

Utah Appellate Roster Frequently Asked Questions

Questions and Responses

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1. How do I apply to the Appellate Roster?

At least once each year, the Standing Committee on Appellate Representation will announce that it is accepting applications for the Utah Appellate Roster. The announcements will be published on the Utah State Bar listserv and with other organizations associated with legal defense. The application will direct to whom the application is to be submitted and the deadline for submitting it.

To be considered for membership on the Utah Appellate Roster, applicants must at a minimum meet the criteria contained in [Rule 11-401](#). An attorney who applies for or is listed on the Utah Appellate Roster must be a member in good standing with the Utah Bar, must be familiar with the Utah Rules of Appellate Procedure, must demonstrate knowledge of appellate practice as shown by experience, training, and/or legal education, and must demonstrate the ability to adequately and effectively raise and argue issues on appeal and comply with applicable court rules. An attorney listed on the Utah Appellate Roster must also be willing to accept appointments during the membership term and have adequate administrative support.

To apply for inclusion on the Utah Appellate Roster, an attorney must submit the following materials:

1. Application, fully completed;
2. A current resume;
3. Two appellate briefs with a certification that the applicant was primarily responsible for drafting the briefs; and

4. If applying for appointment for appeals from child welfare proceedings, at least one Rule 55 Petition.

Please see FAQ's [2](#) and [3](#) for more information.

2. What are the qualifications for the Appellate Roster?

To qualify for the Appellate Roster, you must:

- Demonstrate that you have briefed the merits in at least three appeals within the past three years or that you have briefed 12 appeals total, or that you are directly supervised by an attorney with such experience;
- Be a member of the Utah State Bar in good standing;
- Have knowledge of appellate practice as shown by experience, training, and/or legal education;
- Demonstrate ability to adequately and effectively raise and argue issues on appeal and comply with applicable court rules;
- Submit at least two appellate briefs with a certification that you were primarily responsible for drafting the briefs;
- Provide citations for all appellate decisions in which you were counsel of record;
- Certify that you have sufficient time and administrative support to accept an appointment to represent indigent individuals on appeal and to provide effective assistance of counsel in every case and a willingness to commit those resources to that representation; and
- If you are applying for the child welfare roster, submit an Appellate Rule 55 petition that you have prepared.

You will not qualify for the Appellate Roster if, within the preceding three years, you have been the subject of an order issued by an appellate court imposing sanctions against you as counsel, discharging you as counsel, or taking other equivalent action against you as counsel because of your substandard performance;

	<p>or if you have been removed from the Appellate Roster within the past year.</p>
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3. What will be considered in reviewing my application?

The Committee vets each applicant by reviewing the materials the applicant submits and reviewing the applicant's qualifications and abilities to adequately and effectively raise and argue issues on appeal.

The vetting process includes determining whether the applicant's submissions and work demonstrate the skills necessary to present the merits of an argument on appeal and whether the applicant understands and properly applies court rules, the adequate briefing standard, the pertinent standards of review, citation requirements, legal analysis, and Utah preservation doctrines, among other things.

In addition, the Committee contacts references who are familiar with the applicant's work and abilities, and reviews reported cases reflecting the applicant's work.

4. My acceptance letter says I have to find a mentor. How do I go about finding a mentor and certifying my briefs?

Finding a mentor

Applicants, who otherwise qualify for the Appellate Roster but who have not briefed the merits in at least three appeals within the past three years or in 12 appeals total, may be placed on the Appellate Roster subject to a mentor requirement. A mentor must meet the following criteria:

- Briefed the merits in at least three appeals within the past three years or in 12 appeals total;
- Be a member of the Utah State Bar in good standing;
- Have knowledge of appellate practice as shown by experience, training, and/or legal education; and
- Demonstrate the ability to adequately and effectively raise and argue issues on appeal and comply with applicable court rules.

A person does not qualify as a mentor if, within the preceding three years, he or she

- has been the subject of an order issued by an appellate court imposing sanctions against counsel, discharging counsel, or taking other equivalent action against counsel because of counsel's substandard performance; or
- has been removed from the Appellate Roster within the past year.

An attorney with a dedicated appellate practice who meets the above qualifications may be a mentor. An attorney on the roster qualifies to be a mentor unless that attorney is also subject to the mentoring requirement. For mentorship information, please contact

the Indigent Defense Commission at IDC@utah.gov.

Certifying your briefs

You are not required to name your mentoring attorney nor is there a specific requirement for how the certification appears in your brief. But best practice is to place the following on a separate page after the certificate of service:

I hereby certify that I was directly supervised by a mentor qualified under [Utah Code of Judicial Administration Rule 11-401\(2\)\(E\)](#) in the preparation of this appeal.

/s/ [Your name]

Date: _____

5. How does the Appellate Roster work?

To be appointed to represent indigent individuals on appeal, an attorney must complete three steps:

First, the attorney must be placed on the roster. Only attorneys on the roster are eligible for appointment to represent indigent individuals on appeal.

Second, the attorney must contract with a county. In Utah, counties contract with defense counsel to represent indigent individuals at trial and on appeal. Counties may contract exclusively with an attorney or attorneys to handle all appeals or to serve as conflict counsel on appeal; or counties may invite bids from attorneys on the roster for a particular case.

Third, the lawyer must be appointed by the district or juvenile court. District and juvenile court judges appoint attorneys who both appear on the roster and hold county contracts.

<p>6. Once I am on the roster, how do I get appointed to represent a party on appeal?</p>	<p>You should contact the county where you wish to be appointed to represent indigent individuals or you can wait for the county to contact you.</p> <p>Please see FAQ 5 for more information.</p>
<p>7. How do I get paid?</p>	<p>If you have been appointed through the roster to represent an indigent individual, contact the county immediately regarding payment, and if you need help, email the Indigent Defense Commission at IDC@utah.gov.</p>
<p>8. What if I apply for the Appellate Roster and I am rejected?</p>	<p>If you apply for the Appellate Roster and you are rejected, you are invited to reapply when the application period opens. We appreciate your willingness to serve indigent individuals on appeal to the Utah Supreme Court and the Utah Court of Appeals.</p>
<p>9. How do I gain experience sufficient for appointment to</p>	<p>Attorneys gain experience by working with someone who has more experience. Thus, an attorney who is interested in joining the Appellate Roster should work on appellate cases with an attorney who is already approved. On briefing, the Roster attorney's name</p>

the Appellate Roster?	should always appear first while the non-roster attorney's name may appear second.
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