



## 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, Council Room, N. 301 450 S. State St. Salt Lake City, Utah 84111 <a href="https://utcourts.webex.com/utcourts/j.php?MTID=m56baabed3fcd101d2302137b9a70a97d">https://utcourts.webex.com/utcourts/j.php?MTID=m56baabed3fcd101d2302137b9a70a97d</a>
Date:	February 5, 2025
Time:	12:00 to 1:30 p.m.

<b>Action:</b> Welcome and approval of December 4, 2025 Minutes	Tab 1	Nathalie Skibine, Chair
<b>Action:</b> Final Approval of Rule 34	Tab 2	Nathalie Skibine
<b>Action:</b> Final Approval of Rules 49 and 50	Tab 3	Nathalie Skibine
<b>Action:</b> Final Approval of Rules 5, 26, and 27	Tab 4	Nathalie Skibine
<b>Information:</b> Rule 4 - SRJ 201 Joint Resolution	Tab 5	Nathalie Skibine
<b>Action:</b> Rule 27	Tab 6	Nathalie Skibine
<b>Action:</b> Rule 1	Tab 7	Mary Westby
<b>Discussion:</b> Rules 19, 48, and 49	Tab 8	Clark Sabey
<b>Discussion:</b> Old/new business		Nathalie Skibine, Chair

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

#### **2026 Meeting schedule:**

March 6, 2026	June 4, 2026	September 3, 2026	November 5, 2026
April 2, 2026	July 2, 2026	October 1, 2026	
May 7, 2026	August 6, 2026	November 5, 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, December 4, 2025  
12:00 pm to 1:30 pm

#### PRESENT

Dick Baldwin  
Nicole Gray  
Amber Griffith—Staff  
Michael Judd—Recording  
Secretary  
Debra Nelson  
Caroline Olsen  
Judge Gregory Orme

Tera Peterson  
Martha Pierce  
Clark Sabey  
Nathalie Skibine—  
Chair  
Mary Westby  
Nick Stiles—Staff

#### EXCUSED

Judge Michele  
Christiansen Forster  
Stan Purser—  
Vice Chair  
Michelle Quist  
Scarlet Smith

#### GUESTS

None

#### 1. Action:

##### Approval of November 2025 Minutes

The committee discussed the November 2025 minutes and noted no errors.

*Mary Westby moved to approve the November 2025 minutes as they appeared in the committee's materials. Martha Pierce seconded that motion, and it passed without objection by unanimous consent.*

**Nathalie Skibine**

**2. Discussion/Action: Nathalie Skibine**  
**Final Approval of Rules 3, 11, 28A, 23A,**  
**and 23B**

The committee received two public comments on the proposed rule changes regarding transcripts and mediation timing, and those two comments expressed opposing views. Noting those comments, the committee maintained the view that the planned approach is appropriate.

*Following that discussion, Ms. Pierce moved for final approval of the rules as drafted and discussed. That motion was seconded, and it passed without objection by unanimous consent. The rules will be sent to the Supreme Court for final approval.*

**3. Action: Stan Purser**  
**Rules 22 and 26**

The committee reviewed proposed changes to Rules 22 and 26, incorporating suggestions from the Supreme Court. The committee recognized its preference for use of the term “extension” rather than “enlargement” and made adjustments to the proposed language to refer to a “notice of stipulation” in order to clarify that this is not a motion requiring action by the court. The committee also discussed the utility and possible removal of “ex parte” procedure under Rule 22(c) and otherwise reviewed and adjusted the language of the rules.

*Following that discussion, Dick Baldwin moved to approve Rule 22 and 26 as circulated. Debra Nelson seconded that motion, and it passed without objection by unanimous consent. The rule will be submitted to the Supreme court for recommendation that it be posted for public comment.*

**4. Action: Nathalie Skibine**  
**Rule 27**

After receiving feedback regarding references to Rule 3(g), the committee’s preferred approach is to remove cross-references altogether. The committee also agreed on changes to the language in paragraph (a)(2) regarding typeface requirements and to replace that with a legibility requirement.

*Based on that discussion, Mary Westby moved to approve Rule 27 as circulated. Mr. Baldwin seconded that motion, and it passed without objection by unanimous consent.*

*The rule will be submitted to the Supreme court for recommendation that it be posted for public comment.*

**5. Action: Mary Westby**  
**Rule 5**

The committee considered the addition of a note regarding what is sufficient to “start the clock running” under the rule, and it removed a reference to *Houghton v. Department of Health*.

*Following that discussion, Mary Westby moved to approve the rule and comment as circulated. Ms. Nelson seconded that motion, and it passed without objection by unanimous consent. The rule will be submitted to the Supreme court for recommendation that it be posted for public comment.*

**6. Discussion: Judge Gregory Orme**  
**Time to Appeal Order Related to**  
**Substantiation Proceedings**

The committee considered a memo from staff regarding orders from substantiation proceedings. The memo focused on a lack of clarity about whether 15-day or 30-day appeal deadlines apply. The committee considered a recommendation to remove the line from paragraph (f) of Rule 1, meaning that challenges would be brought within 15 days, thereby making the rule consistent with the applicable code section. After that discussion, however, the committee turned to more fundamental questions about how these appeals *should* proceed.

*Following that discussion, the committee opted to table discussion of Rule 1 for the time being, with Mary Westby agreeing to propose potential revisions to the rule at the committee’s February meeting.*

**7. Discussion: Nathalie Skibine, Chair**  
***State v. James***

Ms. Skibine brought to the committee’s attention an allocution problem flagged by the dissent in a case called *State v. James*. That problem raises questions about how to handle errors regarding allocution statements, and the committee has been encouraged to consider changes. After discussion,

the committee recognized that it will likely need to wait for decisions to be made by parallel rulemaking committees.

*Following that discussion, the committee opted to wait for potential criminal rules or criminal appeals rulemaking processes, including potential amendment of Rule 22(b), to play out before discussing this problem further.*

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

None.

**9. Adjourn Nathalie Skibine, Chair**

*Following the business and discussions described above, the committee adjourned. The committee's next meeting will take place on February 5, 2026.*

# TAB 2

**One thought on “Rules of Appellate Procedure - Comment Period Closed December 15, 2025”**

1. [Stephen Howard](#)  
[October 29, 2025 at 2:23 pm](#)

This seems like a reasonable, common-sense amendment. The \$3.00 per page figure may seem high initially, but that figure needs to be considered in context of a brief that was printed and bound in multiple copies. Additionally, re-framing the rule in terms of actual reasonable costs should help avoid the need to revisit the rule to reassess the per-page amount. More efficient and accurate all around.

**Rule 34. Costs.**

(a) **To whom allowed.** Costs are awarded only in civil cases. Except as otherwise provided by law or court order:

- (1) if an appeal is dismissed, costs must be awarded for the appellee unless the parties agree otherwise;
- (2) if a judgment or order is affirmed, costs must be awarded for the appellee;
- (3) if a judgment or order is reversed, costs must be awarded for the appellant;
- (4) if a judgment or order is affirmed or reversed in part, or is vacated, costs are awarded only as the court orders.

(b) **Costs for and against the State of Utah.** In cases involving the State of Utah or an agency or officer thereof, the court has discretion to award costs for or against the State unless specifically required or prohibited by law.

(c) **Costs on appeal.** The following costs may be awarded:

~~(1) \$3.00 per page of a printed brief and attachments;~~

(1~~2~~) actual reasonable costs incurred in preparing and transmitting the record, including costs of the reporter's transcript unless the court orders otherwise, and actual reasonable costs incurred for printed briefs and attachments;

(2~~3~~) premiums paid for supersedeas or cost bonds to preserve rights pending appeal; and

(3~~4~~) fees for filing and docketing the appeal.

(d) **Bill of costs awarded after remittitur.** A party claiming costs must, within 14 days after the remittitur is filed with the trial court clerk, serve on the adverse party and file with the trial court clerk an itemized and verified bill of costs. The adverse party may, within seven days of service of the bill of costs, serve and file a notice of objection, together with a motion to have the trial court award costs. If there is no objection to the

cost bill within the allotted time, the trial court clerk must award the costs as filed and enter judgment for the party entitled thereto, which judgment will be entered in the judgment docket with the same force and effect as in the case of other judgments of record. If the cost bill of the prevailing party is timely opposed, the clerk, upon reasonable notice and hearing, must award the costs and enter a final determination and judgment in the docket with the same force and effect as in the case of other judgments of record. The clerk's determination will be reviewable by the trial court upon the request of either party made within seven days of the entry of the judgment.

(e) **Costs in other proceedings and agency appeals.** In all other matters before the court, including appeals from an agency, costs may be allowed as in cases on appeal from a trial court. Within 14 days after the time to file a petition for rehearing expires or within 14 days after an order denying such a petition, the party to whom costs have been awarded may file with the appellate clerk and serve on the adverse party an itemized and verified bill of costs. The adverse party may, within seven days after the bill of costs is served, file a notice of objection and a motion to have the costs awarded by the clerk. If no objection to the cost bill is filed within the allotted time, the clerk must thereupon award the costs and enter judgment against the adverse party. If the adverse party timely objects to the cost bill, the clerk, upon reasonable notice and hearing, will determine and settle the costs, award the same, and a judgment will be entered thereon against the adverse party. The clerk's determination will be reviewable by the court upon either party's request made within seven days after judgment is entered. Unless otherwise ordered, oral argument will not be permitted. A judgment under this paragraph may be filed with the clerk of any trial court in the state, who must docket the judgment in the same manner and with the same force and effect as trial court judgments.

Effective ~~January 22, 2025~~

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**Advisory Committee Note**

In an effort to conform with the Supreme Court's directive to use plain language where possible, the Court approved changing the term "taxed" to "awarded." No substantive change is intended with this amendment.

*Note adopted May 1, 2021.*

**TAB 3**

## One thought on “Rules of Appellate Procedure – Comment Period Closed January 5, 2026”

### 1. Leslie Slauch

[November 19, 2025 at 4:36 pm Edit](#)

Proposed Rule 49(d) imposes a page or word limit, but no requirement for a certification of compliance with the word limit (similar to Rule 24(a)(11)). The rule does contemplate a “word count” but does not say where that word count is to be given.

Compliance would be easier if the rule tracked Rule 24(a)(11). If a certification is added to the rule, the word count should also exclude “certificates of counsel,” as in Rule 24(g)(2).

The same is true of proposed Rule 50(a)(3) and Rule 50(c)(3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

68 (d) **Page or word limitation.** The petition for a writ of certiorari ~~shall~~ must be as short as  
69 possible, and no more than 4,000 words or ~~but may not exceed 2015~~ pages if a word count  
70 is not provided.; ~~excluding~~ These limits do not include ~~the subject index, the~~ any table of  
71 contents, table of authorities, ~~any verbatim quotations required by subparagraph (a)(7)~~  
72 ~~of this rule, and~~ or the appendix.

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

77

1 **Rule 50. Response; reply.**

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

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

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

8 ~~(b)~~(3) Page or word limitation. A response must be as short as possible, and no more  
9 than 4,000 words or ~~and may not exceed 2015~~ pages if a word count is not provided.  
10 These limits do not include, ~~excluding the~~ any table of contents, ~~the~~ table of  
11 authorities, or ~~and any~~ the appendix.

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

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

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

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

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

23 (D) A statement of the case that includes the facts and the procedural background  
24 relevant to the issues presented for review. ~~The statement shall first indicate briefly~~  
25 ~~the nature of the case, the course of the proceedings, and its disposition in the~~  
26 ~~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) **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) **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~~seven 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 no more than 1,500 or ~~may not exceed~~ five pages if a word count is not provided. These limits do not include any table of contents or table of authorities.~~, and must comply with Rule 27.~~

Effective ~~November 1, 2023~~

# TAB 4

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

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

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

21 (c) **Content of petition.**

22 (1) The petition must contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

78 *Effective ~~May 1, 2024~~*

79 [Advisory Committee Note](#)

80 2025 amendment. The 2025 amendment to paragraph (a) is an effort to clarify when an  
81 order is sufficient to file a petition for interlocutory appeal. The order must be signed by  
82 the judge as required by Rule 7(j)(1) of the Utah Rules of Civil Procedure. Additionally,  
83 if a party is directed by the court to prepare a proposed order confirming the court's  
84 decision under Rule 7(j)(2) of the Utah Rules of Civil Procedure, the motion will not be  
85 resolved for the purpose of filing a petition for interlocutory appeal until after the entry  
86 of the signed order confirming the decision.

87

1 **Rule 26. Filing and serving briefs.**

2 (a) **Time to file and serve briefs in cases not involving a cross-appeal.**

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

9 **(2) Appellee's principal brief.** The appellee, ~~or in cases involving a cross-appeal, the~~  
10 ~~cross-appellant,~~ must file and serve a principal brief within 30 days after service of the  
11 appellant's principal brief. ~~In cases involving cross-appeals, the appellant must file~~  
12 ~~and serve the appellant's reply brief described in Rule 24A(d) within 30 days after~~  
13 ~~service of the cross-appellant's principal brief. A reply brief may be filed and served~~  
14 ~~by the appellant or the cross-appellant in cases involving cross-appeals.~~

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

24 (b) **Time to file and serve briefs in cases involving a cross-appeal.**

25 **(1) Appellant's principal brief.** The appellant must file and serve a principal brief  
26 within 40 days after date of notice from the appellate court clerk pursuant to Rule 13.  
27 If a motion for summary disposition of the appeal or a motion to remand for

28 determination of ineffective assistance of counsel is filed after the Rule 13 briefing  
29 notice is sent, an appellant's principal brief must be filed and served within 30 days  
30 from the denial of such motion.

31 (2) Cross-appellant's principal brief. The cross-appellant must file and serve the  
32 cross-appellant's principal brief as described in Rule 24A(c) within 30 days after  
33 service of the appellant's principal brief.

34 (3) Appellant's reply brief. The appellant must file and serve the appellant's reply  
35 brief described in Rule 24A(d) within 30 days after service of the cross-appellant's  
36 principal brief.

37 (4) Cross-appellant's reply brief. The cross-appellant may file a reply brief as  
38 described in Rule 24A(e). If a reply brief is filed, it must be filed and served within 30  
39 days after the filing and service of the appellant's reply brief. If oral argument is  
40 scheduled fewer than 35 days after the filing of appellant's reply brief, cross-  
41 appellant's reply brief must be filed at least five days before oral argument.

42 (c) Extensions of time. A party may seek an extensions of time for the filing of a brief as  
43 provided in Rule 22.

44 (d) Number of copies.

45 (1) Supreme Court. For matters pending in the Supreme Court, eight paper copies of  
46 each brief, ~~one of which shall contain an original signature,~~ must be filed with the  
47 Supreme Court Clerk. One of the filed copies must contain an original signature  
48 unless the brief was filed electronically.

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

53 (3) Time to file copies of electronically filed briefs. If a brief was e-filed or filed by  
54 email, the required paper copies of the brief must be delivered to the clerk no more

55 than seven days after filing. ~~If a brief is served by e-filing or email, upon request two~~  
56 ~~paper copies must be delivered to counsel for each party separately requesting paper~~  
57 ~~copies.~~

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

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

67 *Effective ~~May 1, 2024~~*

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

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

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

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

12 (3) **Typesize.** The typeface must be 13-point or larger for both text and footnotes.

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

18 (c) **Cover page for briefs on the merits and petitions.**

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

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

22 (B) the name of the appellate court;

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

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

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

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

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

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

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

38 (i) name;

39 (ii) Utah State Bar number;

40 (iii) mailing address;

41 (iv) email address;

42 (v) telephone number; and

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

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

46 (i) name;

47 (ii) mailing address;

48 (iii) email address (if any);

49 (iv) telephone number (if any); and

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

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

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

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

56 (B) the name of the appellate court;

57 (C) the full title given to the case in the court or agency from which the appeal is  
58 taken, ~~as modified under Rule 3(g)~~;

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

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

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

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

68 (i) name;

69 (ii) Utah State Bar number;

70 (iii) mailing address;

71 (iv) email address;

72 (v) telephone number; and

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

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

76 (i) name

77 (ii) mailing address;

78 (iii) email address (if any);

79 (iv) telephone number (if any); and

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

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

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

87 (2) **Color of cover page.** There must be adequate contrast between the printing and  
88 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

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

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

|101 Effective ~~May 1, 2024~~

# TAB 5

1 **Rule 4. Appeal as of right: when taken.**

2 (a) **Appeal as of right.** Except as provided in paragraph (a)(1) or (a)(2), in a case in  
3 which an appeal is permitted as a matter of right from the trial court to the appellate  
4 court, the notice of appeal required by Rule [3](#) must be filed with the clerk of the trial  
5 court within 30 days after the date of entry of the judgment or order appealed from. If  
6 the trial court enters a judgment or order on a Saturday, Sunday, or legal holiday, the  
7 date of entry will be deemed to be the first day following the trial court's entry that is  
8 not a Saturday, Sunday, or legal holiday.

9 (1) When a judgment or order is entered in a statutory forcible entry or unlawful  
10 detainer action, the notice of appeal required by Rule [3](#) must be filed with the  
11 clerk of the trial court within 10 days after the date of entry of the judgment or  
12 order appealed from.

13 (2) When an order is entered denying, in whole or in part, a motion to dismiss  
14 under Utah Code section [78B-25-103](#), the notice of appeal must be filed with the  
15 clerk of the trial court within 21 days after the date of entry of the order appealed  
16 from.

17 (b) **Time for appeal extended by certain motions.**

18 (1) ~~If~~ [Except as provided in paragraph \(b\)\(3\), if](#) a party timely files in the trial  
19 court any of the following, the time for all parties to appeal from the judgment  
20 runs from the entry of the dispositive order:

21 (A) ~~a~~ [A](#) motion for judgment under Rule [50\(b\)](#) of the Utah Rules of Civil  
22 Procedure;

23 (B) ~~a~~ [A](#) motion to amend or make additional findings of fact, whether or  
24 not an alteration of the judgment would be required if the motion is  
25 granted, under Rule [52\(b\)](#) of the Utah Rules of Civil Procedure;

26 (C) ~~a~~A motion to alter or amend the judgment under Rule 59 of the Utah  
27 Rules of Civil Procedure;

28 (D) ~~a~~A motion for a new trial under Rule 59 of the Utah Rules of Civil  
29 Procedure;

30 (E) ~~a~~A motion for relief under Rule 60(b) of the Utah Rules of Civil  
31 Procedure if the motion is filed no later than 28 days after the judgment is  
32 entered;

33 (F) ~~a~~A motion or claim for attorney fees under Rule 73 of the Utah Rules of  
34 Civil Procedure; or

35 (G) ~~a~~A motion for a new trial under Rule 24 of the Utah Rules of Criminal  
36 Procedure.

37 (2) ~~A~~Except as provided in paragraph (b)(3) notice of appeal filed after  
38 announcement or entry of judgment, but before entry of an order disposing of  
39 any motion listed in paragraph (b)(1), will be treated as filed after entry of the  
40 order and on the day thereof, except that such a notice of appeal is effective to  
41 appeal only from the underlying judgment. To appeal from a final order  
42 disposing of any motion listed in paragraph (b)(1), a party must file a notice of  
43 appeal or an amended notice of appeal within the prescribed time measured  
44 from the entry of the order. If multiple motions in paragraph (b)(1) are timely  
45 filed and the court decides any motion by separate order, the time to file a notice  
46 of appeal runs from the entry of the last order.

47 (3) In a case relating to a voting contest, an election, or the establishment of  
48 boundaries of political districts for purposes of an election:

49 (A) the time for all parties to appeal from the judgment runs from the date  
50 of entry of the judgment regardless of whether a party files any motion  
51 described in paragraph (b)(1); and

52 [\(B\) a notice of appeal will be treated as filed on the day the notice of](#)  
53 [appeal is filed.](#)

54 (c) **Filing prior to entry of judgment or order.** A notice of appeal filed after the  
55 announcement of a decision, judgment, or order but before entry of the judgment or  
56 order will be treated as filed after such entry and on the day thereof.

57 (d) **Additional or cross-appeal.** If a timely notice of appeal is filed by a party, any other  
58 party may file a notice of appeal within 14 days after the date on which the first notice  
59 of appeal was filed, or within the time otherwise prescribed by paragraphs (a) and (b) of  
60 this rule, whichever period last expires.

61 (e) **Motion for extension of time.**

62 (1) The trial court, upon a showing of good cause, may extend the time for filing  
63 a notice of appeal upon motion filed before the expiration of the time prescribed  
64 by paragraphs (a) and (b) of this rule. Responses to such motions for an extension  
65 of time are disfavored and the court may rule at any time after the filing of the  
66 motion. No extension can exceed 30 days beyond the prescribed time or 14 days  
67 beyond the date of entry of the order granting the motion, whichever occurs  
68 later.

69 (2) The trial court, upon a showing of good cause or excusable neglect, may  
70 extend the time for filing a notice of appeal upon motion filed not later than 30  
71 days after the expiration of the time prescribed by paragraphs (a) and (b) of this  
72 rule. The court may rule at any time after the filing of the motion. That a movant  
73 did not file a notice of appeal to which paragraph (c) would apply is not relevant  
74 to the determination of good cause or excusable neglect. An extension may not  
75 exceed 30 days beyond the prescribed time or 14 days beyond the date of entry of  
76 the order granting the motion, whichever occurs later.

77 (f) **Motion to reinstate period for filing a direct appeal in criminal cases.**

78 (1) The trial court will reinstate the 30 day period for filing a direct appeal in a  
79 criminal case if a defendant demonstrates by a preponderance of the evidence  
80 that the defendant was deprived of the right to appeal through no fault of the  
81 defendant.

82 (2) The motion must be filed within one year, or within a reasonable time,  
83 whichever is later, from the day on which the defendant personally knew, or  
84 should have known in the exercise of reasonable diligence, of evidentiary facts  
85 forming the basis of the claim that the defendant was deprived of the right to  
86 appeal.

87 (A) The motion must state:

88 (i) the date the defendant learned that the defendant was denied  
89 the right to an appeal; and

90 (ii) how the defendant learned that the defendant was denied the  
91 right to an appeal.

92 (B) If the motion is filed more than one year after the defendant learned  
93 that the defendant was denied the right to an appeal, the defendant must  
94 allege all of the grounds that support the allegation that the delay in filing  
95 the motion was reasonable.

96 (3) If the defendant is not represented by counsel and is indigent, the trial court  
97 will appoint counsel.

98 (4) The motion must be served on the prosecuting entity. The prosecutor may file  
99 a response to the motion within 28 days after being served.

100 (5) If the motion to reinstate the time to appeal is opposed, the trial court will set  
101 a hearing at which the parties may present evidence.

102 (6) If the prosecutor opposes the motion on the ground that the defendant filed it  
103 beyond the time limit in paragraph (f)(2), the prosecutor must prove, by a

104 preponderance of the evidence, that the defendant's delay was unreasonable.  
105 The court may deny the motion as untimely only if the court finds that the  
106 prosecutor has carried this burden.

107 (7) If the trial court enters an order reinstating the time for filing a direct appeal,  
108 the defendant's notice of appeal must be filed with the clerk of the trial court  
109 within 30 days after the date the order is entered.

110 **(g) Motion to reinstate period for filing a direct appeal in civil cases.**

111 (1) The trial court will reinstate the 30 day period for filing a direct appeal if the  
112 trial court finds by a preponderance of the evidence that:

113 (A) ~~The~~the party seeking to appeal lacked actual notice of the entry of  
114 judgment at a time that would have allowed the party to file a timely  
115 motion under paragraph (e) of this rule;

116 (B) ~~The~~the party seeking to appeal exercised reasonable diligence in  
117 monitoring the proceedings; and

118 (C) ~~The~~the party, if any, responsible for serving the judgment under  
119 Rule [58A\(d\)](#) of the Utah Rules of Civil Procedure did not promptly serve a  
120 copy of the signed judgment on the party seeking to appeal.

121 (2) A party seeking such reinstatement must file a written motion in the trial  
122 court within one year from the entry of judgment. The party must comply with  
123 Rule [7](#) of the Utah Rules of Civil Procedure and must serve each of the parties in  
124 accordance with Rule [5](#) of the Utah Rules of Civil Procedure.

125 (3) If the trial court enters an order reinstating the time for filing a direct appeal,  
126 a notice of appeal must be filed within 30 days after the date of entry of the  
127 order.

128 [Effective December 9, 2025.](#)

# TAB 6

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

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

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

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

12 (3) **Typesize.** The typeface must be 13-point or larger for both text and footnotes.

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

18 (c) **Cover page for briefs on the merits and petitions.**

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

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

22 (B) the name of the appellate court;

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

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

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

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

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

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

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

38 (i) name;

39 (ii) Utah State Bar number;

40 (iii) mailing address;

41 (iv) email address;

42 (v) telephone number; and

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

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

46 (i) name;

47 (ii) mailing address;

48 (iii) email address (if any);

49 (iv) telephone number (if any); and

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

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

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

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

56 (B) the name of the appellate court;

57 (C) the full title given to the case in the court or agency from which the appeal is  
58 taken, ~~as modified under Rule 3(g)~~;

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

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

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

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

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69 (ii) Utah State Bar number;

70 (iii) mailing address;

71 (iv) email address;

72 (v) telephone number; and

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

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

76 (i) name

77 (ii) mailing address;

78 (iii) email address (if any);

79 (iv) telephone number (if any); and

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

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

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

87 (2) **Color of cover page.** There must be adequate contrast between the printing and  
88 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

89 (3) **Criminal appeals Priority.**

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

95 (B) In cases addressing pretrial release, the cover of the defendant’s brief must state  
96 whether the brief requests reversal of a pretrial detention order.

97 (C) In child welfare cases, the cover of the brief must state whether the brief  
98 requests reversal of a custody order.

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

106 *Effective May 1, 2024*

# TAB 7

1 **Rule 1. Scope of rules.**

2 (a) **Applicability of rules.** These rules govern the procedure before the Supreme Court  
3 and the Court of Appeals of Utah in all cases. Applicability of these rules to the review of  
4 decisions or orders of administrative agencies is governed by [Rule 18](#). When these rules  
5 provide for a motion or application to be made in a trial court or an administrative  
6 agency, commission, or board, the procedure for making such motion or application  
7 ~~must~~[shall](#) be governed by the Utah Rules of Civil Procedure, Utah Rules of Criminal  
8 Procedure, and the rules of practice of the trial court, administrative agency, commission,  
9 or board.

10 (b) **Reference to "court."** Except as provided in [Rule 43](#), when these rules refer to a  
11 decision or action by the court, the reference ~~must~~[shall](#) include a panel of the court. The  
12 term "trial court" means the court or administrative agency, commission, or board from  
13 which the appeal is taken or whose ruling is under review. The term "appellate court"  
14 means the court to which the appeal is taken.

15 (c) **Procedure established by statute.** If a procedure is provided by state statute as to the  
16 appeal or review of an order of an administrative agency, commission, board, or officer  
17 of the state which is inconsistent with one or more of these rules, the statute ~~will~~[shall](#)  
18 govern. In other respects, these rules ~~will~~[shall](#) apply to such appeals or reviews.

19 (d) **Rules not to affect jurisdiction.** These rules ~~must~~[shall](#) not be construed to extend or  
20 limit the jurisdiction of the Supreme Court or Court of Appeals as established by law.

21 (e) **Title.** These rules ~~will~~[shall](#) be known as the Utah Rules of Appellate Procedure and  
22 abbreviated Utah R. App. P.

23 (f) **Rules for appeals in child welfare proceedings.** Appeals taken from juvenile court  
24 orders related to abuse, neglect, dependency, termination, and adoption proceedings are  
25 governed by [Rules 52](#) through [59](#), except ~~for only~~ ~~¶~~[Rule 52 applies to](#) orders related to  
26 substantiation proceedings under Section ~~78-3a-320. Rules 9 and 23B do not apply. Due to the~~

- 27 ~~summary nature of child welfare appeals, Rule 10(a)(2)(A) does not apply.~~[80-3-504](#). Other  
28 appellate rules apply if not inconsistent with [Rules 52](#) through [59](#).

# TAB 8

1 **Rule 19. Extraordinary relief.**

2 (a) **Petition for extraordinary relief.** When no other ~~plain, speedy, or adequate~~  
3 ~~remedy~~procedural avenue for relief is available, a person or entity may petition an  
4 appellate court for extraordinary relief ~~referred to~~premised on any of the grounds set  
5 forth in ~~Rule 65B~~paragraphs (b), (c), or (d) of Rule 65B of the Utah Rules of Civil  
6 Procedure.

7 (b) **Respondents.** The person or entity against whom relief is sought and all parties in  
8 any related trial court or agency action other than the petitioner are deemed respondents  
9 for all purposes.

10 (c) **Filing and service.** The petition must be filed with the appellate court clerk and served  
11 on the respondent(s). In the event of an original petition in the appellate court where no  
12 action is pending in the trial court or agency, the petition also must be served on all  
13 persons or entities whose interests might be substantially affected.

14 (d) **Filing fee.** The petitioner must, pursuant to Rule 21, pay the prescribed filing fee to  
15 the appellate court clerk, unless waived by the court.

16 (e) **Contents of petition.** A petition for extraordinary relief must contain the following:

17 (1) a list of all respondents against whom relief is sought, and all ~~others~~other persons  
18 or entities, by name or by class, whose interests might be substantially affected;

19 (2) a statement of the issues presented and of the relief sought;

20 (3) a statement of the facts necessary to understand the issues presented by the  
21 petition;

22 (4) a statement of the reasons why no other plain, speedy, or adequate remedy exists  
23 and why the relief should be granted;

24 (5) when the subject of the petition is an interlocutory order, a statement explaining  
25 whether a petition for interlocutory appeal has been filed and, if so, summarize its  
26 status or, if not, why interlocutory appeal is not a plain, speedy, or adequate remedy;

27 (6) except in cases where the petition is directed to a trial court, a statement explaining  
28 why it is impractical or inappropriate to file the petition in the trial court;

29 (7) a discussion of points and authorities in support of the petition; and

30 (8) copies of any order or opinion or parts of the record that may be essential to  
31 understand the matters set forth in the petition.

32 (f) **Expedited review.** When expedited review is sought, the petitioner must file a  
33 separate motion pursuant to [Rule 23C](#) explaining why expedited review is requested.  
34 Any response to a motion filed under [Rule 23C](#) is governed by that rule and is separate  
35 from any response to a petition filed under Rule 19.

36 (g) **Response.** No petition will be granted in the absence of a request by the court for a  
37 response. No response to a petition will be received unless requested by the court.

38 (1) **Timing.** If requested, a respondent may file a response within 30 days of the court's  
39 request or within such other time as the court orders.

40 (2) **Joint Response.** Two or more respondents may respond jointly.

41 (3) **Contents.** The response must include, or respond to, as appropriate, the items in  
42 paragraph (e).

43 (4) **Notice of non-participation.** If any respondent does not desire to appear in the  
44 proceedings or file a response, that respondent may advise the appellate court clerk  
45 and all parties by letter, but the allegations of the petition will not thereby be deemed  
46 admitted.

47 (h) **Reply.** The petitioner may file a reply within 14 days after service of the response. A  
48 reply must be limited to responding to the facts and arguments raised in the response.

49 (i) **Page and word limits.** A petition or response may not exceed 20 pages or 7,000 words.  
50 A reply may not exceed ten pages or 3,500 words. Headings, footnotes, and quotations  
51 count toward the page or word limit, but the cover page or caption, any table of contents  
52 or authorities, signature block, certificates, and any attachments do not.

53 (j) **Certificate of compliance.** A petition, response, and reply must include the filer's  
54 certification that the document complies with:

55 (1) paragraph (i), governing the number of pages or words (the filer may rely on the  
56 word count of the word processing system used to prepare the document); and

57 (2) [Rule 21](#), governing filings containing non-public information.

58 (k) **Review and disposition of petition.**

59 (1) The court may deny a petition without a response. Where a response has been  
60 called for, the court will render a decision based on the petition and any timely  
61 response and reply, or it may require briefing or request further information, and may  
62 hold oral argument at its discretion.

63 (2) If the court determines that the petition was not appropriately filed in the appellate  
64 court, the court will refer the petition to the appropriate trial court. Any review of the  
65 trial court's decision on the petition must be pursued by appeal rather than a refile  
66 of the petition.

67 (3) A single judge or justice may deny the petition if it is frivolous on its face or fails  
68 to materially comply with the requirements of this rule or [Rule 65B](#) of the Utah Rules  
69 of Civil Procedure. A petition's denial by a single judge or justice may be reviewed by  
70 the appellate court upon specific request filed within seven days of notice of  
71 disposition, but such request may not include any additional argument or briefing.

72 (l) **Transmission of record.** In reviewing a petition for extraordinary relief, the appellate  
73 court may order transmission of the record, or any relevant portion thereof.

74 (m) **Issuing an extraordinary writ on the court's motion.**

75 (1) The appellate court, in aid of its own jurisdiction in extraordinary cases, may on  
76 its own motion issue a writ directed to a judge, agency, person, or entity.

77 (2) A copy of the writ will be served on the named respondents in the manner and by  
78 an individual authorized to accomplish personal service under [Rule 4](#) of the Utah

79 Rules of Civil Procedure. In addition, copies of the writ must be transmitted by the  
80 appellate court clerk, by the most direct means available, to all persons or associations  
81 whose interests might be substantially affected by the writ.

82 (3) The respondent and the persons or entities whose interests are substantially  
83 affected may, within four days of the writ's issuance, petition the court to dissolve or  
84 amend the writ. The petition must be accompanied by a concise statement of the  
85 reasons for dissolving or amending the writ.

86 (n) Rejection of petition. The clerk may reject any petition for extraordinary relief that  
87 does not substantially comply with the content requirements of paragraph (e).

88 *Effective January 22, 2025*

#### 89 **Advisory Committee Note**

90 The Utah Constitution enshrines the right to a writ of habeas corpus. Utah Const., art. I,  
91 sec. 5; art. VIII, sec. 3; art. VIII, sec. 5. The Appellate Rules Committee recommended  
92 repealing Rule 20 (Habeas Corpus Proceedings) because it was duplicative of Rule 19  
93 (Extraordinary Relief) and potentially caused incarcerated individuals to forgo filing a  
94 petition under the Post-Conviction Remedies Act (Utah Code Title 78B, Chapter 9). The  
95 repeal is not intended to substantively affect a defendant's right to a writ of habeas  
96 corpus. Rule 19 of the Utah Rules of Appellate Procedure and [Rules 65B](#) and [65C](#) of the  
97 Utah Rules of Civil Procedure govern habeas corpus proceedings.

98 *Note adopted May 1, 2023*

**Rule 48. Time for petitioning.**

(a) **Timeliness of petition.** A petition for a writ of certiorari must be filed with the Supreme Court clerk within 30 days after the Court of Appeals' final decision is issued, and not from the date the remittitur is issued. Pursuant to [Rule 21](#), the filing fee must be paid to the appellate court clerk, unless waived by the court.

(b) **Rejection of petition.** The clerk will reject any petition for a writ of certiorari not timely filed.

(c) **Effect of petition for rehearing.** If a petition for rehearing that complies with [Rule 35\(a\)](#) is timely filed by any party, the time for filing the petition for a writ of certiorari for all parties runs from the date the petition for rehearing is denied or a subsequent decision on the rehearing is issued. A request filed under [Rule 35\(b\)](#) does not affect the time for filing a petition for a writ of certiorari, unless the Court of Appeals treats the request as a petition for rehearing under [Rule 35\(a\)](#).

**(d) Time for cross-petition.**

(1) A cross-petition for a writ of certiorari must be filed:

(A) within the time provided in either paragraphs (a) or (c) of this rule; or

(B) within 30 days of the filing of the petition for a writ of certiorari.

(2) Any cross-petition that is timely only under paragraph (d)(1)(B) will not be granted unless a timely petition for a writ of certiorari of another party to the case is granted.

(3) Pursuant to [Rule 21](#), the filing fee must be paid to the appellate court clerk, unless waived by the court.

(4) A cross-petition for a writ of certiorari may not be joined with any other filing. The clerk will reject any filing so joined.

(e) **Time extensions.**

(1) Before the time prescribed by paragraph (a) or (c) expires, the Supreme Court will grant a party's request to extend the time for filing a petition or cross-petition, not to exceed 30 days past the prescribed time.

(2) Within 30 days after the time prescribed by paragraph (a) or (c) expires, a party may file a motion to extend the time for filing a petition or cross-petition. The Supreme Court will grant the motion only upon a showing of good cause or excusable neglect. No extension may exceed 30 days past the prescribed time or 14 days from the date the order granting the motion is entered, whichever occurs later, and no more than one extension will be granted. The Supreme Court may rule at any time after the motion is filed.

(3) The clerk may construe a petition rejected under paragraph (f) of Rule 49 or a notice of appeal or other filing that does not comply with the requirements of Rule 49 as a request for an extension of time to file a petition for certiorari if the rejected petition, notice of appeal, or other filing is submitted before the time prescribed by paragraph (a) or (c) expires.

Effective ~~May 1, 2024~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

68 (d) **Page or word limitation.** The petition for a writ of certiorari ~~shall~~must be as short as  
69 possible, and no more than 4,000 words or ~~but may not exceed 2015~~ pages if a word count  
70 is not provided. ~~excluding~~ These limits do not include ~~the subject index, the~~any table of  
71 contents, table of authorities, ~~any verbatim quotations required by subparagraph (a)(7)~~  
72 ~~of this rule, and~~ or the appendix.

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

77 (f) **Rejection of petition.** The clerk may reject any petition for a writ of certiorari that does  
78 not substantially comply with the content requirements of paragraph (a).