

1 **Rule 4-722. Petition to Waive a Rule in Extraordinary Circumstances.**

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3 (a) **Grounds.** An Applicant may petition the Supreme Court to waive a rule only in extraordinary
4 circumstances where an applicant can demonstrate by clear and convincing evidence that the
5 purpose of the rule has been satisfied.

6 (b) **Filing and fee.** An A petition for a rule waiver must be filed with the Supreme Court clerk. At
7 the time of filing, the Applicant must pay the applicable filing fee to the clerk. The clerk will not
8 accept a petition for rule waiver unless the filing fee is paid.

9 (c) **Form of Petition.** The petition must state the name of the petitioner and designate the Bar as
10 respondent. The petition is limited to 7,000 words and must contain the following:

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

12 (2) a statement of the facts supporting the relief requested;

13 (3) the legal argument supporting the petitioner's request;

14 (4) a statement indicating whether the Applicant has taken any steps to seek a rule change from
15 the Supreme Court;

16 (5) a declaration to support the petition and any other relevant evidentiary materials;

17 (6) a certificate reflecting service of the petition on the Bar's General Counsel; and

18 (7) a certificate reflecting compliance with the word limitation.

19 (b) **Response.** No petition for a rule waiver will be granted absent a request by the Court for a
20 response from the Bar, and no response will be received unless requested by the Court. If the Court
21 requests a response from the Bar, the response must be filed no later than 14 calendar days after
22 the order requesting a response is issued unless otherwise ordered by the Court. The response is
23 limited to 7,000 words and may contain a declaration in support and any other relevant evidentiary

24 materials. The response must contain certificates reflecting service of the response on the petitioner
25 and compliance with the word limitation.

26 (c) **Reply.** If the Bar files a response pursuant to the Court’s request, the petitioner may file a reply
27 within seven days after service of the response on petitioner. A reply is limited to responding to
28 the facts and arguments raised in the Bar’s response and may not exceed 3,500 words. The reply
29 must contain certificates reflecting service of the reply on the Bar’s General Counsel and
30 compliance with the word limitation.

31 (d) **Oral argument; notice of decision.** The Supreme Court clerk will notify the parties if any
32 additional briefing or oral argument is permitted. Upon entry of the Supreme Court’s decision, the
33 clerk will give notice of the decision.

34 **2026 Advisory Committee Note.** This rule establishes the filing requirements when petitioning
35 for a rule waiver. Paragraph (a) identifies the legal standard to petition for a rule waiver as
36 discussed in *Kelly v. Utah State Bar*, 2017 UT 6, and *Labrum v. Utah State Bar*, 2024 UT 24.

37 Effective May 1, 2026