

A Maryland Judiciary Production

My Laws, My Courts, My Maryland

Series: Appealing Your Case to the Appellate Court of Maryland

Title: Part 3: Transcripts and the Court Record

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CHAPTER HEADINGS

Ordering the Transcript

The Record and Record Extract

Let's Review

Hello. In this video, we will discuss two topics:

- How to request a transcript from the circuit court and
- Additional steps that may be required to provide the Appellate Court of Maryland everything it needs.

Remember, an appeal to the Appellate Court is not a new trial. You cannot introduce new facts or evidence. The court will review the record of what happened at trial and determine whether the trial court properly applied the law in your case. The record includes what was said and done at the original trial or hearing – called a transcript. It also includes the documents filed by the parties.

Please keep in mind, appeals can be very complicated. Whenever possible, hire a lawyer.

First, we will cover important tips on ordering the transcript.

Chapter Heading: Ordering the Transcript

The court will need to review a written transcript of the trial or hearing. It is your responsibility as the appellant, that is the person filing the appeal, to provide it. You cannot produce the transcript yourself. You must have an approved court reporting company create it from audio or video recordings that are provided by the court.

Read Maryland Rule 8-411 for information on what transcripts are required. You can find the Maryland Rules at mdcourts.gov/lawlib.

Contact the court or visit the circuit court website to find more information on how to order a transcript. You can find each circuit court's number, address, and website online at mdcourts.gov/circuit.

It will take some time for the court reporter to prepare the transcript, so don't wait to take this step. When should you order it? In a civil case, the Appellate Court of Maryland will issue an order letting you and the other side know that the appeal will proceed. This order will give you a timeline for requesting the transcript. In most cases you must request it within 10 days of when you received the order.

Please take note. There are some other case types that require you to order the transcript earlier. In some circumstances, the filing deadline starts not when you receive the court order, but when you file your notice of appeal. Order your transcript within 10 days of filing the Notice of Appeal if you are appealing a criminal case and are not represented by a lawyer, or your appeal did not require the Civil Appeal Information Report. As a reminder the Civil Appeal

Information Report is a document that you may need to file with your Notice of Appeal. For more information, watch Part 2 of this series.

Some cases, especially those involving children, may be expedited and will typically have a 5-day deadline to order the transcript. Check the Maryland Rules or speak with a lawyer to be sure you know the correct deadline.

When ordering the transcript, be sure to request a copy for yourself. You must also request a copy and have it served on the other party or their lawyer, if they have one. So, that is three copies: one for you, one for the court, and one for the other side.

As the appellant – that is the person filing the appeal – you are responsible for paying for the transcript. The cost of preparing the transcript is based on the length of the hearing. The court cannot waive this cost.

If you do not request the transcript on time, your appeal may be dismissed. You are responsible for making sure the Appellate Court has everything it needs to review your case.

Let's discuss the record and record extract.

Chapter Hearing: The Record and Record Extract

Check with the clerk in the circuit court where your case was heard to make sure they sent the record of the case to the Appellate Court of Maryland. While the circuit court is required to send the record, it is your responsibility to make sure that it is complete and sent by the deadline. If more time is needed, you may have to ask the Appellate Court for an extension. Be sure to request an extension *before* the transcript deadline expires. File a motion with the

Appellate Court to request an extension. Read Maryland Rule 8-412 for more information. You can find the Maryland Rules at mdcourts.gov/lawlib.

In some cases, you will also be required to submit a record extract with your brief. A record extract is a copy of court papers that are necessary for the Appellate Court to review your case. It includes:

- The docket entries,
- The judgment or order from which you are appealing,
- Parts of the transcript, and
- Exhibits.

If you are representing yourself and the court has authorized you to provide an informal brief, instead of a regular brief, you will not be required to submit a record extract. If you are not sure if you are required to have a record extract, ask the clerk in the Appellate Court. You can view the contact information for the Court at mdcourts.gov/acm.

Now that the Appellate Court has the trial court record, the next step is to tell the Court why you believe the trial court erred in applying the law. You do that by filing a written document called a brief. For more information on this topic, watch Part 4 of this series, *Preparing Your Brief*.

Let's review.

Chapter Hearing: Let's Review

Ask the Clerk's office or visit the website of the court that originally heard your case to find information on how to order a transcript. It will take some time for the court reporter to prepare it, so do not delay. In most civil cases, you must order the transcript within 10 days of receiving an order from the Appellate Court telling you the appeal will proceed. Finally, remember that you are responsible for ensuring that the circuit court sends the record by the due date. You may also be required to prepare a record extract. If you are not sure if you need one, review the Maryland Rules.

I hope you found this helpful. Thanks for watching.