

RULES OF SUPREME COURT OF VIRGINIA
PART FIVE
THE SUPREME COURT
C. PROCEDURE FOR FILING AN APPEAL FROM A TRIAL COURT

Rule 5:13A. Digital Appellate Record: Preparation and Transmission.

(a) *Preparation.* ~~For courts that utilize the Case Imaging System developed by the Office of the Executive Secretary, a~~ A Digital Appellate Record may be created instead of a paper record, with substantially the same content as its paper counterpart. The clerk of the ~~court~~ tribunal in which the proceeding originated shall be responsible for preparing the digital record, if the clerk chooses to transmit a digital record in place of the paper version.

(b) *Form of Record.* The digital record shall comply with the Digital Appellate Record Standards posted on the Supreme Court of Virginia ~~intranet~~ website.

(c) *Exhibits.* Original exhibits should be imaged and retained by the clerk of the ~~trial court~~ tribunal. The omission of any exhibit that cannot be scanned or imaged must be noted in a descriptive list of exhibits. On motion or sua sponte, this Court may order the ~~trial court~~ tribunal to transmit any retained exhibit.

(d) *Transmission.* The clerk of the ~~trial court~~ tribunal shall transmit the record to the clerk of this Court, in a manner prescribed by the Digital Appellate Record Standards, using the Digital Records System created for this purpose. The same timing and dismissal rules apply to transmissions of digital records as apply to their paper counterparts in Rule 5:13.

(e) *Disposition of Record.* When the mandate is issued by this Court, the clerk of this Court shall return all tangible items, if any, to the clerk of the ~~trial court~~ tribunal in which the proceeding originated. The digital record will not be returned. If necessary, the record shall be re-sent by that clerk upon the request of the clerk of this Court.

(f) *Public Record.* The publicly available digital record shall be the digital document prepared by the ~~trial court~~ tribunal clerk with all information that is sealed or protected from public disclosure by law redacted or excluded.

Promulgated by Order dated April 10, 2015; effective July 1, 2015.

Last amended by Order dated October 30, 2015; effective January 1, 2016.