

1 **Rule 9. Docketing statement.**

2 (a) **Purpose.** A docketing statement has two principal purposes: (1) to demonstrate that
3 the appellate court has jurisdiction over the appeal, and (2) to identify at least one
4 substantial issue for review. The docketing statement is a document used for
5 jurisdictional and screening purposes. It should not include argument.

6 (b) **Time for filing.** Within 21 days after a notice of appeal, cross-appeal, or a petition for
7 review of an administrative order is filed, the appellant, cross-appellant, or petitioner
8 must file the docketing statement with the appellate court clerk and serve the docketing
9 statement with any required attachments on all parties. The Utah Attorney General must
10 be served in any appeal arising from a crime charged as a felony or a juvenile court
11 proceeding.

12 (c) **Content of docketing statement in a civil case.** The docketing statement in an appeal
13 arising from a civil case must include:

14 (1) A concise statement of the nature of the proceeding and the effect of the order
15 appealed, and the ~~district-trial~~ court case number, e.g., “This appeal is from a final
16 judgment of the First District Court granting summary judgment in case number
17 001900055.”

18 (2) The following dates relevant to a determination of the appeal’s timeliness and the
19 appellate court’s jurisdiction:

20 (A) The date the final judgment or order from which the appeal is taken is entered.

21 (B) The date the notice of appeal was filed in the trial court.

22 (C) If the notice of appeal was filed after receiving a time extension under Rule
23 4(e), the date the motion for an extension was granted.

24 (D) If any motions listed in Rule 4(b) were filed, the date such motion was filed in
25 the trial court and the date any order disposing of such motion was entered.

26 (E) If the appellant is an inmate confined in an institution and is invoking
27 Rule 21(f), the date the notice of appeal was deposited in the institution's internal
28 mail system.

29 (F) If a motion to reinstate the time to appeal was filed under Rule 4(g), the date
30 the order disposing of such motion was entered.

31 (3) If the appeal is taken from an order certified as final under Rule 54(b) of the Utah
32 Rules of Civil Procedure, a statement of what claims and parties remain for
33 adjudication before the trial court.

34 (4) A statement of at least one substantial issue appellant intends to assert on appeal.
35 An issue not raised in the docketing statement may nevertheless be raised in
36 appellant's brief; conversely, an issue raised in the docketing statement does not have
37 to be included in the appellant's brief.

38 (5) A concise summary of the facts necessary to provide context for the issues
39 presented.

40 (6) A reference to all related or prior appeals in the case, with case numbers and
41 citations.

42 (d) **Content of a docketing statement in a criminal case.** The docketing statement in an
43 appeal arising from a criminal case must include:

44 (1) A concise statement of the nature of the proceeding, including the highest degree
45 of any of the charges in the trial court, and the ~~district~~-trial court case number, e.g.,
46 "This appeal is from a judgment of conviction and sentence of the Third District Court
47 on a third degree felony charge in case number 001900055."

48 (2) The following dates relevant to a determination of the appeal's timeliness and the
49 appellate court's jurisdiction:

50 (A) The date the final judgment or order from which the appeal is taken is entered.

51 (B) The date the notice of appeal was filed in the ~~district~~-trial court.

52 (C) If the notice of appeal was filed after receiving a time extension under
53 ~~Rule~~ 4(e), the date the motion for an extension was granted.

54 (D) If a motion under Rule 24 of the Utah Rules of Criminal Procedure was filed,
55 the date such motion was filed in the trial court and the date any order disposing
56 of such motion was entered.

57 (E) If a motion to reinstate the time to appeal was filed under Rule 4(f), the date
58 the order disposing of such motion was entered.

59 (F) If the appellant is an inmate confined to an institution and is invoking
60 Rule 21(f), the date the notice of appeal was deposited in the institution's internal
61 mail system.

62 (3) The charges of which the defendant was convicted, and any sentence imposed; or,
63 if the defendant was not convicted, the dismissed or pending charges.

64 (4) A statement of at least one substantial issue appellant intends to assert on appeal.
65 An issue not raised in the docketing statement may nevertheless be raised in
66 appellant's brief; conversely, an issue raised in the docketing statement does not have
67 to be included in appellant's brief.

68 (5) A concise summary of the facts necessary to provide context for the issues
69 presented. If the conviction was pursuant to a plea, the statement of facts should
70 include whether a motion to withdraw the plea was made before sentencing, and
71 whether the plea was conditional.

72 (6) A reference to all related or prior appeals in the case, with case numbers and
73 citations.

74 (e) **Content of ~~a~~-docketing statement in a review of an administrative order.** The
75 docketing statement in a case arising from an administrative proceeding must include:

76 (1) A concise statement of the nature of the proceedings and the effect of the order
77 appealed, e.g., “This petition is from an order of the Workforce Appeals Board
78 denying reconsideration of the denial of benefits.”

79 (2) The statutory provision that confers jurisdiction on the appellate court.

80 (3) The following dates relevant to a determination of the timeliness of the petition for
81 review:

82 (A) The date the final order from which the petition for review is filed.

83 (B) The date the petition for review was filed.

84 (4) A statement of at least one substantial issue petitioner intends to assert on review.
85 An issue not raised in the docketing statement may nevertheless be raised in
86 petitioner’s brief; conversely, an issue raised in the docketing statement does not have
87 to be included in petitioner’s brief.

88 (5) A concise summary of the facts necessary to provide context for the issues
89 presented.

90 (6) If applicable, a reference to all related or prior petitions for review in the same case.

91 (7) The following documents must be attached to the docketing statement:

92 (A) The final order from which the petition for review is filed.

93 (B) In appeals arising from an order of the Public Service Commission, any
94 application for rehearing filed pursuant to Utah Code section 54-7-15.

95 (f) **Consequences of failure to comply.** In a civil appeal, failure to file a docketing
96 statement within the time period provided in ~~subsection~~paragraph (b) may result in
97 dismissal of a civil appeal or a petition for review. In a criminal case, failure to file a
98 docketing statement within the time period provided in ~~subsection~~paragraph (b) may
99 result in a finding of contempt or other sanction.

100 (g) **Appeals from interlocutory orders.** When a petition for permission to appeal from an
101 interlocutory order is granted under Rule 5, a docketing statement may not be filed unless
102 otherwise ordered.