



## Agenda

### Utah Supreme Court Advisory Committee Utah Rules of Appellate Procedure

*Nathalie Skibine, Chair*  
*Stanford Purser, Vice Chair*

Location:	Meeting held through Webex and in person at: Matheson Courthouse, Education Room, 3rd Floor 450 S. State St. Salt Lake City, Utah 84111 <a href="https://utcourts.webex.com/utcourts/j.php?MTID=m5d3bea9334a6903ec113efdd5649fefc">https://utcourts.webex.com/utcourts/j.php?MTID=m5d3bea9334a6903ec113efdd5649fefc</a>
Date:	November 6, 2025
Time:	12:00 to 1:30 p.m.

<b>Action:</b> Welcome and approval of October 2, 2025 Minutes	Tab 1	Nathalie Skibine, Chair
<b>Discussion/Action:</b> Rules 49 and 50-word limits	Tab 2	Nathalie Skibine
<b>Action:</b> Rule 22	Tab 3	Stan Purser
<b>Action:</b> Rule 26	Tab 4	Stan Purser
<b>Action:</b> Rule 5	Tab 5	Mary Westby
<b>Action:</b> Rule 27	Tab 6	Nathalie Skibine
<b>Discussion:</b> Old/new business		Nathalie Skibine, Chair

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

#### **2025 & 2026 Meeting schedule:**

December 4, 2025	April 2, 2026	July 2, 2026	October 1, 2026
February 5, 2026	May 7, 2026	August 6, 2026	November 5, 2026
March 6, 2026	June 4, 2026	September 3, 2026	December 3, 2026

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

In Person and by Webex Videoconference  
Thursday, October 2, 2025  
12:00 pm to 1:30 pm

#### PRESENT

Dick Baldwin  
Nicole Gray  
Amber Griffith—Staff  
Debra Nelson  
Caroline Olsen  
Judge Gregory Orme  
Tera Peterson  
Martha Pierce

Stan Purser—  
Vice Chair  
Michelle Quist  
Clark Sabey  
Nathalie Skibine—  
Chair  
Nick Stiles—Staff  
Mary Westby

#### EXCUSED

Michael Judd—Recording  
Secretary  
Judge Michele  
Christiansen Forster  
Scarlet Smith

#### GUEST

Jennifer Gadbois

1. **Action:** **Nathalie Skibine**  
**Approval of September 2025 Minutes**

The committee reviewed the draft minutes from its September 2025 meeting and Dick Baldwin noted a misspelling in item two.

*With that correction noted Mary Westby moved to approve the September 2025 minutes. Martha Pierce seconded that motion, and it passed without objection by unanimous consent.*

## Final Approval of Rules 11, 28A, and 55A

Nick Stiles reported that he spoke with Jennifer Gadbois and the transcript office, and they have been reviewing options for how self-represented parties can obtain transcripts. Mr. Stiles is currently meeting with trail court executives to see about creating a fee waiver for transcripts.

Another concern raised in the public comment was parties who use paragraph (d) to correct the transcript when the transcript says (inaudible). Tera Peterson reported that some practitioners may believe they are no longer able to correct the record in these instances. The Committee discussed the concerns and added “due to audio issues” to paragraph (d) **Supplementing or modifying the record** to clarify that parties are still able to correct the record using this paragraph.

Mr. Stiles introduced the proposed amendments to Rule 34 which changes the awarded costs for printed briefs and attachments from \$3.00 per page to actual reasonable cost incurred. Mr. Baldwin noted that the paragraphs needed to be renumbered due to the removal of paragraph (c)(1).

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**4. Discussion: Nathalie Skibine**  
**Extension**

Nathalie Skibine informed the Committee that her office met with the Supreme Court regarding the extension issue but there are no new resolutions for the problem. Ms. Skibine questioned whether a rule could be put in place that would make extensions easier, create less paperwork, or have the parties request fewer.

Stan Purser suggested increasing the number of stipulated continuances that parties can request, this could save parties time in writing the extension request and save the Court time in reviewing the request.

Ms. Peterson questioned whether there was a way for parties to streamline their briefs and suggested removing the introduction and background portion. Judge Orme disagreed and stated that those sections can be helpful if the parties focus on what is relative to the issue on appeal.

*With the Committee's agreement Mr. Purser will work on a draft of Rule 22 for November's meeting.*

**5. Discussion: Nathalie Skibine**  
**Pro Se Criminal Defendants**

Nathalie Skibine reported that her office has seen an increase in clients who want to represent themselves and wondered if there should be a rule in place for when this occurs. Ms. Westby stated that it could simply be a motion by the party stating that they are declining counsel and wish to proceed on their own but suggested waiting on the creation of a rule as it is still a rare occurrence.

**6. Action: Stan Purser**  
**Rule 50**

Mr. Purser explained the proposed amendments to Rule 50 and expressed that it may be helpful for the rule to list what should be included in responses to petitions for writ.

The Committee discussed the addition of a word limit. Clark Sabey suggested studying the issue further to determine what the correct word limit should be to correlate with the number of pages allowed by the rule. The Committee agreed and the word limit was removed from the draft.

The Committee removed the requirement that the controlling provisions be included in the contents, clarified what the statement of the case should be, and cleaned up language in paragraph (a)(4)(E). Ms. Skibine noted that Rule 49 should also be updated with the same changes and stated that both rules can be submitted to the Supreme Court at the same time.

*Ms. Westby moved to approve the rule as it appeared on the screen with the additional changes and with the understanding that Rule 49 will also be changed to be consistent with the changes to Rule 50. Mr. Sabey seconded that motion, and it unanimously passed. Both rules will be sent to the Supreme Court for recommendation they be posted for public comment.*

**7. Action: Nicole Gray  
Rule 5**

Nicole Gray reported that the Supreme Court suggested that Rule 5 be amended to provide clarity that a petition cannot be filed before the written order has been filed in the trial court. Mary Westby suggested that further clarification could be made in the rule and asked to make further changes.

*The Committee agreed. Ms. Westby will submit a new proposal for Rule 5 at the Committee's November meeting.*

**9. Discussion: Nathalie Skibine, Chair  
Old/New Business**

None.

**10. Adjourn Nathalie Skibine, Chair**

*Following the business and discussions described above, the committee adjourned. The committee's next meeting will take place on November 6, 2025.*

TAB 2

**Rule 49. Petition for writ of certiorari.**

(a) **Contents.** The petition for a writ of certiorari ~~shall~~must contain, in the order indicated:

~~(a)~~(1) A list of all parties to the proceeding in the court whose judgment is sought to be reviewed, except where the caption of the case in the Supreme Court contains the names of all parties;

~~(a)~~(2) A table of contents with page references;

~~(a)~~(3) A table of authorities with cases alphabetically arranged and with parallel citations, agency rules, court rules, statutes, and authorities cited, with references to the pages of the petition where they are cited;

~~(a)~~(4) The questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of the questions should be short and concise and should not be argumentative or repetitious. General conclusions, such as "the decision of the Court of Appeals is not supported by the law or facts," are not acceptable. The statement of a question presented will be deemed to comprise every subsidiary question fairly included therein. Only the questions set forth in the petition or fairly included therein will be considered by the Supreme Court;

~~(a)~~(5) A reference to the official and unofficial reports of any opinions issued by the Court of Appeals;

~~(a)~~(6) A concise statement of the grounds on which the jurisdiction of the Supreme Court is invoked, showing:

~~(a)~~(6)(A) the date of the entry of the decision sought to be reviewed;

~~(a)~~(6)(B) the date of the entry of any order respecting a rehearing and the date of the entry and terms of any order granting an extension of time within which to petition for certiorari;



(a)(6)(C) reliance upon [Rule 48\(d\)\(1\)\(B\)](#), where a cross-petition for a writ of certiorari is filed, stating the filing date of the petition for a writ of certiorari in connection with which the cross-petition is filed; and

(a)(6)(D) the statutory provision believed to confer jurisdiction on the Supreme Court;

~~(a)(7) Controlling provisions of constitutions, statutes, ordinances, and regulations set forth verbatim with the appropriate citation. If the controlling provisions involved are lengthy, their citation alone will suffice and their pertinent text shall be set forth in the appendix referred to in subparagraph (10) of this paragraph.~~

(a)(78) A statement of the case. ~~The statement shall first indicate briefly the nature of the case, the course of the proceedings, and its disposition in the lower courts. There shall follow a statement of the facts relevant to the issues presented for review~~ [that includes the facts and the procedural background relevant to the issues presented for review](#). All statements of fact and references to the proceedings below ~~shall~~ [must](#) be supported by citations to the record on appeal or to the opinion of the Court of Appeals;

(a)(89) With respect to each question presented, a direct and concise argument explaining the special and important reasons as provided in [Rule 46](#) for the issuance of the writ; [and](#)

(a)(910) An appendix containing, in the following order:

(a)(10)(A) copies of all opinions, including concurring and dissenting opinions, and all orders, including any order on rehearing, delivered by the Court of Appeals in rendering the decision sought to be reviewed;

(a)(10)(B) copies of any other opinions, findings of fact, conclusions of law, orders, judgments, or decrees that were rendered in the case or in companion cases by the Court of Appeals and by other courts or by administrative agencies and that are

relevant to the questions presented. Each document ~~shall~~must include the caption showing the name of the issuing court or agency, the title and number of the case, and the date of its entry; and

~~(a)(10)~~(C) any other judicial or administrative opinions or orders that are relevant to the questions presented but were not entered in the case that is the subject of the petition.

~~If the material that is required by subparagraphs (7) and (10) of this paragraph is voluminous, they may be separately presented.~~The appendix may be separately presented.

(b) **Form of petition.** The petition for a writ of certiorari ~~shall~~must comply with the form of a brief as specified in Rule 27.

(c) **No separate brief.** All contentions in support of a petition for a writ of certiorari ~~shall~~must be set forth in the body of the petition, ~~as provided in subparagraph (a)(9) of this rule.~~ The petitioner ~~shall~~may not file a separate brief in support of a petition for a writ of certiorari. If the petition is granted, the petitioner will be notified of the date on which the brief in support of the merits of the case is due.

(d) **Page limitation.** The petition for a writ of certiorari ~~shall~~must be as short as possible, but may not exceed 20 pages, excluding the subject index, the table of authorities, ~~any verbatim quotations required by subparagraph (a)(7) of this rule,~~ and the appendix.

(e) **Absence of accuracy, brevity, and clarity.** The failure of a petitioner to present with accuracy, brevity, and clarity whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

**Rule 50. Response; reply.**

(a) **Response.** No petition for writ of certiorari will be granted absent a request by the court for a response, and no response will be received unless requested by the court.

(1) Time to file. Within 30 days after an order requesting a response, any other party may file a response.

(2) Form. The response must comply with the form of a brief as specified in Rule 27(a)-(c) and, as applicable, Rule 49.

~~(b)~~ (3) Page limitation. A response must be as short as possible and may not exceed 20 pages, excluding the table of contents, the table of authorities, and any~~the~~ appendix.

(4) Contents. The response ~~shall~~ must contain, in the order indicated:

(A) A table of contents with page references;:

(B) A table of authorities with cases alphabetically arranged and with parallel citations, agency rules, court rules, statutes, and authorities cited, with references to the pages of the response~~petition~~ where they are cited;:

(C) A concise statement of jurisdiction that either agrees with the petitioner's statement or explains why petitioner's statement is incorrect;:

~~Controlling provisions of constitutions, statutes, ordinances, and regulations set forth verbatim with the appropriate citation. If the controlling provisions involved are lengthy, their citation alone will suffice and their pertinent text shall be set forth in the appendix.~~

(D) A statement of the case that includes the facts and the procedural background relevant to the issues presented for review. ~~The statement shall first indicate briefly the nature of the case, the course of the proceedings, and its disposition in the lower courts. There shall follow a statement of the facts relevant to the issues presented for review.~~ All statements of fact and references to the proceedings

below ~~shall~~ must be supported by citations to the record on appeal or to the opinion of the Court of Appeals; and:

(E) With respect to each question presented, a direct and concise argument responding to the petitioner's asserted grounds ~~special and important reasons as provided in Rule 46~~ for the issuance of the writ.

~~An appendix containing any items listed in Rule 49(a)(10) that were not included in the petitioner's appendix.~~

(~~b~~e) **Objections to jurisdiction.** The court will not accept a motion to dismiss a petition for a writ of certiorari. Objections to the Supreme Court's jurisdiction to grant the petition may be included in the response.

(~~d~~c) **Reply.** A petitioner may file a reply addressed only to arguments first raised in the response.

(1) Time to file. A reply must be filed within 7 days after the response is served, but distribution of the petition and response to the court ordinarily will not be delayed pending the filing of any such reply unless the response includes a new request for relief, such as an award of attorney fees for the response.

(2) Form. A reply must comply with the form of a brief as specified in Rule 27(a)-(c).

(3) Page ~~or word~~ limitations. The reply must be as short as possible, and may not exceed five pages. These limits do not include any table of contents or table of authorities. ~~and must comply with Rule 27.~~

Effective ~~November 1, 2023~~

TAB 3

**Rule 22. Computation and enlargement of time.**

(a) **Computation of time.** In computing any period of time prescribed by these rules, by court order, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run is not included. If the designated period of time begins to run from the date of entry of an order or judgment and the order or judgment is entered on a Saturday, Sunday, or legal holiday, the date of entry will be deemed to be the first day following the entry that is not a Saturday, Sunday, or legal holiday. The last day of the period must be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period extends until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed, without reference to any additional time under paragraph (d), is less than 11 days, intermediate Saturdays, Sundays, and legal holidays must be excluded in the computation.

(1) “Legal holiday” is any holiday that is recognized and observed by the State of Utah, as specified here:

<https://www.utcourts.gov/en/about/miscellaneous/law-library/holidays.html>

**(b) Enlargement of time.**

(1) **Stipulation.** Unless prohibited by the court in a particular case, the parties may file one or more stipulations to extend the time to file a brief.

(A) Length of time. The total amount of stipulated extensions for any brief may not exceed XX days.

(B) Time to file. Stipulations to extend time must be filed prior to the expiration of the period sought to be extended.

(C) Automatic effectiveness. A timely filed stipulation will automatically extend the time to file without the need for any court order granting the extension.

(D) Professionalism and civility. Parties are encouraged to stipulate to extensions whenever possible to avoid the time and effort of preparing a motion to extend

and to save judicial resources in addressing needless motions. ~~Motions for an enlargement of time for filing briefs beyond the time permitted by stipulation of the parties under Rule 26 are not favored.~~

(2) Motion.

(A) Motions for an enlargement of time for filing briefs beyond the time permitted by stipulation of the parties are not favored.

(B) The court for good cause shown may upon motion extend the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after the expiration of time. This rule does not authorize the court to extend the jurisdictional deadlines specified by any of the rules listed in Rule 2. For the purpose of this rule, good cause includes, but is not limited to, the complexity of the case on appeal, engagement in other litigation, and extreme hardship to counsel.

(3) A motion for an enlargement of time must be filed prior to the expiration of the time for which the enlargement is sought.

(4) A motion for enlargement of time must state:

(A) with particularity the good cause for granting the motion;

(B) whether the movant has previously been granted an enlargement of time and, if so, the number and duration of such enlargements;

(C) when the time will expire for doing the act for which the enlargement of time is sought;

(D) the length of the enlargement of time requested and the new due date if the motion is granted; and

(E) except as to an ex parte motion under paragraph (c), the position of every other party on the requested extension or why the movant was unable to learn a party's

position. Parties should not oppose a motion to extend unless they have legitimate reasons to object that demand judicial resolution.

(5) If the good cause relied upon is engagement in other litigation, the motion must:

(A) identify such litigation by caption, number and court;

~~(B) describe the action of the court in the other litigation on a motion for continuance;~~

~~(C) state the reasons why the other litigation should take precedence over the subject appeal;~~

~~(D) state the reasons why associated counsel cannot prepare the brief for timely filing or relieve the movant in the other litigation; and~~

~~(E)~~ explain how engagement in the other litigation has prevented or will prevent timely filing of the appellate brief; and

(C) identify any other relevant circumstances.

(6) If the good cause relied upon is the complexity of the appeal, the movant must state the reasons why the appeal is so complex that an adequate brief cannot reasonably be prepared by the due date.

(7) If the good cause relied upon is extreme hardship to counsel, the movant must state in detail the nature of the hardship.

(8) All facts supporting good cause must be stated with specificity. Generalities, such as “the motion is not for the purpose of delay” or “counsel is engaged in other litigation,” are insufficient.

(c) **Ex parte motion.** Except as to enlargements of time for filing and service of briefs under Rule 26, a party may file one ex parte motion for enlargement of time not to exceed 14 days if no enlargement of time has been previously granted, if the time has not already expired for doing the act for which the enlargement is sought, and if the motion otherwise complies with the requirements and limitations of paragraph (b) of this rule.



(d) **Additional time after service by mail.** Whenever a party is required or permitted to do an act within a prescribed period after service of a document and the document is served by mail, three days shall be added to the prescribed period.

*Effective ~~May 1~~, 2024*

**Advisory Committee Note**

The court may grant an extension of time after the original deadline has expired, but the motion to enlarge the time must be filed prior to the deadline.

Both appellate courts place appeals in the oral argument queue in accordance with the priority of the case and after principal briefs have been filed. Delays in the completion of briefing will likely delay the date of oral argument.

*Note adopted May 1, 2024*

TAB 4

**Rule 26. Filing and serving briefs.****(a) Time to file and serve briefs.**

(1) Appellant's principal brief. The appellant must file and serve a principal brief within 40 days after date of notice from the appellate court clerk pursuant to [Rule 13](#). If a motion for summary disposition of the appeal or a motion to remand for determination of ineffective assistance of counsel is filed after the [Rule 13](#) briefing notice is sent, an appellant's principal brief must be filed and served within 30 days from the denial of such motion.

(2) Appellee's principal brief. The appellee, or in cases involving a cross-appeal, the cross-appellant, must file and serve a principal brief within 30 days after service of the appellant's principal brief. In cases involving cross-appeals, the appellant must file and serve the appellant's reply brief described in [Rule 24A\(d\)](#) within 30 days after service of the cross-appellant's principal brief.

(3) Reply brief. A reply brief may be filed and served by the appellant or the cross-appellant in cases involving cross-appeals. If a reply brief is filed, it must be filed and served within 30 days after the filing and service of the appellee's principal brief or the appellant's reply brief in cases involving cross-appeals. If oral argument is scheduled fewer than 35 days after the filing of appellee's principal brief, the reply brief must be filed at least five days prior to oral argument. ~~By stipulation filed with the court in accordance with [Rule 21\(a\)](#), the parties may extend each of such periods for no more than 30 days. A motion for enlargement of time need not accompany the stipulation. No such stipulation will be effective unless it is filed prior to the expiration of the period sought to be extended.~~

**(b) Number of copies.**

(1) Supreme Court. For matters pending in the Supreme Court, eight paper copies of each brief, ~~one of which shall contain an original signature,~~ must be filed with the

Supreme Court Clerk. One of the filed copies must contain an original signature unless the brief was filed electronically.

(2) Court of Appeals. For matters pending in the Court of Appeals, six paper copies of each brief ~~, one of which shall contain an original signature,~~ must be filed with the Court of Appeals Clerk. One of the filed copies must contain an original signature unless the brief was filed electronically.

(3) Time to file copies of electronically filed briefs. If a brief was e-filed or filed by email, the required paper copies of the brief must be delivered to the clerk no more than seven days after filing. ~~If a brief is served by e-filing or email, upon request two paper copies must be delivered to counsel for each party separately requesting paper copies.~~

(c) **Consequence of failing to file principal briefs.** If an appellant fails to file a principal brief within the time provided in this rule, or within the time as may be extended by order of the appellate court, an appellee may move for dismissal of the appeal. If an appellee fails to file a principal brief within the time provided by this rule, or within the time as may be extended by appellate court order, an appellant may move that the appellee not be heard at oral argument.

(d) **Return of record to the clerk.** If a party checks out the physical record from the appellate court clerk, then that party must return the physical record and all exhibits to the clerk when that party files its brief.

Effective ~~May 1~~, 2024

TAB 5

**Rule 5. Discretionary appeals from interlocutory orders.**

(a) **Petition for permission to appeal.** Any party may seek an appeal from an interlocutory order by filing a petition for permission to appeal from the interlocutory order with the appellate court with jurisdiction over the case. The petition must be filed and served on all other parties to the action within 21 days after the entry of the trial court's ~~order.~~ signed order resolving the motion or issue before the court. If the trial court enters an order on a Saturday, Sunday, or legal holiday, the date of entry will be deemed to be the first day following the trial court's entry that is not a Saturday, Sunday, or legal holiday. A timely appeal from an order certified under Rule 54(b), Utah Rules of Civil Procedure, that the appellate court determines is not final may, in the appellate court's discretion, be considered by the appellate court as a petition for permission to appeal an interlocutory order. The appellate court may direct the appellant to file a petition that conforms to the requirements of paragraph (c) of this rule.

(b) **Fees and filing of petition.** The petitioner must file the petition with the appellate court clerk and, pursuant to Rule 21, pay the fee required by law, unless waived by the appellate court. The petitioner must serve the petition on the opposing party and notice of the filing of the petition on the trial court. If the appellate court issues an order granting permission to appeal, the appellate court clerk will immediately give notice of the order to the respective parties and will transmit the order to the trial court where the order will be filed instead of a notice of appeal.

**(c) Content of petition.**

(1) The petition must contain:

(A) A concise statement of facts material to a consideration of the issue presented and the order sought to be reviewed;

(B) The issue presented expressed in the terms and circumstances of the case but without unnecessary detail, and a demonstration that the issue was preserved in

the trial court. Petitioner must state the applicable standard of appellate review and cite supporting authority;

(C) A statement of the reasons why an immediate interlocutory appeal should be permitted, including a concise analysis of the statutes, rules or cases believed to be determinative of the issue stated; and

(D) A statement of the reason why the appeal may materially advance the termination of the litigation.

(2) If the petition is subject to assignment by the Supreme Court to the Court of Appeals, the phrase “Subject to assignment to the Court of Appeals” must appear immediately under the title of the document, i.e. Petition for Permission to Appeal. Petitioner may then set forth in the petition a concise statement why the Supreme Court should decide the case.

(3) The petitioner must attach a copy of the trial court’s order from which an appeal is sought and any related findings of fact and conclusions of law and opinion. Other documents that may be relevant to determining whether to grant permission to appeal may be referenced by identifying trial court docket entries of the documents.

**(d) Page limitation.** A petition for permission to appeal must not exceed 20 pages, excluding table of contents, if any, and the addenda.

**(e) Service in criminal and juvenile delinquency cases.** Any petition filed by a defendant in a criminal case originally charged as a felony or by a juvenile in a delinquency proceeding must be served on the Criminal Appeals Division of the Office of the Utah Attorney General.

**(f) Response; no reply.** No petition will be granted in the absence of a request by the court for a response. No response to a petition for permission to appeal will be received unless requested by the court. Within 14 days after an order requesting a response, any other party may oppose or concur with the petition. Any response to a petition for permission to appeal is subject to the same page limitation set out in paragraph (d) and must be filed

in the appellate court. The respondent must serve the response on the petitioner. The petition and any response will be submitted without oral argument unless otherwise ordered. No reply in support of a petition for permission to appeal will be permitted unless requested by the court.

(g) **Grant of permission.** An appeal from an interlocutory order may be granted only if it appears that the order involves substantial rights and may materially affect the final decision or that a determination of the correctness of the order before final judgment will better serve the administration and interests of justice. The order permitting the appeal may set forth the particular issue or point of law that will be considered and may be on such terms, including requiring a bond for costs and damages, as the appellate court may determine. The appellate court clerk will immediately give the parties and trial court notice of any order granting or denying the petition. If the petition is granted, the appeal will be deemed to have been filed and docketed by the granting of the petition. All proceedings after the petition is granted will be as and within the time required, for appeals from final judgments except that no docketing statement under [Rule 9](#) is required unless the court otherwise orders, and no cross-appeal may be filed under [Rule 4\(d\)](#).

(h) **Stays pending interlocutory review.** The appellate court will not consider an application for a stay pending disposition of an interlocutory appeal until the petitioner has filed a petition for interlocutory appeal.

(i) **Cross-petitions not permitted.** A cross-petition for permission to appeal a non-final order is not permitted by this rule. All parties seeking to appeal from an interlocutory order must comply with paragraph (a) of this rule.

(j) **Record.** If the petition is granted, the trial court will prepare and transmit the record under [Rule 11](#) or [12](#). Any transcript(s) must be ordered in compliance with [Rule 11](#).

Effective ~~May 1, 2024~~



# TAB 6

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

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

(1) **Size, line spacing, and margins.** All documents must be prepared on 8½ by 11 inch sized paper. The text must be double spaced, except for matter customarily single spaced and indented. Margins must be at least one inch on all sides. Page numbers are required and may appear in the margins.

(2) **Typeface.** The type must be a plain, roman style with serifs. Italics or boldface may be used for emphasis. Cited case names must be italicized or underlined.

(3) **Typesize.** The typeface must be 13-point or larger 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) **Cover page for briefs on the merits and petitions.**

(1) **Caption.** The cover of each brief or the first page of a petition must contain a caption that includes the following information:

(A) the number of the case in the appellate court (if available);

(B) the name of the appellate court;

(C) the full title given to the case in the court or agency from which the appeal is taken, as modified under [Rule 3\(cg\)](#);

(D) the designation of the parties both as they appeared in the court or agency from which the appeal is taken and as they appear in the appellate proceeding;

(E) the title or description of the document (e.g., Brief of Appellant, Petition for Permission to File Interlocutory Appeal, Petition for Rehearing, Petition for Extraordinary Relief);

(F) the nature of the proceeding in the appellate court (e.g., Appeal, Petition for Review) if not apparent from the title or description of the document; and;

(G) the name of the court and judge, agency, or board from which the appeal is taken and the case or proceeding number.

(2) **Counsel or unrepresented party information.** The identifying and contact information of the counsel or unrepresented party filing the document must appear in the lower right corner of the cover page.

(A) Counsel's information must include counsel's:

(i) name;

(ii) Utah State Bar number;

(iii) mailing address;

(iv) email address;

(v) telephone number; and

(vi) a designation indicating the party counsel represents in the appeal (e.g., Counsel for Appellant, Petitioner, Appellee, or Respondent).

(B) An unrepresented party's information must include the party's:

(i) name;

(ii) mailing address;

(iii) email address (if any);

(iv) telephone number (if any); and

(v) a statement identifying the party's designation in the appeal (e.g., Appellant, Petitioner, Appellee, or Respondent).

**(d) Motions and appellate documents other than briefs and petitions.**

**1. Caption.** The first page of a motion or appellate document other than a brief or petition must include a caption with the following information:

(A) the number of the case in the appellate court (if available);

(B) the name of the appellate court;

(C) the full title given to the case in the court or agency from which the appeal is taken, as modified under [Rule 3\(g\)](#);

(D) the designation of the parties both as they appeared in the court or agency from which the appeal is taken and as they appear in the appellate proceeding; and

(E) the title or description of the document (e.g., Motion to Dismiss, Docketing Statement, Stipulation, Motion to Extend Time, Notice).

**2. Counsel or unrepresented party information.** The identifying and contact information of the counsel or unrepresented party filing the document must appear in the upper left corner of the first page.

(A) Counsel's information must include counsel's:

(i) name;

(ii) Utah State Bar number;

(iii) mailing address;

(iv) email address;

(v) telephone number; and

(vi) a designation indicating which party counsel represents in the appeal (e.g., Counsel for Appellant, Petitioner, Appellee, or Respondent).

(B) An unrepresented party's information must include the party's:

(i) name

(ii) mailing address;

(iii) email address (if any);

(iv) telephone number (if any); and

(v) a statement identifying the party's designation in the appeal (e.g., Appellant, Petitioner, Appellee, or Respondent).

(e) **Additional requirements for briefs on the merits.**

(1) **Form of submission.** Hard copies of the briefs must be submitted on 20 lb. bond standard paper. Except for the cover page, briefs must be printed double sided. Briefs must not be stapled or bound along the left edge, but must be secured with a binder clip.

(2) **Color of cover page.** There must be adequate contrast between the printing and the color of the cover page. The color of the cover page must be as follows:

Document	Cover Page Color
Opening Brief of Appellant or Petitioner	Blue
Brief of Appellee or Respondent	Red
Brief of Intervenor, Guardian ad Litem, or Amicus Curiae	Green
Reply Brief	Gray
Appellant's or Petitioner's Second Brief in a Case Involving a Cross-Appeal or Cross-Petition	Gray

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

93       (4) **Effect of noncompliance.** The appellate court clerk will examine all briefs before  
94       filing. If a brief is not prepared in accordance with these rules, the clerk may lodge the  
95       brief and notify the party of the deficiency. The clerk will retain one copy of the  
96       noncomplying brief and, after the party is notified, the party must file a brief prepared  
97       in compliance with these rules within five days. The clerk may grant additional time  
98       for bringing a brief into compliance. This rule is not intended to permit significant  
99       substantive changes in briefs.

100    *Effective May 1, 2024*