MOTION TO AUGMENT RECORD ON APPEAL WITH REPORTER'S TRANSCRIPT - INSTRUCTIONS

After the record on appeal is filed, you might discover there is a transcript of a proceeding missing from the record that you think the court should consider when deciding your case. You may make a Motion to Augment the Record on Appeal with Reporter's Transcript. (See sample below.)

You must specify the date and approximate time of each proceeding you want transcribed. If you have the name of the court reporter, it would be helpful to include it.

If the court grants your motion, you will have to pay for the reporter's transcript. The Superior Court clerk or court reporter will give you an estimate of how much the transcript you are requesting will cost. If you do not pay, you will be placed in default.

File:

Original plus 1 copy (provide an extra copy to be file-stamped for your file) OR e-file an electronic copy (see Appendix 7) with the Court of Appeal.

The motion should include everything listed below, stapled together in one document:

Motion to Augment (see below)
Memorandum of Points and Authorities (see below)
Declaration (see below)
Attached document(s)
Proposed Order
Proof of Service

Serve:

Superior Court
All parties

(Your name)
(Your mailing address)
(City, State and Zip code)
(Your telephone number)

Self-represented

COURT OF APPEAL, SECOND APPELLATE DISTRICT
DIVISION _____
STATE OF CALIFORNIA

(Plaintiff's name from lower court caption),	*(Court of Appeal case number)*
Plaintiff and *(appellant or respondent)*,	(Superior Court No. _____)
v.	**MOTION TO AUGMENT RECORD ON APPEAL WITH REPORTER'S TRANSCRIPT**
(Defendant's name from lower court caption),	
Defendant and *(appellant or respondent)*.	

SAMPLE

Pursuant to Rule 8.155(a) of the California Rules of Court, I, *(your name)*, request augmentation of the record on appeal to include the reporter's transcript(s) listed below.

(List the transcript(s) you are requesting)

1. Hearing on June 15, 2013 from 9:00am-11:30am. Court reporter is John Doe
2. Hearing on June 16, 2013, all day beginning at 9:99am. Court Reporter is Jane Doe.

I am requesting that these documents be added to the record because:
(State why you are requesting the transcript(s) be added)

I declare under penalty of perjury that the foregoing is true and correct.

Executed at ____*(city, state)*_____ this __*(date)*__day of ___*(month)*___, 2014.

_____
Signature

_____
Type or Print Name

MEMORANDUM OF POINTS AND AUTHORITIES

AUGMENTATION SHOULD BE ORDERED TO ALLOW APPELLANT TO RECEIVE FULL AND FAIR APPELLATE REVIEW

Rule 8.155(a) of California Rules of Court permits the augmentation of the appellate record and specifically under Rule 8.155(a)(1) allows a certified transcript or document not designated under Rule 8.130 to be augmented and permitted. It is well established that this rule is to be construed liberally. (*People v. Brooks* (1980) 26 Cal.3d 471, 484.)

The need for augmentation here is compelling. Appellant believes the trial court erred in granting summary judgment based on its own determination of the credibility of conflicting declarations. The issue can only be reviewed on appeal if the reporter's transcript of the court's comments before ruling is part of the appellate record.

Not only is augmentation necessary, it will not prejudice any party. The augmentation request concerns documents which were all part of the record. Additionally, the augmentation will not cause a substantial delay in this appeal.

CONCLUSION

For the above reasons, this Court should order the record to be augmented on appeal by including the reporter's transcript or document(s) requested in this motion.

Dated: ___*(date)*_____ Respectfully Submitted,

_____
Signature

_____
Type or Print Name

SAMPLE

DECLARATION IN SUPPORT OF MOTION TO AUGMENT

I, ____*(your name)*_____, declare and state as follows:

1. I am a self-represented litigant.

2. On ___*(date)*___, I argued the matter before the Honorable ___*(Superior Court judge's name)*___. The court reporter reported the matter.

3. I did not order the reporter's transcript of ____*(date(s) of hearing)*____, thinking it was unnecessary.

4. I believe the court used the incorrect standard of review. The court's comments before announcing its ruling are material to this issue. The transcript of that hearing is therefore a necessary element of the record on appeal.

5. Because the document(s) requested is attached to this motion, there will be no significant delay, and possibly no delay at all with this appeal.

6. I know of no prejudice to any party as a result of the granting of this motion.

7. This motion is made in good faith for the reasons set forth above and not for the purposes of delay.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this __*(date)*__ day of __*(month)*__, at ____*(city)*_____, California.

SAMPLE

_____
Signature

_____
Type or Print Name