

Agenda

Utah Supreme Court Advisory Committee Utah Rules of Appellate Procedure

Paul C. Burke, Chair

Location: Webex (see calendar appointment for instructions)
Date: February 4, 2021
Time: 12:00 to 1:30 p.m.

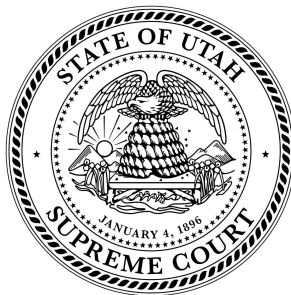
Action: Welcome and approval of January 7, 2021 minutes	Tab 1	Paul C. Burke, Chair
Action: Rule 15	Tab 2	Chris Ballard
Action: Rules 25 & 50	Tab 3	Tyler Green
Action: Rules 23, 27, 56	Tab 4	Sarah Roberts
Discussion: Old/new business		Paul C. Burke

Committee Webpage: <https://www.utcourts.gov/utc/appellate-procedure/>

2021 Meeting schedule:

March 4, 2021	June 3, 2021	September 2, 2021	December 2, 2021
April 1, 2021	July 1, 2021	October 7, 2021	
May 6, 2021	August 5, 2021	November 4, 2021	

Tab 1



Minutes

Supreme Court's Advisory Committee on the Utah Rules of Appellate Procedure

Administrative Office of the Courts

450 South State Street

Salt Lake City, Utah 84114

Via WebEx Videoconference

Thursday, January 7, 2021

12:00 pm to 1:30 pm

PRESENT

Christopher Ballard
Troy Booher—
Emeritus Member
Paul C. Burke—Chair
Lisa Collins
Tyler Green
R. Shawn Gunnarson
Michael Judd—
Recording Secretary
Larissa Lee—Staff

Alan Mouritsen
Judge Gregory Orme
Rodney Parker
Judge Jill Pohlman
Sarah Roberts—Staff
Clark Sabey
Nathalie Skibine
Scarlet Smith
Mary Westby

EXCUSED

Patrick Burt

1. Welcome, Approval of December 2020 Minutes Paul C. Burke

Paul Burke welcomed the committee. The committee reviewed the December 2020 minutes. Mary Westby noted that the second reference to Rule 31 in Section 5 should actually be a reference to Rule 30. The committee concurred. No further comments or objections were noted.

Shawn Gunnarson moved to approve the minutes from the December 2020 meeting as amended. Ms. Westby seconded the motion and it passed by unanimous consent.

**2. Action:
Rule 19**

**Paul C. Burke
Sarah Roberts**

The most significant proposed change to Rule 19 is the deletion of Rule 19(f), which governed the service of hard copies on the clerk of court. The proposed amendments are also intended to clarify and clean up the existing language of the rule. The committee discussed the references to “respondents” in lines 6 and 37 and how to best clarify the potential categories of respondents without being unnecessarily cumbersome. The committee reviewed both Rule 65B of the Utah Rules of Civil Procedure and Rule 19 of the Federal Rules of Appellate Procedure to determine whether those rules provided useful guidance.

Judge Orme moved to strike the phrase “for all purposes” from the first sentence of Rule 19(c). Rod Parker seconded the motion. It passed without objection by unanimous consent.

Clark Sabey moved to change lines 42/43 by striking the sentence that begins “when seeking emergency relief” and the word “otherwise” in the following sentence. Ms. Westby seconded that motion and it passed without objection by unanimous consent.

Judge Jill Pohlman moved to restore the words “or agency” to line 7. That motion, too, was seconded and passed without objection by unanimous consent.

The committee also discussed the inclusion of “judges” among the list of respondents and the typical response when judges are so included, as well as the potential confusion created by this rule about how and where a petition for extraordinary relief should be filed. Mr. Burke recommended that rather than craft new language on the fly, the committee table action on the Rule for the time being.

Mr. Parker moved to table further discussion of the amendments to Rule 19 for a month to allow the committee to more fully consider additional changes to the rule. Tyler Green seconded the motion to table and it passed without objection by unanimous consent.

3. **Action:**
Rule 20

Chris Ballard

The committee has already tentatively approved a series of amendments to Rule 20, but the committee delayed adoption until the committee could address how to refer to parties that may be *in custody* but not in prison. Chris Ballard reported that he had solicited feedback on that point, and based on that feedback, suggested the rule mirror language of the “prison mailbox rule” in Rule 21.

Nathalie Skibine moved to modify the language of lines 29–32 to clarify the proper party to serve, as shown on screen. Mr. Ballard seconded that motion, and it passed without objection.

Lisa Collins moved to strike the final twelve words (lines 16–17) from the first sentence of the proposed rule 20(b)(1). Judge Pohlman seconded that motion, and it passed without objection.

Mr. Ballard moved to adopt the amendments to Rule 20 as they appeared on the screen at the committee meeting, as supplemented by further amendments made at meeting. Ms. Collins seconded the motion and it passed without objection by unanimous consent.

4. **Action:**
Rule 25

Paul C. Burke
Sarah Roberts

With respect to Rule 25, the Utah Supreme Court has asked the committee for a recommendation about timing of amicus briefs, including a recommendation about whether Utah’s Rule 25 should be modified to be made more consistent with the parallel federal rules, which differs in several respects. After some discussion, the committee settled on a proposal to adopt both the timing found in the federal rule and some of that rule’s critical language.

Ms. Westby moved to strike “guardian ad litem” throughout rule, as the guardian ad litem’s role in appellate procedure is more clearly defined elsewhere in the rules. Judge Orme seconded that motion, and it passed without objection by unanimous consent.

Mr. Parker also proposed that the committee craft an advisory committee note regarding the removal of certain language related to the guardian ad litem, to clarify the intent of that change.

After some discussion, Mr. Green moved to table discussion to allow the committee one more month to rework language. That motion was seconded and passed without objection by unanimous consent.

Paul C. Burke
Sarah Roberts

Given that little time remained in the meeting, Mr. Parker move to table further discussion of Rules 23 and 27 until the committee's next meeting. Scarlet Smith seconded and the motion passed without objection by unanimous consent.

Paul C. Burke
Sarah Roberts

Given the little time remaining and the relationship between these proposed changes and the proposed changes to Rules 23 and 27, the committee agreed to defer discussion of Rule 56 until the next committee meeting.

Paul C. Burke

Judge Orme described for the committee a potential change to the rules flagged in *Watson v. Labor Commission*, 2020 UT App 170, ¶ 1 n.1. As that footnote observes, on the administrative-appeal side, there is no equivalent of a cross-appeal—each appellee must file its own separate petition. The

Court therefore suggests that the committee “consider amending the rules to allow cross-petitions for review in administrative cases.” The committee welcomed that addition to its list of pending tasks.

8. Adjourn

Mr. Parker moved to adjourn, and no objections were noted. The committee adjourned and is scheduled to meet again on February 4, 2021.

Tab 2

Rule 15. Petitions for review in tax cases.

(a) ~~If a petition for judicial review~~ one party seeks review of a State Tax Commission decision ~~is~~
~~filed pursuant to Utah Code Ann. §59-1-602~~ by filing a petition for judicial review ~~one~~
~~party~~ in the district court, ~~and by~~ while another party seeks review in the ~~S~~supreme
Court through a direct appeal, the direct appeal ~~shall~~will be, absent compelling
circumstances;

(1) stayed pending resolution of the district court proceeding's ~~resolution of the~~
~~proceeding before the district court;~~ and

(2) dismissed when the district court issues ~~upon the issuance of~~ a final
appealable order ~~by the district court.~~

(b) Assuming an absence of compelling circumstances under ~~subsection~~ paragraph (a),
all issues appealed raised in the direct appeal may be raised by any party in the district
court proceeding, ~~and if~~ not raised in the district court proceeding, the direct appeal
issues will be waived and subject to dismissal with the direct appeal when the district
court issues ~~upon the issuance of~~ a final appealable order ~~by the district court.~~

(c) A party may not ~~appeal pursuant to Utah Code Ann. §59-1-602 to~~ seek review
simultaneously in both the district court and ~~to the~~ Supreme Court ~~through appeal.~~

However, a party who has appealed to sought review in either the district court or the
Supreme Court may join an appeal the proceeding filed by another party in the separate
court through by filing a cross-appeal ~~at~~ in the Supreme Court or by intervening in the
district court ~~appeal.~~

Tab 3

Rule 25. Amicus curiae briefs~~Brief of an amicus curiae or guardian ad litem.~~

(a) Notice. An amicus curiae in the Supreme Court or Court of Appeals must ensure that counsel of record for all parties to the case receive notice of its intention to file its brief at least 14 days before the brief's due date.

(1) Only one signatory to any amicus curiae brief filed jointly must notify the parties of its intent to file that brief.

(2) An amicus curiae whose brief is requested by an appellate court need not comply with this notice requirement.

(b) When permitted. ~~A brief of~~ An amicus curiae brief ~~or of a guardian ad litem representing a minor who is not a party to the appeal~~ may be filed only ~~by~~ if the brief states that all parties have consented to its filing, -by leave of court granted on motion, or at the court's request ~~of the court.~~

(c) Motion for leave to file; exemptions. ~~The motion for leave may be accompanied by a proposed amicus brief, provided it complies with applicable rules and the number of copies specified by Rule 26(b) are submitted to the court. If all parties do not consent to the brief's filing, A~~ an amicus curiae may file a motion for leave to file a brief.

(1) The motion must ~~shall~~ indicate the party or parties who have withheld consent, identify the movant's interest, ~~of the movant and shall~~ and state the reasons why ~~a brief of~~ an amicus curiae or ~~the guardian ad litem~~ brief is desirable and why the matters asserted are relevant to the disposition of the case.

(2) The motion must not exceed 1,500 words. It must be submitted as one document with the ~~accompanied by a proposed~~ brief sought to be filed.

~~(2) Except for a motion for leave to participate in support of, or in opposition to, a petition for writ of certiorari filed pursuant to Rule 50(e), the motion for leave shall be filed. The motion must be filed at least seven 21 days prior to after the due date of the principal brief of the party being supported, unless the motion is filed under Rule 50(e) or the court orders otherwise, date on which the brief of the~~

~~party whose position as to affirmance or reversal the amicus curiae or guardian ad litem will support is due, unless the court for cause shown otherwise orders.~~

(3) Parties to the appeal proceeding may indicate their support for, or opposition to, the motion. Any responses of a party to a to the motion for leave must shall be by filing an objection to it within 714seven days after the motion is of served that concisely states their reasons for withholding consentice of the motion.

(4) No motion for leave to file an amicus brief is necessary if the brief is presented on behalf of the State of Utah or any agency of the State of Utah by the Office of the Utah Attorney General; by a guardian ad litem; on behalf of any other State, Commonwealth, or Territory when submitted by its Attorney General; or on behalf of the United States of America when submitted by the United States Department of Justice.

(d) **Time for filing.** An amicus curiae brief, together with a motion under paragraph (c) when a party has withheld consent, must be filed:

(1) in a case before the Supreme Court when a petition for a writ of certiorari is pending, 14 days after the petition is filed; or

(2) in a case before the Supreme Court for merits review, or before the Court of Appeals, 7 days after the principal brief of the party being supported is filed.~~If leave is granted, an amicus curiae or guardian ad litem shall file its brief within 7 days of the time allowed the party whose position the amicus curiae or guardian ad litem will support, unless the order granting leave otherwise indicates.~~

(3) An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's or petitioner's principal brief is filed.

(4) The time for filing an amicus curiae brief will not be extended.

(e) **Length.** An amicus curiae brief filed under paragraph (d)(1) must not exceed 15 pages. An amicus curiae brief filed under paragraph (d)(2) must not exceed 7,000

words. Those limits will not be extended. Both limits exclude the table of contents, the table of authorities, any verbatim quotations required by Rule 49(a)(7), any appendix, and required certificates of counsel.

~~(fe)~~ **Brief requirements** **Contents and form.** An amicus curiae brief must comply with Rule 27. In addition, the cover must identify the party or parties supported and must indicate whether the brief supports affirmance or reversal. The brief must include: ~~movant's interest and must be filed no later than seven days after the principal brief of the party being supported is filed, unless the court orders otherwise.~~

(1) a table of contents;

(2) a table of authorities;

(3) unless included as part of a motion under paragraph (c)(1), a concise statement of the identity of the amicus curiae and its interest in the case;

(4) a statement indicating whether counsel for the parties received timely notice under paragraph (a);

(5) unless the amicus curiae is one listed in paragraph (c)(4), a statement that indicates whether:

(i) a party's counsel authored the brief in whole or in part;

(ii) a party or party's counsel contributed money that was intended to fund preparing or submitting the brief; and

(iii) a person — other than the amicus curiae, its members, or its counsel — contributed money that was intended to fund preparing or submitting the brief, and if so, identifies each such person; and

(6) an argument, which may be preceded by a summary and which need not include a statement of the applicable standard of review.

~~(gd)~~ **Responsive briefs.** The time for responsive briefs under Rule 26(a) ~~shall~~ runs from the timely service of the amicus curiae ~~or guardian ad litem~~ brief or from the timely

81 service of the brief of the party whose position the amicus curiae ~~or guardian ad litem~~
82 supports, whichever is later.

83 (he) Oral argument. ~~A motion of a~~ An amicus curiae ~~or guardian ad litem~~ may file a
84 motion to participate in the oral argument, which the court will ~~be granted~~ when
85 circumstances warrant it ~~in the court's discretion.~~ Such motions are not favored.

86 (i) An amicus curiae brief may not be filed in support of a petition for rehearing under
87 Rule 35.

1 **Rule 50. Response; reply;**~~brief of amicus curiae.~~

2 (a) **Response.** Within 30 days after ~~service of~~ a petition for a writ of certiorari is served,
3 any other party may file a response ~~to the petition.~~ Or, if the satisfaction of a
4 petitioner's ~~obligation to~~ pay the required filing fee or ~~to obtain~~ a waiver of that fee
5 ~~is accomplished~~ after service, then the time for response ~~shall~~ will run from the date
6 that obligation is satisfied ~~of satisfaction of that obligation.~~ The response ~~shall~~ must
7 comply with Rule 27 and, as applicable, Rule 49. ~~Seven copies of the response, one of~~
8 ~~which shall contain an original signature, shall be filed with the Clerk of the Supreme~~
9 ~~Court.~~ A party opposing a petition may so indicate by letter in lieu of a formal
10 response, but the letter ~~shall~~ may not include any argument or analysis.

11 (b) **Page limitation.** A response ~~shall~~ must be as short as possible and may not, ~~in any~~
12 ~~single case,~~ exceed 20 pages, excluding the table of contents ~~subject index~~, the table of
13 authorities, and the appendix.

14 (c) **Objections to jurisdiction.** The court will not accept a ~~No~~ motion ~~by a respondent~~ to
15 dismiss a petition for a writ of certiorari ~~will be received.~~ Objections to the Supreme
16 Court's jurisdiction ~~of the Supreme Court~~ to grant the petition may be included in the
17 response.

18 (d) **Reply.** A petitioner may file a reply addressed to arguments first raised in the
19 response ~~may be filed by any petitioner~~ within ~~fourteen~~ 14 days after ~~service of~~ the
20 response is served, but distribution of the petition and response to the court ordinarily
21 will not be delayed pending the filing of any such reply unless the response includes a
22 new request for relief, such as an award of attorney fees for the response. The reply
23 ~~shall~~ must be as short as possible, and but may not exceed five pages, and ~~shall~~ must
24 comply with Rule 27. ~~The number of copies to be filed shall be as described in Rule~~
25 ~~50(a).~~

Tab 4

Rule 23. Motions.

(a) **Content of motion.** Unless another form is elsewhere prescribed by these rules, an application for an order or other relief ~~shall~~must be made by filing a motion for such order or relief with proof of service on all other parties. The motion ~~shall~~must contain ~~or be accompanied by the following:~~

- (1) ~~A~~a specific and clear statement of the relief sought;
- (2) ~~A~~a particular statement of the factual grounds;
- (3) ~~If the motion is for other than an enlargement of time,~~ a memorandum of points and authorities in support (unless the motion is for an enlargement of time); and
- (4) ~~A~~affidavits and ~~papers~~documents, where appropriate.

(b) **Response.** Any party may file a response to a motion within ~~10~~4 days after the motion is served~~service of the motion~~; however, the court may, for good cause shown, dispense with, shorten, or extend the time for responding to any motion.

(c) **Reply.** The moving party may file a reply only to answer new matters raised in the response. A reply, if any, may be filed no later than ~~seven~~5 days after the response is served~~service of the response~~, but the court may rule on the motion without awaiting a reply.

(d) **Determination of motions for procedural orders.** Notwithstanding ~~the provisions of~~ paragraph (a) ~~of this rule~~ as to motions generally, motions for procedural orders ~~which do not~~ substantially affecting the rights of the parties or the ultimate disposition of the appeal, including any motion under Rule 22(b), may be acted upon at any time, without awaiting a response or reply. Pursuant to rule or at the court's direction~~order of the court~~, the clerk may dispose of motions for specified types of procedural orders ~~may be disposed of by the clerk~~. The court may review a clerk's disposition ~~by the clerk~~ upon a party's motion ~~of a party~~ or upon its own motion.

(e) **Power of a single justice or judge to entertain motions.** In addition to the authority expressly conferred by these rules or by law, a single justice or judge of the court may entertain and may grant or deny any request for relief ~~which~~that under these rules may properly be sought by motion, except that:

(1) a single justice or judge may not dismiss or otherwise determine an appeal or other proceeding; ~~and~~

(2) ~~except that~~ the court may provide by order or rule that any motion or class of motions must be acted upon by the court; ~~and~~

(3) ~~The~~ the action of a single justice or judge may be reviewed by the court.

~~(F) Form of papers; number of copies.~~

Comment [LL1]: Incorporated into Rule 27.

~~(1) Only the original of a motion to enlarge time shall be filed. The number of required copies of motions for summary disposition shall be governed by Rule 10(b). For other motions presented to the Supreme Court, the movant shall file with the clerk of the court an original and three copies. For other motions pending in the Supreme Court, the respondent shall file an original and three copies of the response. For a motion presented to the Court of Appeals, the movant shall file with the clerk of the court an original and four copies. For a motion pending in the Court of Appeals, the respondent shall file an original and four copies of the response.~~

~~(2) Motions and other papers shall be typewritten on opaque, unglazed paper 8 1/2 by 11 inches in size. Paper may be recycled paper, with or without deinking. The text shall be in type not smaller than ten characters per inch. Lines of text shall be double spaced and shall be upon one side of the paper only. Consecutive sheets shall be attached at the upper left margin.~~

~~(3) A motion or other paper shall contain a caption setting forth the name of the court, the title of the case, the docket number, and a brief descriptive title indicating the purpose of the paper. The attorney shall sign all papers filed with the court with his or her individual name. The attorney shall give his or her business address, telephone number, and Utah State Bar number in the upper left hand corner of the first page of every paper filed with the court except briefs. A party who is not represented by an attorney shall sign any paper filed with the court and state the party's address and telephone number.~~

Rule 27. Form of briefs, motions, and other appellate documents.

(a) Form of briefs, motions, and other appellate documents. Except as otherwise provided in this rule or by leave of court, all briefs, motions, and other appellate documents must comply with the following standards:

(1) ~~Paper~~Size; line spacing, printing and margins. ~~Briefs shall~~All documents must be prepared on 8½ by 11 inch sized paper. ~~typewritten, printed or prepared by photocopying or other duplicating or copying process that will produce clear, black and permanent copies equally legible to printing, on opaque, unglazed paper 8 1/2 inches wide and 11 inches long, and shall be securely bound along the left margin. Paper may be recycled paper, with or without deinking.~~ The printing text must be double spaced, except for matter customarily single spaced and indented. Margins ~~shall~~must be at least one inch on ~~the top, bottom and sides of each page~~all sides. Page numbers are required and may appear in the margins.

(b) Typeface. ~~Either a proportionally spaced or monospaced typeface in~~The type must be a plain, roman style with serifs~~may be used.~~ Italics or boldface may be used for emphasis. Cited case names must be italicized or underlined.

(3) Typesize. ~~A proportionally spaced~~The typeface must be 13-point or larger for both text and footnotes. ~~A monospaced typeface may not contain more than ten characters per inch for both text and footnotes.~~

(b) Documents submitted by unrepresented parties. An unrepresented party who does not have access to a word-processing system must file typewritten or legibly handwritten briefs, motions, and other appellate documents. An unrepresented party must sign any document filed with the court. These documents must otherwise comply with the form requirements of this rule, and, if applicable, Rules 24 and 24A.

(c) ~~Binding.~~ ~~Briefs shall be printed on both sides of the page, and bound with a compact type binding so as not unduly to increase the thickness of the brief along the bound side. Coiled plastic and spiral type bindings are not acceptable.~~

~~(d)~~ Caption page~~color of cover; contents of cover~~. The cover of the opening brief of appellant shall be blue; that of appellee, red; that of intervenor, guardian ad litem, or amicus curiae, green; that of any reply brief, or in cases involving a cross appeal, the appellant's second brief, gray; that of any petition for rehearing, tan; that of any response to a petition for rehearing, white; that of a petition for certiorari, white; that of a response to a petition for certiorari, orange; and that of a reply to the response to a petition for certiorari, yellow. All brief covers shall be of heavy cover stock. There shall be adequate contrast between the printing and the color of the cover. The ~~cover~~first page of ~~all~~each briefs, motion, or appellate document ~~shall~~must contain a caption that includes the following information~~set forth in the caption~~:

(1) Case and document information:

(A) ~~the~~ full title given to the case in the court or agency from which the appeal was taken, as modified ~~pursuant to~~under Rule 3(g), ~~as well as~~

(B) the designation of the parties both as they appeared in the lower court or agency and as they appear in the appeal. ~~In addition, the covers shall contain:~~

(C) the name of the appellate court;

(D) the number of the case in the appellate court opposite the case title;

(E) the title or description of the document (e.g., Brief of Appellant, Petition for Rehearing, Motion to Dismiss);

(F) the nature of the proceeding in the appellate court (e.g., Appeal, Petition for Review, Extraordinary Writ);

(G) the name of the court and judge, agency, or board below; ~~and,~~

(2) For motions and other appellate documents, counsel or party information in the upper left-hand corner, including:

(A) ~~the~~ name, ~~s and~~ address, ~~es,~~ telephone number, Utah State Bar number, ~~of counsel for the respective parties and~~ designation ~~ed~~ as attorney for appellant, petitioner, appellee, or respondent, as the case may be, or;

(B) An unrepresented party must list the party's name, address, and telephone number.

(3) For briefs on the merits, the names of all counsel for the respective parties must appear on the bottom half of the caption page. for The party filing the document shall must appear in the lower right and opposing counsel in the lower left of the cover. In criminal cases, the cover of the defendant's brief shall also indicate whether the defendant is presently incarcerated in connection with the case on appeal and if the brief is an Anders brief.

(d) Additional requirements for briefs on the merits.

(1) Binding. Briefs ~~shall~~ must be printed on both sides of the page, and securely bound on the left margin with a compact-type binding so as not unduly to increase the thickness of the brief along the bound side. Coiled plastic and spiral-type bindings are not acceptable.

(2) Color of caption page. The ~~cover~~caption page of theappellant's opening brief ~~of appellant shall~~ must be blue; that of appellee, red; that of intervenor, guardian ad litem, or amicus curiae, green; that of any reply brief, or in cases involving a cross-appeal, the appellant's second brief, gray. All brief ~~eovers~~caption pages ~~shall~~ must be of heavy ~~cover~~card stock. There ~~shall~~ must be adequate contrast between the printing and the color of the ~~cover~~caption page.

(3) Criminal appeals. In criminal cases, the cover of the defendant's brief must also state whether the defendant is presently incarcerated in connection with the case on appeal and if the brief is an *Anders* brief. An *Anders* brief is a brief filed pursuant to *Anders v. California*, 386 U.S. 793 (1967), in cases where counsel believes no nonfrivolous appellate issues exist.

(4)(e) Effect of non-compliance with rules. The clerk ~~shall~~will examine all briefs before filing. If they ~~y~~ briefs are not prepared in accordance with these rules, they will not be filed but ~~shall~~will be returned to be properly prepared. The clerk ~~shall~~will retain one copy of the non-complying brief and the party ~~shall~~must file a brief prepared in compliance with these rules within ~~5~~seven days. The party whose brief has been rejected

82 ~~under this provision shall~~must immediately notify the opposing party in writing of the
83 lodging. The clerk may grant additional time for bringing a brief into compliance only
84 under extraordinary circumstances. This rule is not intended to permit significant
85 substantive changes in briefs.

Rule 56. Response to petition on appeal.

(a) **Filing.** Any appellee, including the Guardian ad Litem, may file a response to the petition on appeal with the appellate clerk; ~~An original and four copies of the response must be filed with the clerk of the Court of Appeals~~ within 15~~4~~ days after service of the appellant's petition on appeal. The response ~~It shall~~must be accompanied by proof of service to; ~~The response shall be deemed filed on the date of the postmark if first class mail is utilized. The appellee shall serve a copy on~~ counsel of record of each party, including the Guardian ad Litem, or; on the party if the party is not represented by counsel; ~~then on the party at the party's last known address, in the manner prescribed in Rule 21(c).~~

(b) **Format.** A response ~~shall~~must substantially comply with the Response to Petition on Appeal form that accompanies these rules. The response ~~shall~~may not exceed 15 pages, excluding any attachments, and ~~shall~~must comply with Rule 27(a) and (b); ~~except that it may be printed or duplicated on one side of the sheet.~~