

2:5-5. Correction or Supplementation of Record

(a) Motion to Settle the Record. A party who questions whether the record fully and truly discloses what occurred in the court or agency below shall, except as hereinafter provided, apply on motion to that court or agency to settle the record. The appellate court, on motion, may review such determination or may, on its own motion, order a correction of the record or may direct the court or agency to do so. The making of a motion pursuant to this rule shall toll the time for serving and filing the next brief due, but the remaining time shall again begin to run from the date of entry of an order disposing of such a motion. If the proceedings were sound or video recorded, a party, prior to moving for an order settling the record, may, on notice to all other parties, request the clerk of the court in which the appeal is pending to review the tape thereof to determine whether a particular portion of the transcript accurately transcribed what was said by a participant. The clerk shall notify all parties of the determination, requesting that any objection be submitted in writing within ten days of the notification. If no timely written objection is received, the transcript shall be deemed so corrected, and a copy of the notification shall be filed. If a party timely objects in writing, that party shall move for correction of the transcript in the court or agency from which the appeal is taken; however, if the appeal has already been calendared, the motion shall be made to the court in which the appeal is pending.

(b) ... no change

Note: Source -- *R.R.* 1:6-6, 4:88-9, 4:88-11, 7:13-4. Paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 28, 2004 to be effective September 1, 2004.