the parties within 28 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.

(e) 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 applying the same requirements as for a civil case as set forth in section 31-3220, Idaho Code, if the appellant is not a prisoner as defined in that statute. If the appellant is a prisoner, payment of the clerk's record fee as required by this rule may be waived by the district court applying the same requirements as for a civil case as set forth in section 31-3220A, Idaho Code.

(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, amended June 24, 2010, effective July 1, 2010; amended March 18, 2011, effective July 1, 2011; amended May 5, 2017, effective July 1, 2017; amended and effective January 24, 2019; amended April 28, 2021, effective July 1, 2021; amended April 28, 2022, effective July 1, 2022.)

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