

**Joint Resolution Amending Court Rules of Procedure**

2025 SECOND SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

House Sponsor: Jefferson S. Burton

---

---

**LONG TITLE**

**General Description:**

This resolution amends court rules of procedure.

**Highlighted Provisions:**

This resolution:

- amends Rule 4 of the Utah Rules of Appellate Procedure to address the time for parties to appeal a judgment in certain election cases;
- amends Rule 6 of the Utah Rules of Appellate Procedure to address the payment of a cost bond on appeal;
- amends Rule 30 of the Utah Rules of Appellate Procedure to address the time for an appellate court to decide an appeal in certain election cases;
- amends Rules 58A and 73 of the Utah Rules of Civil Procedure to address filing a motion for attorney fees in certain election cases; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This resolution provides a special effective date.

**Utah Rules of Appellate Procedure Affected:**

AMENDS:

**Rule 4**, Utah Rules of Appellate Procedure

**Rule 6**, Utah Rules of Appellate Procedure

**Rule 30**, Utah Rules of Appellate Procedure

**Utah Rules of Civil Procedure Affected:**

AMENDS:

**Rule 58A**, Utah Rules of Civil Procedure

**Rule 73**, Utah Rules of Civil Procedure

---

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of all members of both houses of the Legislature:

Section 1. **Rule 4**, Utah Rules of Appellate Procedure is amended to read:

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

(a) **Appeal as of right.** Except as provided in paragraph (a)(1) or (a)(2), in a case in which an appeal is permitted as a matter of right from the trial court to the appellate court, the notice of appeal required by Rule 3 must be filed with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from. If the trial court enters a judgment or 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.

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

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

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

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

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

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

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

(D) [A] a motion for a new trial under Rule 59 of the Utah Rules of Civil Procedure;

(E) [A] a motion for relief under Rule 60(b) of the Utah Rules of Civil Procedure if

the motion is filed no later than 28 days after the judgment is entered;

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

(G) [A] a motion for a new trial under Rule 24 of the Utah Rules of Criminal Procedure.

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

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

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

(B) a notice of appeal will be treated as filed on the day the notice of appeal is filed.

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

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

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

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

(2) The trial court, upon a showing of good cause or excusable neglect, may extend the

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

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

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

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

(A) The motion must state:

(i) the date the defendant learned that the defendant was denied the right to an appeal[-]; and

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

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

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

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

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

(6) If the prosecutor opposes the motion on the ground that the defendant filed it beyond the time limit in paragraph (f)(2), the prosecutor must prove, by a preponderance of the evidence, that the defendant's delay was unreasonable. The court may deny the motion as untimely only if the court finds that the prosecutor has carried this burden.

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

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

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

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

(B) [The] the party seeking to appeal exercised reasonable diligence in monitoring the proceedings; and

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

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

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

Section 2. **Rule 6**, Utah Rules of Appellate Procedure is amended to read:

**Rule 6 . Bond for costs on appeal.**

**(a) Definitions.** As used in this rule:

(1) "Government officer" means the same as that term is defined in Utah Code section 63G-2-210.

(2) "Governmental entity" means the same as that term is defined in Utah Code section 63G-2-103.

~~(b) [Except in a criminal case,]~~ **Cost bond.** Except as provided in paragraph (c), at the time of filing the notice of appeal, the appellant shall file with the notice a bond for costs on appeal[; ~~unless the bond is waived in writing by the adverse party, or unless an affidavit as provided for in Utah Code Section 78A-2-302 is filed~~]. The bond shall be in the sum of at least \$300.00 or such greater amount as the trial court may order on motion of the appellee to ensure payment of costs on appeal. No separate bond for costs on appeal is required when a supersedeas bond is filed. The bond on appeal shall be with sufficient sureties and shall be conditioned to secure payment of costs if the appeal is dismissed or the judgment affirmed, or of such costs as the appellate court may award if the judgment is modified. The adverse party may except to the sufficiency of the sureties in accordance with the provisions of Rule 62, Utah Rules of Civil Procedure.

164 (c) **Exceptions.** An appellant is not required to post a bond for the appeal:

165 (1) in a criminal case;

166 (2) if the bond is waived in writing by the adverse party;

167 (3) if the appellant's fees are waived under Utah Code section 78A-2-302; or

168 (4) if the appellant is a government officer or governmental entity.

169 Section 3. **Rule 30**, Utah Rules of Appellate Procedure is amended to read:

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

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

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

184 ~~[(b)]~~ (c) **Decision in criminal cases.** If a judgment of conviction is reversed, a new trial will  
185 be held unless the court specifies otherwise. If a judgment of conviction or other order is  
186 affirmed or modified, the judgment or order affirmed or modified will be executed.

187 ~~[(c)]~~ (d) **Decision and opinion in writing.** When a judgment, decree, or order is reversed,  
188 modified, or affirmed, the reasons will be stated concisely in writing and filed with the clerk.  
189 Any justice or judge concurring or dissenting may likewise give reasons in writing and file the  
190 same with the clerk. The clerk's entry in the court's records constitutes the entry of the  
191 judgment of the court.

192 ~~[(d)]~~ (e) **Form of decision.** An appellate court's decision may be entered by order, opinion,  
193 or per curiam decision. An order will not stand as precedent but will otherwise have the same  
194 force and effect as other court decisions.

195 ~~[(e)]~~ (f) **Entry and notice of decision.** The entry of the decision in the court's records  
196 constitutes the entry of the court's judgment. Immediately upon entering the decision, the clerk  
197 must give notice to the respective parties and make the decision public in accordance with the

198 court's direction.

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

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

203 [(f)] (g) **Citation of decisions.** Published decisions of the Supreme Court and the Court of  
204 Appeals, and unpublished decisions of the Court of Appeals issued between October 1, 1998,  
205 and December 31, 2010, may be cited as precedent in all courts of the State. Other unpublished  
206 decisions may also be cited, so long as all parties and the court are supplied with accurate  
207 copies at the time all such decisions are first cited.

208 Section 4. **Rule 58A**, Utah Rules of Civil Procedure is amended to read:

209 **Rule 58A . Entry of judgment; abstract of judgment.**

210 (a) **Separate document required.** Every judgment and amended judgment must be set out  
211 in a separate document ordinarily titled "Judgment"-or, as appropriate, "Decree."

212 (b) **Separate document not required.** A separate document is not required for an order  
213 disposing of a post-judgment motion:

214 [(b)](1) for judgment under Rule 50(b);

215 [(b)](2) to amend or make additional findings under Rule 52(b);

216 [(b)](3) for a new trial, or to alter or amend the judgment, under Rule 59;

217 [(b)](4) for relief under Rule 60; or

218 [(b)](5) for attorney fees under Rule 73.

219 (c) **Preparing a judgment.**

220 [(e)](1) **Preparing and serving a proposed judgment.** The prevailing party or a party  
221 directed by the court must prepare and serve on the other parties a proposed judgment for  
222 review and approval as to form. The proposed judgment shall be served within 14 days after  
223 the jury verdict or after the court's decision. If the prevailing party or party directed by the  
224 court fails to timely serve a proposed judgment, any other party may prepare a proposed  
225 judgment and serve it on the other parties for review and approval as to form.

226 [(e)](2) **Effect of approval as to form.** A party's approval as to form of a proposed  
227 judgment certifies that the proposed judgment accurately reflects the verdict or the court's  
228 decision. Approval as to form does not waive objections to the substance of the judgment.

229 [(e)](3) **Objecting to a proposed judgment.** A party may object to the form of the  
230 proposed judgment by filing an objection within 7 days after the judgment is served.

231 [(e)](4) **Filing proposed judgment.** The party preparing a proposed judgment must file it:

232 [(e)(4)](A) after all other parties have approved the form of the judgment; (The party  
233 preparing the proposed judgment must indicate the means by which approval was received: in  
234 person; by telephone; by signature; by email; etc.)

235 [(e)(4)](B) after the time to object to the form of the judgment has expired; (The  
236 party preparing the proposed judgment must also file a certificate of service of the proposed  
237 judgment.) or

238 [(e)(4)](C) within 7 days after a party has objected to the form of the judgment. (The  
239 party preparing the proposed judgment may also file a response to the objection.)

240 **(d) Judge's signature; judgment filed with the clerk.** Except as provided in paragraph (h)  
241 and Rule 55(b)(1), all judgments must be signed by the judge and filed with the clerk. The  
242 clerk must promptly record all judgments in the docket.

243 **(e) Time of entry of judgment.**

244 [(e)](1) If a separate document is not required, a judgment is complete and is entered  
245 when it is signed by the judge and recorded in the docket.

246 [(e)](2) If a separate document is required, a judgment is complete and is entered at the  
247 earlier of these events:

248 [(e)(2)](A) the judgment is set out in a separate document signed by the judge and  
249 recorded in the docket; or

250 [(e)(2)](B) 150 days have run from the clerk recording the decision, however  
251 designated, that provides the basis for the entry of judgment.

252 **(f) Award of attorney fees.** A motion or claim for attorney fees does not affect the finality  
253 of a judgment for any purpose[, but under Rule of Appellate Procedure 4,] . Except as provided  
254 in Rule 73(g), the time in which to file the notice of appeal runs from the disposition of the  
255 motion or claim as described in Rule of Appellate Procedure 4.

256 **(g) Notice of judgment.** The party preparing the judgment shall promptly serve a copy of  
257 the signed judgment on the other parties in the manner provided in Rule 5 and promptly file  
258 proof of service with the court. Except as provided in Rule of Appellate Procedure 4(g), the  
259 time for filing a notice of appeal is not affected by this requirement.

260 **(h) Judgment after death of a party.** If a party dies after a verdict or decision upon any issue  
261 of fact and before judgment, judgment may nevertheless be entered.

262 **(i) Judgment by confession.** If a judgment by confession is authorized by statute, the party  
263 seeking the judgment must file with the clerk a statement, verified by the defendant, as follows:

264 [(+)](1) If the judgment is for money due or to become due, the statement must concisely  
265 state the claim and that the specified sum is due or to become due.



266           [(+)](2) If the judgment is for the purpose of securing the plaintiff against a contingent  
267 liability, the statement must state concisely the claim and that the specified sum does not  
268 exceed the liability.

269           [(+)](3) The statement must authorize the entry of judgment for the specified sum.

270           The clerk must sign the judgment for the specified sum.

271           **(j) Abstract of judgment.** The clerk may abstract a judgment by a signed writing under seal  
272 of the court that:

273           [(+)](1) identifies the court, the case name, the case number, the judge or clerk that  
274 signed the judgment, the date the judgment was signed, and the date the judgment was  
275 recorded in the registry of actions and the registry of judgments;

276           [(+)](2) states whether the time for appeal has passed and whether an appeal has been  
277 filed;

278           [(+)](3) states whether the judgment has been stayed and when the stay will expire; and

279           [(+)](4) if the language of the judgment is known to the clerk, quotes verbatim the  
280 operative language of the judgment or attaches a copy of the judgment.

281           Section 5. **Rule 73**, Utah Rules of Civil Procedure is amended to read:

282           **Rule 73 . Attorney fees.**

283           (a) **Time in which to claim.** Attorney fees must be claimed by filing a motion for attorney  
284 fees no later than 14 days after the judgment is entered, except as provided in paragraph (f) or  
285 (g) of this rule, or in accordance with Utah Code [§] section 75-3-718, and no objection to the  
286 fee has been made.

287           (b) **Content of motion.** The motion must:

288           [(+)](1) specify the statute, rule, contract, judgment, or other basis entitling the party to  
289 the award;

290           [(+)](2) disclose, if the court orders, the terms of any agreement about fees for the  
291 services for which the claim is made;

292           [(+)](3) specify factors showing the reasonableness of the fees, if applicable;

293           [(+)](4) specify the amount of attorney fees claimed and any amount previously  
294 awarded; and

295           [(+)](5) disclose if the attorney fees are for services rendered to an assignee or a debt  
296 collector, the terms of any agreement for sharing the fee and a statement that the attorney will  
297 not share the fee in violation of Rule of Professional Conduct 5.4.

298           (c) **Supporting affidavit.** The motion must be supported by an affidavit or declaration that  
299 reasonably describes the time spent and work performed, including for each item of work the

name, position (such as attorney, paralegal, administrative assistant, etc.) and hourly rate of the persons who performed the work, and establishes that the claimed fee is reasonable.

(d) **Liability for fees.** The court may decide issues of liability for fees before receiving submissions on the value of services. If the court has established liability for fees, the party claiming them may file an affidavit and a proposed order. The court will enter an order for the claimed amount unless another party objects within 7 days after the affidavit and proposed order are filed.

(e) **Fees claimed in complaint.** If a party claims attorney fees under paragraph (f), the complaint must state the basis for attorney fees, cite the law or attach a copy of the contract authorizing the award, and state that the attorney will not share the fee in violation of Rule of Professional Conduct 5.4.

(f) **Fees.** Attorney fees awarded under this rule may be augmented upon submission of a motion and supporting affidavit meeting the requirements of paragraphs (b) and (c) within a reasonable time after the fees were incurred, except as provided in paragraphs (f)(1), (f)(2) and (f)(3), and only where the augmented fees sought exceed those already awarded.

[(f)](1) **Fees upon entry of uncontested judgment.** When a party seeks a judgment, the responding party does not contest entry of judgment by presenting at a hearing either evidence or argument, and the party seeking the judgment has complied with paragraph (e) of this rule, the request for judgment may include a request for attorney fees, and the clerk or the court shall allow any amount requested up to \$350.00 for such attorney fees without a supporting affidavit.

[(f)](2) **Fees upon entry of judgment after contested proceeding.** When a party seeks a judgment, the responding party contests the judgment by presenting at a hearing either evidence or argument, and the party seeking the judgment has established its right to attorney fees, the request for judgment may include a request for attorney fees, and the clerk or the court shall allow any amount requested up to \$750 for such attorney fees without a supporting affidavit.

[(f)](3) **Post Judgment Collections.** When a party has established its entitlement to attorney fees under any paragraph of this rule, and subsequently:

[(f)(3)](A) applies for any writ pursuant to Rules 64, 64A, 64B, 64C, 64D, or 64E; or

[(f)(3)](B) files a motion pursuant to Rules 64(c)(2) or 58C or pursuant to Utah Code[§]

section 35A-4-314, the party may request as part of its application for a writ or its motion that the party's judgment be augmented according to the following schedule, and the clerk or the court shall allow such augmented attorney fees request without a supporting affidavit if it

approves the writ or motion:

Action	Attorney Fees Allowed
Application for any writ under Rules 64, 64A, 64B, 64C, or 64E, and first application for a writ under Rule 64D to any particular garnishee;	\$75.00
Any subsequent application for a writ under Rule 64D to the same garnishee;	\$25.00
Any motion filed with the court under Rule 64(c)(2), Utah Code§ 35A-4-314, or Rule 58C;	\$75.00
Any subsequent motion under Rule 64(c)(2), Utah Code§ 35A-4-314, or Rule 58C filed within 6 months of the previous motion.	\$25.00

**[(f)](4) Fees in excess of the schedule.** If a party seeks attorney fees in excess of the amounts set forth in paragraphs (f)(1), (f)(2), or (f)(3), the party shall comply with paragraphs (a) through (c) of this rule.

**[(f)](5) Objections.** Nothing in this paragraph shall be deemed to eliminate any right a party may have to object to any claimed attorney fees.

(g) Attorney fees in an election case. In a case relating to a voting contest, an election, or the establishment of boundaries of political districts for purposes of an election, a party may not file a motion for attorney fees until after:

(1) the time for all parties to appeal from the judgment expires without either party filing a motion to appeal; or

(2) a party appeals the judgment and an appellate court enters a decision on the appeal.

#### Section 6. **Effective Date.**

As provided in Utah Constitution, Article VIII, Section 4, this resolution takes effect upon a two-thirds vote of all members elected to each house.