



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=md2d7e9c1f87e1a5b5a65cff09949eb78
Date:	May 7, 2026
Time:	12:00 to 1:30 p.m.

Action: Welcome and approval of March 5, 2026 Minutes	Tab 1	Nathalie Skibine, Chair
Action: Rule 22 (Final Approval)	Tab 2	Nathalie Skibine
Action: Rules 27, 49, and 50 (Final Approval)	Tab 3	Nathalie Skibine
Action: Rule 1	Tab 4	Mary Westby
Action: Rules 19	Tab 5	Clark Sabey
Action: Appellate Disqualification	Tab 6	Judge Christiansen Forster, Nicole Gray, Clark Sabey
Action: Rule 26	Tab 7	Nathalie Skibine
Action: Items referred by the Supreme Court	Tab 8	Nathalie Skibine
Discussion: Old/new business		Nathalie Skibine, Chair

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

2026 Meeting schedule:

June 4, 2026	September 3, 2026	December 3, 2026
July 2, 2026	October 1, 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, March 5, 2026
12:00 pm to 1:30 pm

PRESENT

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

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

EXCUSED

Michael Judd—Recording
Secretary

GUESTS

Jennifer Gadbois
Julie Nelson
Crystal Cragun—Transcript
Coordinator

1. Action:

Nathalie Skibine

Approval of February 2026 Minutes

Nathalie Skibine welcomed everyone to the meeting and asked for approval of the minutes from the Committee's February meeting. Tera Peterson noted a repeated word in section three and a typo in section six.

With those edits made to the February minutes Mary Westby moved to approve. Stan Purser seconded the motion, and it unanimously passed.

2. Discussion: Nick Stiles
Rule 11 – Transcript Issue

Nick Stiles reminded the Committee that an amendment to Rule 11 went into effect which eliminated the ability for parties to submit their own transcripts. Crystal Cragun added that previously once the parties created the transcripts they would have to stipulate with the other party before it was submitted to the Court.

Since that amendment became final there have been ongoing discussions between the District Court bench and the Trial Court Executives regarding fee waivers for parties to acquire transcripts. The current issue is that if the district grants the fee waiver that district is covering the costs to have the transcripts made.

Mr. Stiles does not believe amending the rule back to its previous version is the best course of action and asked the Committee their viewpoints and suggested that maybe AI technology could be a possible solution. Ms. Peterson reported receiving a transcript that was transcribed from the recording via AI and that the transcript was riddled with errors.

Ms. Westby noted that there are additional amendments to Rule 11 set to become effective on May 1, 2026 which will change when transcripts are due. Once that amendment becomes effective it may help reduce the number of transcripts needed. Jennifer Gadbois added that since the rule was amended to remove parties from creating their own transcripts there has only been one case that didn't qualify for a pro bono attorney. If a party qualifies for a pro bono attorney then the transcript is paid for through that funding.

Following that discussion, the Committee tabled further discussion on the matter until the new amendments to Rule 11, changing the timeframe on when transcripts are due, goes into effect on May 1, 2026 to see if that resolves the issue.

3. Discussion: Julie Nelson
Rule 11

Julie Nelson reported to the Committee that the trial courts have been referring to docket numbers in their orders and although people can usually locate what item they are referring to in Xchange that is not the case with family law cases. Ms. Nelson asked the Committee to consider amending the rule to state that the appellate record will include docket numbers or at least include them in the index.

Mr. Stiles has talked with the Deputy Court Administrator to see if it would be difficult to have IT add this information and they are looking into how much it would cost. Ms. Gray and Ms. Gadbois have also spoken with IT regarding the issue and have been told that it would be difficult to do as this information isn't stored in the same place.

Ms. Skibine questioned if the trial courts could stop referring to docket numbers. Ms. Gadbois stated she could speak to the District Court Board of Judges about it.

Ms. Nelson shared her screen with the Committee to show how Xchange appeared, confirming that numerous filings did not list the docket numbers. Ms. Gadbois will speak with IT again regarding the issue and reach out to Ms. Nelson with their response.

Following that discussion the issue was tabled and will be revisited during the Committee's April or May meeting.

**4. Action: Judge Orme
Appellate Disqualification**

Judge Orme informed the Committee that the Court of Appeals recently received a couple of last-minute motions to disqualify judges from hearing an appeal and stated that having a disqualification rule in place could help guide the Court on how to handle these situations. Judge Orme suggested including language from the District Court rule that the judge in question can read the motion and if they agree they can disqualify themselves.

The Committee discussed a possible timeframe with Ms. Westby suggesting within a certain timeframe of when the parties were made aware of who would be on the panel. Ms. Westby also noted that the panel is not disclosed until after an order is issued for appeals decided without oral argument. Clark Sabey added that one concern is receiving motions prior to the Court's internal process of reviewing cases for recusals.

Following these discussions Judge Christiansen Forster moved to table the issue. A subcommittee consisting of Judge Christiansen Forster, Nicole Gray, Jennifer Gadbois, Clark Sabey, and Judge Mortensen was created to work on a new draft of a potential rule.

5. Action: Clark Sabey
Rules 19, 48, and 49

Mr. Sabey introduced the proposed changes to Rules 19, 48, and 49 noting that these were previously presented to the Committee. One change has been made to the proposal which removed the proposed amendments to Rule 19(a). Mr. Sabey suggested if the Committee is interested in clarifying paragraph (a) of Rule 19 and Rule 5 that perhaps a subcommittee could be formed.

Ms. Westby voiced concerns with the proposed amendments to Rule 19 and suggested that instead of the Clerk reviewing the petitions they should be sent to the staff attorneys for review. Ms. Gadbois also noted a concern of not having a record of receiving the filing and of the following rejection.

Mr. Sabey noted that this is already the process for Writ of Certiorari cases. Ms. Gray is in favor of the rule and doesn't believe there are any legal reasons that the Clerk cannot review the case to see if the party followed the rule.

The Committee decided to table Rule 19 for further discussion. Mr. Purser then moved to approve the proposed amendments to Rules 48 and 49. Judge Christiansen Forster seconded that motion, and it was unanimously passed. Rules 48 and 49 will be sent to the Supreme Court on recommendation that they be published for public comment.

6. Action: Nathalie Skibine
Rule 55A

Ms. Skibine presented the proposed amendment to Rule 55A in Ms. Westby's absence and informed the Committee that it is an administrative change.

Judge Christiansen Forster moved to approve the proposed amendments. Mr. Purser seconded the motion, and it unanimously passed. The rule will be submitted to the Supreme Court on recommendation that it be published for public comment.

7. Action: Nicole Gray
Rule 26

Ms. Gray presented the proposed amendments to Rule 26 which reflects that the Court will soon be hearing cases as a panel of seven so the Court will need more paper copies of briefs.

Judge Christiansen Forster moved to approve the proposed amendment. Mr. Baldwin seconded the motion, and it was unanimously approved. The rule will be submitted to the Supreme Court on recommendation that it be posted for public comment.

8. Action: Nicole Gray
Rules 24

Ms. Gray advised the Committee that currently Rule 24 states that a filed proposed overlength brief will be destroyed whether or not a motion for overlength brief is granted. The proposed amendment would change this to state the brief will only be destroyed if the motion is denied.

Mr. Purser moved to approve the proposed amendments. Mr. Sabey seconded the motion, and it unanimously passed. The rule will be submitted to the Supreme Court on recommendation that it be posted for public comment.

9. Discussion: Nathalie Skibine
Standing Order 17

Ms. Skibine reported that currently Standing Order 17 does not include extension requests on PCRA cases as these cases are civil cases. Mr. Stiles stated that the Supreme Court is aware of this and will be publishing an amended order within the next day. Mr. Purser questioned how people are being notified of standing orders and Mr. Stiles replied that the Court will work with the appellate practice section to ensure people are being notified.

10. Discussion: Nathalie Skibine, Chair
Old/New Business

Michelle Quist noted that currently Rule 26 says that a stipulated enlargement of time request can only be 30 days but Rule 22 states it can be up to 60 days. Although the Committee and the Court approved removing the stipulated language from Rule 26 it is not set to be effective until May 1, 2026 and the proposed amendments to Rule 22 were made effective January 23, 2026. Mr. Stiles stated that he will ask the Court if we can make Rule 26 effect immediately to clear up the inconsistency.

11. Adjourn Nathalie Skibine, Chair

Ms. Skibine informed the Committee of the need to be excused for the April meeting and depending on what the agenda looks like April's meeting may be cancelled. Following the business and discussions described above, the Committee adjourned.

TAB 2

One thought on “Rules of Appellate Procedure – Comment Period Closed March 9, 2026”

Leslie Slaugh

[January 23, 2026 at 2:39 pm](#)

Rule 22(c) allows an extension of time “for good cause shown” if the motion is filed before the expiration of time, and defines good cause. Rule 22(c)(1) states “the court may permit an act to be done after the expiration of time,” but does not state any standard (such as good cause or excusable neglect) nor specify any required content for a motion filed after the expiration of the time. Somewhere the rule should set parameters for a motion to permit an act to be done after the expiration of time.

1 **Rule 22. Computation and ~~enlargement~~extension of time.**

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

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

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

17 (b) ~~Extensions~~Enlargement of time for briefs by notice of stipulation.

18 ~~(1) Motions for an enlargement of time for filing briefs beyond the time permitted by~~
19 ~~stipulation of~~ Unless prohibited by the court in a particular case, the parties ~~under Rule~~
20 ~~26 are not favored.~~ may file one or more notices of stipulation to extend the time to file a
21 brief.

22 ~~(2)~~(1) Form of notice of stipulation. A motion for extension of time need not
23 accompany the stipulation.

24 (2) Time to file. A ~~n~~Notices of stipulation to extend time must be filed before the
25 expiration of the period sought to be extended.

26 (3) Length of time. The total amount of stipulated extensions for any brief may not
27 exceed 60 days.

28 (4) Automatic effectiveness. A timely filed notice of stipulation will automatically
29 extend the time to file without the need for a court order granting the extension.

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

36 ~~(3)1~~ Time to file. A motion ~~for an enlargement of~~ to extend time must be filed ~~prior~~
37 ~~to before~~ the expiration of the time for which the ~~enlargement~~ extension is sought. But
38 the court may permit an act to be done after the expiration of time.

39 ~~(4)2~~ Motion content. A motion for ~~enlargement~~ extension of time must state:

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

41 (B) whether the movant has previously been granted an ~~enlargement~~ extension of
42 time and, if so, the number and duration of ~~such enlargements~~ the previous
43 extensions;

44 (C) when the time will expire for doing the act ~~for which~~ without the
45 ~~enlargement~~ extension of time ~~is sought~~;

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

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

50 ~~(5)3~~ Good cause. For the purpose of this rule, good cause includes, but is not limited
51 to, the complexity of the case on appeal, engagement in other litigation, and extreme
52 hardship to counsel.

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

55 (A*i*) identify ~~such~~that litigation by caption, number, and court;

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

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

60 ~~(D) state the reasons why associated counsel cannot prepare the brief for timely~~
61 ~~filing or relieve the movant~~(ii) explain how engagement in the other litigation
62 has prevented or will prevent a timely filing; and

63 ~~(E~~iii) identify any other relevant circumstances.

64 ~~(6~~B) If the good cause relied upon is the complexity of the appeal, the
65 ~~movant~~motion must state the reasons why the appeal is so complex that ~~an~~
66 ~~adequate brief~~the current due date cannot reasonably be ~~prepared by the due~~
67 ~~date~~met.

68 ~~(7~~C) If the good cause relied upon is extreme hardship to counsel, the
69 ~~movant~~motion must state in detail the nature of the hardship.

70 ~~(8~~D) All facts supporting good cause must be stated with specificity. Generalities,
71 such as “the motion is not for the purpose of delay” or “counsel is engaged in other
72 litigation,” are insufficient.

73 ~~(c) Ex parte motion. Except as to enlargements of time for filing and service of briefs~~
74 ~~under Rule 26, a party may file one ex parte motion for enlargement of time not to exceed~~
75 ~~14 days if no enlargement of time has been previously granted, if the time has not already~~
76 ~~expired for doing the act for which the enlargement is sought, and if the motion otherwise~~
77 ~~complies with the requirements and limitations of paragraph (b) of this rule.~~

78 ~~(4)~~ **When motions disfavored.** A m~~Motions~~ for an extension of time for filing a briefs
79 beyond the time permitted by stipulation of the parties is~~are~~ not favored.

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

83 *Effective ~~May 1, 2024~~*

84 **Advisory Committee Note**

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

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

90 *Note adopted May 1, 2024*

TAB 3

1. **William Hains**

[March 19, 2026 at 3:25 pm Edit](#)

Please consider adding an additional subsection to (c)(3) under rule 27, requiring parties to identify capital cases on the cover of their briefs. The Legislature recently passed a bill requiring appellate courts to prioritize and expedite appeals and petitions for extraordinary relief involving capital cases. (HB 495, amending Utah Code 76-3-207) If the Governor signs the bill, the same justification for identifying parental rights/child custody appeals on the cover of the brief would apply equally to capital cases.

Language along these lines would work:

(E) Capital case. In a criminal case involving a capital charge or conviction, including a postconviction case, the cover of the appellant's brief must state that it is a capital case.

William Hains

Deputy Division Director, Criminal Appeals

Utah Attorney General's Office

2. **Ellen Choi**

[March 25, 2026 at 2:39 pm Edit](#)

We note a potential numbering issue in the proposed amendments to URAP 27. The redline indicates that subsection (3) is proposed for deletion; however, subsection (4) remains numbered as (4) without accounting for the removal of subsection (3). To avoid confusion and ensure consistent citation, we suggest renumbering subsection (4) as (3), along with any necessary conforming updates.

Thank you for your time and consideration.

Ellen Choi

Court Rules Attorney

Aderant

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 plain and legible. Italics or boldface may be used for
10 emphasis. Cited case names must be italicized or underlined.

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

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

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

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

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

21 (B) the name of the appellate court;

22 (C) the full title given to the case in the court or agency from which the appeal is
23 taken;

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

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

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

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

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

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

37 (i) name;

38 (ii) Utah State Bar number;

39 (iii) mailing address;

40 (iv) email address;

41 (v) telephone number; and

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

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

45 (i) name;

46 (ii) mailing address;

47 (iii) email address (if any);

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

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

51 **(3) Incarceration and case type designations.**

52 **(A) Incarceration.** In a criminal case, the cover of the appellant's brief must
53 indicate whether the defendant is presently incarcerated in connection with the
54 case on appeal.

55 **(B) Anders brief.** In a criminal case, the cover of the appellant's brief must, if
56 applicable, state that it is an *Anders* brief filed pursuant to *Anders v. California*, 386
57 U.S. 793 (1967), because counsel believes no nonfrivolous appellate issue exists.

58 **(C) Pretrial detention.** In a criminal case challenging a pretrial detention order, the
59 cover of the appellant's brief must, if applicable, state that the appellant claims the
60 right to an expedited appeal pursuant to Utah Code section 77-20-209.

61 **(D) Parental rights and child custody.** In a case challenging an order affecting
62 parental rights or a child's physical custody, the cover of the appellant's brief must
63 state that it is such a case.

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

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

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

68 (B) the name of the appellate court;

69 (C) the full title given to the case in the court or agency from which the appeal is
70 taken;

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

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

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

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

80 (i) name;

81 (ii) Utah State Bar number;

82 (iii) mailing address;

83 (iv) email address;

84 (v) telephone number; and

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

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

88 (i) name

89 (ii) mailing address;

90 (iii) email address (if any);

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

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

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

95 (1) **Form of submission.** Hard copies of the briefs must be submitted on 20 lb. bond
96 standard paper. Except for the cover page, briefs must be printed double sided. Briefs

97 must not be stapled or bound along the left edge, but must be secured with a binder
98 clip.

99 (2) **Color of cover page.** There must be adequate contrast between the printing and
100 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

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

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

113 Effective ~~May 1, 2026~~

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; and;

61 (10) A certificate of compliance. The filer must certify that the petition complies with:

62 (A) paragraph (d), governing the number of pages or words (the filer may rely on
63 the word count of the word processing system used to prepare the petition); and

64 (B) Rule 21, governing public and private records.

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

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

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

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

81

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, ~~and any~~ the appendix, or certificates.

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;

(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; and;

(F) A certificate of compliance. The filer must certify that the response complies with:

(i) paragraph (a)(3), governing the number of pages or words (the filer may rely on the word count of the word processing system used to prepare the response); and

(ii) Rule 21, governing public and private records.

~~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

53 not include any table of contents, table of authorities, appendix, or certificates.~~and~~
54 ~~must comply with Rule 27.~~

55 (4) A certificate of compliance. The filer must certify that the reply complies with:

56 (A) paragraph (c)(3), governing the number of pages or words (the filer may rely
57 on the word count of the word processing system used to prepare the reply); and

58 (B) Rule 21, governing public and private records.

59 *Effective ~~November 1, 2023~~*

TAB 4

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 ¶~~[Rules 52 and 53 apply](#)ies to orders
26 related to substantiation proceedings under [Utah Code S](#)section ~~78-3a-320. Rules 9 and 23B~~

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

TAB 5

1 **Rule 19. Extraordinary relief.**

2 (a) **Petition for extraordinary relief.** When no other plain, speedy, or adequate remedy
3 is available, a person may petition an appellate court for extraordinary relief referred to
4 in [Rule 65B](#) of the Utah Rules of Civil Procedure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

86 *Effective ~~January 22, 2025~~*

87 **Advisory Committee Note**

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

96 *Note adopted May 1, 2023*

TAB 6

1 **Proposed Rule**

2 (a) **Motion to Disqualify.**

3 (1) **Requirements.**

4 (A) A party to an appeal or the party's attorney may file a motion to disqualify a
5 Justice or a Judge.

6 (B) The motion must be accompanied by a certificate that the motion is filed in
7 good faith and must be supported by an affidavit or unsworn declaration as
8 described in Title 78B, Chapter 18a, Uniform Unsworn Declarations Act stating
9 facts sufficient to show bias, prejudice, or conflict of interest.

10 (2) **Time for filing.**

11 (A) **Supreme Court.** The motion must be filed after notice of oral argument has
12 been entered but not later than 14 days after the last of the following:

13 (i) appearance of the party or the party's attorney; or

14 (ii) the date on which the moving party knew or should have known of the
15 grounds upon which the motion is based.

16 (iii) If the last event occurs fewer than 14 days before oral argument, if
17 scheduled, the motion must be filed as soon as practicable but not later than 48
18 hours before oral argument.

19 (B) **Court of Appeals.** The motion must be filed after the docketing statement has
20 been filed but not later than 14 days after the last of the following:

21 (i) appearance of the party or the party's attorney; or

22 (ii) the date on which the moving party knew or should have known of the
23 grounds upon which the motion is based.

24 (iii) If the last event occurs fewer than 14 days before oral argument, if
25 scheduled, the motion must be filed as soon as practicable but not later than 48
26 hours before oral argument.

27 (3) **Attorney's or party's signature.** Signing the motion or affidavit or declaration
28 constitutes a certificate under [Rule 40](#) and subjects the party or attorney to the
29 procedures and sanctions of [Rule 40](#).

30 (4) **Subsequent motion.** No party may file more than one motion to disqualify in an
31 action, unless the second or subsequent motion is based on grounds that the party did
32 not know of and could not have known of at the time of the earlier motion.

33 (5) **Timeliness of motion.** If timeliness of the motion is determined under paragraph
34 (a)(2)(A)(ii), paragraph (a)(2)(B)(ii), or paragraph (a)(4) the affidavit or declaration
35 supporting the motion must state when and how the party came to know of the reason
36 for disqualification.

37 (b) **Resolution of Motion.**

38 (1) **Supreme Court.**

39 (A) If the Justice who is the subject of the motion does not voluntarily recuse from
40 the case, the motion will be submitted to the law and motion panel.

41 (i) If the Justice who is the subject of the motion is a member of the law and
42 motion panel, another member of the court, not assigned to the law and motion
43 panel, will be invited to sit ad hoc. The law and motion panel may either deny
44 the motion or refer the motion to the full court for review.

45 (ii) The full court will consist of all members of the court who are not the
46 subject(s) of the motion. If less than three members of the court are available,
47 an active judge from the appellate or district court will be called to participate
48 for the limited purpose of resolving the motion.

49 (B) If the reviewing Justices find that the motion and affidavit or declaration are
50 timely filed, filed in good faith, and legally sufficient, then a substitute Justice will
51 be assigned to the case consistent with the rules and practices of the Utah Supreme
52 Court.

53 (C) In determining issues of fact or of law, the reviewing Justices may consider any
54 part of the record and may request of the subject Justice an affidavit or declaration
55 responding to questions posed by the reviewing Justices.

56 **(2) Court of Appeals.**

57 (A) If the Judge who is the subject of the motion does not voluntarily recuse from
58 the case, the judge will refer the motion to the Presiding Judge or, if the Presiding
59 Judge is the subject of the motion, to the Associate Presiding Judge for review. If
60 neither the presiding judge nor the associate presiding judge are available, any
61 other judge of the court of appeals may serve as the reviewing judge. The judge
62 who is the subject of the motion will take no further action in the case until the
63 motion is decided.

64 (B) If the reviewing judge finds that the motion and affidavit or declaration are
65 timely filed, filed in good faith, and legally sufficient, then another Court of
66 Appeals Judge will be assigned to the case consistent with the rules and practices
67 of the Court of Appeals.

68 (C) In determining issues of fact or of law, the reviewing Judges may consider any
69 part of the record and may request of the Judge who is the subject of the motion
70 an affidavit or declaration responding to questions posed by the reviewing Judges.

71 *Effective*

72 **Advisory Committee Note**

73 [Insert comment regarding internal processes for recusal]

TAB 7

**One thought on “Rules of Appellate Procedure –
Comment Period Closed February 2, 2026”**

Cheryl Siler

February 2, 2026 at 4:55 pm Edit

URAP 26 – As proposed URAP 26(b)(4) sets the deadline for the cross-appellant’s reply brief as “within 30 days after the filing and service of the appellant’s reply brief.” Triggering the deadline off the “filing and service” of the reply brief is somewhat problematic in that the date of filing of the brief and the date of service of the brief may not occur on the same day. I note that in other sections of URAP 26(b), the triggering event is simply the date of “service” of the preceding brief. See proposed URAP 26(b)(2) and (3). It would be clearer and more consistent if the deadline in Rule 26(b)(4) were also triggered by the “service” of the preceding brief.

Thank you for your time and consideration.

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

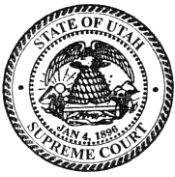
55 than seven days after filing. ~~If a brief is served by e-filing or email, upon request two~~
56 ~~paper copies must be delivered to counsel for each party separately requesting paper~~
57 ~~copies.~~

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~~*

TAB 8



Memorandum

To: Advisory Committee on Appellate Procedure
Date: April 30, 2026
Subject: Items Referred by the Supreme Court

The Supreme Court, through its staff attorney Clark Sabey, has requested the Advisory Committee on Appellate Procedure to review and consider the below matters.

1. Whether to allow for replies in support of petitions on appeal under Rule 55.
2. Whether to preclude treatment of issues of first impression in cases decided under Rule 58 without full briefing.
3. Whether to craft a rule to address the circumstances when the appellate courts can rely on a lack of preservation to dispose of issues in truncated proceedings (Rules 10(a), 10(c), and 55).
4. Whether to amend Rule 30 to expressly limit the use of unpublished orders to cases resolved by well-established law.

Enclosures:

- Tab A: Rule 55
- Tab B: Rule 58
- Tab C: Rule 10
- Tab D: Rule 30

Tab A

Rule 55. Petition on appeal.

(a) **Filing; dismissal for failure to timely file.** The appellant must file with the Court of Appeals clerk a petition on appeal within 15 days from transmission of the record on appeal by the Court of Appeals to each party. The petition will be deemed filed on the date of the postmark if first-class mail is used. Filing of the petition must be in accordance with Rule 21(a). If the petition on appeal is not timely filed, the court may dismiss the appeal or take other appropriate action. The petition must be accompanied by proof of service. The appellant must serve a copy on counsel of record of each party, including the Guardian ad Litem, or, if the party is not represented by counsel, then on the party at the party's last known address, in the manner prescribed in Rule 21(c).

(b) **Preparation by counsel.** If the petitioner has appointed counsel in the juvenile court, or has been found to be indigent, then the petition on appeal must be prepared by appellate counsel appointed pursuant to the requirements of Rule 11-401 of the Utah Code of Judicial Administration. Counsel must be appointed within 21 days from the filing of the original notice of appeal. Otherwise, the petition on appeal must be prepared by appellant's trial counsel.

(c) **Format.** All petitions on appeal must substantially comply with the Petition on Appeal form that accompanies these rules. The petition must not exceed 5,000 words, excluding the attachments required by Rule 55(d)(7). The petition must comply with Rule 27(a) and (b), except that it may be printed or duplicated on one side of the sheet.

(d) **Contents.** The petition on appeal must include all of the following elements:

- (1) A statement of the nature of the case and the relief sought.
- (2) The entry date of the judgment or order on appeal.
- (3) The date and disposition of any post-judgment motions.
- (4) A concise statement of the material adjudicated facts as they relate to the issues presented in the petition on appeal.

(5) A statement of the legal issues presented for appeal, how they were preserved for appeal, and the applicable standard of review. The issue statements should be concise in nature, setting forth specific legal questions. General, conclusory statements such as "the juvenile court's ruling is not supported by law or the facts" are not acceptable.

(6) The petition should include supporting statutes, case law, and other legal authority and argument for each issue raised, including authority contrary to appellant's case, if known.

(7) The petition on appeal must have attached to it:

(A) a copy of the order, judgment, or decree on appeal;

(B) a copy of any rulings on post-judgment motions.

Tab B

Rule 58. Ruling.

(a) After reviewing the petition on appeal, any response, and the record, the Court of Appeals may rule by opinion, memorandum decision, or order. The Court of Appeals may issue a decision or may set the case for full briefing under Rule 24. The Court of Appeals may order an expedited briefing schedule and specify which issues must be briefed.

(b) If the Court of Appeals affirms, reverses, or remands the juvenile court order, judgment, or decree, further review pursuant to Rule 35 may be sought, but refusal to grant full briefing will not be a ground for such further review.

Tab C

Rule 10. Procedures for summary disposition or simplified appeal process.

(a) Time for filing; grounds for motion for summary disposition.

(1) A party may move at any time to dismiss the appeal or the petition for review on the basis that the appellate court lacks jurisdiction. Any response to such motion must be filed within 14 days from the date of service.

(2) After a docketing statement has been filed, the court, on its own motion, and on such notice as it directs, may dismiss an appeal or petition for review if the court lacks jurisdiction; or may summarily affirm the judgment or order that is the subject of review, if it plainly appears that no substantial question is presented; or may summarily reverse in cases of manifest error.

(3) The time for taking other steps in the appellate process is suspended pending disposition of a motion for summary affirmance, reversal, or dismissal.

(4) As to any issue raised by a motion for summary disposition, the court may defer its ruling until plenary presentation and consideration of the case.

(b) Dismissal for failure to prosecute.

(1) If the effective date of a notice of appeal is tolled under the provisions of [Rule 4\(b\)](#) or [4\(c\)](#), the court, on its own motion, may dismiss the appeal for failure to prosecute if:

(A) any motion within the scope of [Rule 4\(b\)](#) has not been submitted to the trial court for decision within 150 days after the motion was filed; or

(B) a proposed final judgment has not been submitted to the trial court within 150 days after the announcement of judgment under [Rule 4\(c\)](#).

(2) A dismissal for failure to prosecute under this rule will be without prejudice to the filing of a timely notice of appeal after the entry of a dispositive order or final judgment.

(c) Simplified appeal process; eligible appeals.

(1) For appeals involving the application of well-settled law to a set of facts, the court may designate an appeal for a simplified appeal process. An appellant in a case pending before the Court of Appeals may move for a simplified appeal process under this paragraph within ten days after the docketing statement is filed or the case is transferred to the Court of Appeals, whichever is later.

(2) Appeals eligible for a simplified process are those involving the application of well-settled law to a set of facts, which may include, but are not limited to, cases in the following categories:

- (A) appeals challenging only the sentence in a criminal case;
- (B) appeals from the revocation of probation or parole;
- (C) appeals from a judgment in an unlawful detainer action; and
- (D) petitions for review of a decision of the Department of Workforce Services Workforce Appeals Board or the Labor Commission.

(d) Memoranda in lieu of briefs.

(1) In appeals designated under paragraph (c), the parties must file memoranda in support of their positions instead of briefs. The schedule for preparing memoranda will be set by appellate court order.

(2) A party's principal memorandum must include:

- (A) an introduction describing the nature and context of the dispute, including the disposition in the court or agency whose judgment or order is under review;
- (B) a statement of the issues for review, including a citation to the record showing that the issue was preserved for review or a statement of grounds for seeking review of an issue not preserved;

(C) an argument, explaining with reasoned analysis supported by citations to legal authority and the record, why the party should prevail on appeal; no separate statement of facts is required, but facts asserted in the argument must be supported by citations to the record;

(D) a claim for attorney fees, if any, including the legal basis for an award; and

(E) a certificate of compliance, certifying that the memorandum complies with [Rule 21](#) regarding public and private documents.

(3) An appellant or petitioner may file a reply memorandum limited to responding to the facts and arguments raised in appellee's or respondent's principal memorandum. The reply memorandum must include an argument and a certificate of compliance with [Rule 21](#) regarding public and private documents.

(4) Principal memoranda must be no more than 7,000 words or 20 pages if a word count is not provided. A reply memorandum must be no more than 3,500 words or ten pages if a word count is not provided.

Effective May 1, 2025

Tab D

1 **Rule 30. Decision of the court; notice of decision.**

2 (a) **Decision in civil cases.** The court may reverse, affirm, modify, or otherwise dispose
3 of any appealed order or judgment. If the findings of fact in a case are incomplete, the
4 court may order the trial court or agency to supplement, modify, or complete the findings
5 to make them conform to the issues presented and the facts as found from the evidence
6 and may direct the trial court or agency to enter judgment in accordance with the findings
7 as revised. The court may also order a new trial or further proceedings to be conducted.
8 If a new trial is granted, the court may pass upon and determine all questions of law
9 involved in the case presented upon the appeal and necessary to the final determination
10 of the case.

11 (b) **Decision in election cases.** In a case relating to a voting contest, an election, or the
12 establishment of boundaries of political districts for purposes of an election, the court will
13 establish a briefing schedule, hold oral argument, and issue a decision with sufficient
14 promptness to, as much as possible, avoid prejudicing any candidate or voter or delaying
15 an election deadline or election.

16 (c) **Decision in criminal cases.** If a judgment of conviction is reversed, a new trial will be
17 held unless the court specifies otherwise. If a judgment of conviction or other order is
18 affirmed or modified, the judgment or order affirmed or modified will be executed.

19 (d) **Decision and opinion in writing.** When a judgment, decree, or order is reversed,
20 modified, or affirmed, the reasons will be stated concisely in writing and filed with the
21 clerk. Any justice or judge concurring or dissenting may likewise give reasons in writing
22 and file the same with the clerk. The clerk's entry in the court's records constitutes the
23 entry of the judgment of the court.

24 (e) **Form of decision.** An appellate court's decision may be entered by order, opinion, or
25 per curiam decision. An order will not stand as precedent but will otherwise have the
26 same force and effect as other court decisions.

27 (f) **Entry and notice of decision.** The entry of the decision in the court's records
28 constitutes the entry of the court's judgment. Immediately upon entering the decision,
29 the clerk must give notice to the respective parties and make the decision public in
30 accordance with the court's direction.

31 (1) If the court's decision is by order, the appellate clerk will transmit the order to the
32 parties and to the lower court or agency.

33 (2) If the court's decision is by opinion or per curiam decision, the decision will be
34 published on the courts' website at utcourts.gov.

35 (g) **Citation of decisions.** Published decisions of the Supreme Court and the Court of
36 Appeals, and unpublished decisions of the Court of Appeals issued between October 1,
37 1998 and December 31, 2010, may be cited as precedent in all courts of the State. Other
38 unpublished decisions may also be cited, so long as all parties and the court are supplied
39 with accurate copies at the time all such decisions are first cited.

40 *Effective December 9, 2025.*