



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 https://utcourts.webex.com/utcourts/j.php?MTID=m56baabed3fcd101d2302137b9a70a97d
Date:	February 5, 2025
Time:	12:00 to 1:30 p.m.

Action: Welcome and approval of December 3, 2025 Minutes	Tab 1	Nathalie Skibine, Chair
Action: Final Approval of Rule 34	Tab 2	Nathalie Skibine
Action: Final Approval of Rules 49 and 50	Tab 3	Nathalie Skibine
Action: Final Approval of Rules 5, 26, and 27	Tab 4	Nathalie Skibine
Action: Rule 27	Tab 5	Nathalie Skibine
Action: Rule 1	Tab 6	Mary Westby
Discussion: Rules 19, 48, and 49	Tab 7	Clark Sabey
Discussion: 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

Nathalie Skibine

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.

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:
Old/New Business**

Nathalie Skibine, Chair

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~~

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).

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~~in that question. Only the questions ~~set forth~~stated in the petition~~,~~, or fairly included ~~therein~~in those questions, 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 or word limitation.** The petition for a writ of certiorari ~~shall~~must be as short as possible, and no more than 4,000 words or ~~but may not exceed 2015~~ pages if a word count is not provided, ~~excluding~~ These limits do not include ~~the subject index, the~~any table of contents, table of authorities, ~~any verbatim quotations required by subparagraph (a)(7) of this rule, and~~ or 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 or word limitation. A response must be as short as possible, and no more than 4,000 words or ~~and may not exceed 2015~~ pages if a word count is not provided. These limits do not include, excluding the any table of contents, ~~the~~ table of authorities, or 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) **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

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) of the 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~~

[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.

Rule 26. Filing and serving briefs.**(a) Time to file and serve briefs in cases not involving a cross-appeal.**

(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. A reply brief may be filed and served by the appellant or the cross-appellant in cases involving cross-appeals.~~

(3) Appellant's reply brief. The appellant may file a reply brief. 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.~~ before oral argument.

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

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

(3) Appellant's reply brief. 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.

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

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

(d) 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.~~

(e) 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~~

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 and legible, ~~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(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;

(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

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

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 and legible, ~~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(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;

(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

(3) **Criminal appeals** Priority.

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

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

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

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

Effective ~~May 1, 2024~~

TAB 6

Rule 1. Scope of rules.

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

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

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

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

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

(f) **Rules for appeals in child welfare proceedings.** Appeals taken from juvenile court orders related to abuse, neglect, dependency, termination, and adoption proceedings are governed by [Rules 52](#) through [59](#), except ~~for only ¶Rule 52 applies to~~ orders related to 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 7

Rule 19. Extraordinary relief.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective January 22, 2025

Advisory Committee Note

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

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~~

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~~in that question. Only the questions ~~set forth~~stated in the petition, or fairly included ~~therein~~in those questions, 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 or word limitation.** The petition for a writ of certiorari ~~shall~~must be as short as possible, and no more than 4,000 words or ~~but may not exceed 2015~~ pages if a word count is not provided, ~~excluding~~ These limits do not include the subject index, the ~~any~~ table of contents, table of authorities, ~~any verbatim quotations required by subparagraph (a)(7) of this rule, and~~ or 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.

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