

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
QUICK REFERENCE GUIDE | FORM AND SUPPLEMENTATION OF THE RECORD

In appeals from decisions of U.S. District Courts and the Tax Court,¹ the record on appeal is presented in one of three forms depending on whether the appellant is represented by retained counsel, represented by counsel appointed under the Criminal Justice Act, or proceeding pro se. Regardless of the form of the record, its contents must comply with Tenth Circuit Rule 10.4.

- (1) **Appellant's retained counsel** must prepare an electronic appendix in accordance with Tenth Circuit Rules 10.4 and 30.1. *See* 10th Cir. R. 10.1 and 10.3(B). The electronic appendix is filed at the same time as the opening brief. 10th Cir. R. 30.1(A)(1). One hard copy of the electronic appendix must be submitted to the court. 10th Cir. R. 30.1(A)(2). The hard copy must be an exact replica of the electronic appendix. 10th Cir. R. 30.1.
 - a. Appellees may file a supplemental electronic appendix in accordance with Tenth Circuit Rule 30.2
 - b. After the appellant's electronic appendix and the appellee's supplemental electronic appendix (if any) are filed, supplementation of the appendix may be requested via motion filed in accordance with Federal Rule of Appellate Procedure 27 and Tenth Circuit Rule 27.

- (2) **Appellant's appointed Criminal Justice Act counsel** must file a designation of record in accordance with Tenth Circuit Rule 10.4. *See* 10th Cir. R. 10.1 and 10.3(A). The designation of record must be filed in the district court and in this court within 14 days after the appeal is opened. 10th Cir. R. 10.3(A).
 - a. Appellees may file (in the district court and in this court) an appellee's designation of record within 14 days after service of the appellant's designation. 10th Cir. R. 10.3(A)(2).
 - b. After the appellant's designation and the appellee's designation (if any) are filed, **supplementation of the record** may be requested via motion filed in accordance with Federal Rule of Appellate Procedure 27 and Tenth Circuit Rule 27.

- (3) In appeals filed by **pro se appellants who are not attorneys**², the court will prepare and file a pro se record on appeal. 10th Cir. R. 10.3(C). No designation of record is required. *Id.* Supplementation of the record may be requested via motion filed in accordance with Federal Rule of Appellate Procedure 27 and Tenth Circuit Rule 27.

¹ In appeals from an agency decision, the agency prepares and transmits an agency record. *See* Fed. R. App. P. 16 and 17, and 10th Cir. R. 17. The electronic appendix requirements set forth in Tenth Circuit Rule 30.1 do not apply to Fed. R. App. P. 15 proceedings. 10th Cir. R. 17.2.

² Attorneys representing themselves on appeal must comply with the rules and requirements that apply to appellants represented by retained counsel (i.e., an electronic appendix is required).