

1 **Rule 24. Principal and reply Briefs.**

2 **(a) ~~Brief of the appellant~~ Principal briefs.** ~~The brief of the appellant shall~~ Principal briefs  
3 must contain under appropriate headings and in the order indicated:

4 **(a)(1) A list of current and former parties.** ~~A complete~~ The list of parties must  
5 include:

6 (a)(1)(A) all parties to the proceeding in the appellate court and their  
7 counsel; and

8 (a)(1)(B) listed separately, all parties to the proceeding in the court or  
9 agency whose judgment or order is sought to be reviewed, under review that are not  
10 parties in the appellate court proceeding except where the caption of the case on  
11 appeal contains the names of all such parties. The list should be set out on a  
12 separate page which appears immediately inside the cover.

13 **(a)(2) A table of contents.**, ~~including the contents of the addendum, with page references~~  
14 The table of contents must list the sections of the brief with page numbers and the items in  
15 the addendum with the item number.

16 **(a)(3) A table of authorities.** ~~with~~ The table of authorities must list all cases  
17 alphabetically arranged and with parallel citations, rules, statutes, and other authorities  
18 cited, with references to the pages of the brief where on which they are cited.

19 **(a)(4) An introduction.** ~~A brief statement showing the jurisdiction of the appellate~~  
20 court. The introduction should describe the nature and context of the dispute and  
21 explain why the party should prevail on appeal.

22 **(a)(5) A statement of the issue.** ~~A~~ The statement of the issues must set forth the issue  
23 presented for review, including for each issue:

24 (a)(5)(A) the standard of appellate review with supporting authority; and

25 (a)(5)(A)(a)(5)(B) citation to the record showing that the issue was preserved in  
26 the trial court for review; or (a)(5)(B) a statement of grounds for seeking review of an  
27 issue not preserved in the trial court.

28 **(a)(6) Constitutional provisions, statutes, ordinances, rules, and regulations whose**  
29 interpretation is determinative of the appeal or of central importance to the appeal shall be

30 set out verbatim with the appropriate citation. If the pertinent part of the provision is lengthy,  
31 the citation alone will suffice, and the provision shall be set forth in an addendum to the  
32 brief under paragraph (11) of this rule.

33 ~~(a)(7)~~ **(a)(6)** **A statement of the case.** The statement shall first indicate briefly the  
34 nature of the case, the course of proceedings, and its disposition in the court below.  
35 A statement of the facts relevant to of the case must include, with citations to the  
36 record:

37 (a)(6)(A) the facts of the case, to the extent necessary to understand the  
38 issues presented for review; shall follow. All statements of fact and references to  
39 the proceedings below shall be supported by citations to the record in accordance with  
40 paragraph (e) of this rule.

41 (a)(6)(B) the procedural history of the case, to the extent necessary to  
42 understand the issues presented for review; and

43 (a)(6)(C) the disposition in the court or agency whose judgment or order  
44 is under review.

45 ~~(a)(8)~~ ~~(a)(7)~~ **A Summary of the arguments.** The summary of the arguments,  
46 suitably paragraphed, shall be must contain a succinct condensation statement of  
47 the arguments actually made in the body of the brief. It shall not be a mere repetition of the  
48 heading under which the argument is arranged.

49 ~~(a)(9)~~ **(a)(8)** **An argument.** The argument shall contain the contentions and reasons of  
50 the appellant with respect to the issues presented, including the grounds for reviewing any  
51 issue not preserved in the trial court must explain, with reasoned analysis supported  
52 by citations to the authorities, statutes, legal authority and parts of the record, relied on  
53 why the party should prevail on appeal. A party challenging a fact finding must first  
54 marshal all record evidence that supports the challenged finding.

55 **(a)(9) A claim for attorney fees.** A party seeking to recover attorney's fees incurred  
56 for work performed on appeal shall must state the request explicitly and set forth the legal  
57 basis for such an award.

58 **(a)(10) A short conclusion.** The conclusion may summarize the party's

59 position and must state ~~stating~~ the precise specific relief sought on appeal.

60 **(a)(11) A certificate of compliance.** The filer must certify that the brief complies  
61 with:

62 (a)(11)(A) paragraph (g), governing the number of pages or words (the filer  
63 may rely on the word count of the word processing system used to prepare the brief); and

64 (a)(11)(B) Rule 21, governing public and private records.

65 ~~**(a)(11)(a)(12) An addendum.** to the brief or a statement that no addendum is~~  
66 ~~necessary under this paragraph. The addendum shall be bound as part of the brief unless~~  
67 ~~doing so makes the brief unreasonably thick. If the addendum is bound separately, the~~  
68 ~~addendum shall contain a table of contents. The~~ Subject to Rule 21(g), the addendum  
69 shall ~~must~~ contain a copy of:

70 ~~(a)(11)(A)(a)(12)(A)~~ any constitutional provision, statute, rule, or regulation of  
71 central importance cited in the brief but not reproduced verbatim in the brief;

72 ~~(a)(11)(B)~~ in cases being reviewed on certiorari, a copy of the Court of  
73 Appeals opinion; in all cases any court opinion of central importance to the appeal but not  
74 available to the court as part of a regularly published reporter service; and (a)(12)(B) the  
75 order, judgment, opinion, or decision under review and any related minute entries,  
76 findings of fact, and conclusions of law; and

77 ~~(a)(12)(C)~~ materials in (a)(11)(C) those parts of the record on appeal that are the  
78 subject of the dispute and that are of central importance to the determination of  
79 the appeal issues presented for review, such as the challenged jury instructions, findings of  
80 fact and conclusions of law, memorandum decision, the transcript of the court's  
81 oral decision, or the contract or document subject to construction pages, insurance  
82 policies, leases, search warrants, or real estate purchase contracts.

83 ~~**(b) Brief of the appellee.** The brief of the appellee shall conform to the requirements~~  
84 ~~of paragraph (a) of this rule, except that the appellee need not include:~~

85 ~~(b)(1)~~ a statement of the issues or of the case unless the appellee is dissatisfied with the  
86 statement of the appellant; or

87 ~~(b)(2)~~ an addendum, except to provide material not included in the addendum of

88 the appellant. The appellee may refer to the addendum of the appellant.

89 ~~(e)-(b) Reply brief.~~ The appellant or petitioner may file a reply brief in reply to the  
90 brief of the appellee, and if the appellee has cross-appealed, the appellee may file a  
91 brief in reply to the response of the appellant to the issues presented by the cross appeal.  
92 Reply A reply briefs shall must be limited to answering any new matter set forth responding  
93 to the facts and arguments raised in the ~~opposing~~ appellee's or respondent's  
94 principal brief. The content of the reply brief shall conform to the requirements of  
95 paragraphs (a)(2), (3), (9), and (10) of this rule. must include:

96 (b)(1) a table of contents, as required by paragraph (a)(2);

97 (b)(2) a table of authorities, as required by paragraph (a)(3);

98 (b)(3) an argument, as required by paragraph (a)(8);

99 (b)(4) a conclusion, as required by paragraph (a)(10); and

100 (b)(5) a certificate of compliance, as required by paragraph (a)(11).

101 **(c) No further briefs; joining or adopting the brief of another party.** No further  
102 briefs may be filed except with leave of the appellate court. More than one party may  
103 join in a single brief. Any party may adopt by reference any part of the brief of another.

104 **(d) References in briefs to parties and others.** ~~Counsel will be expected in their briefs~~  
105 ~~and oral arguments to keep to a minimum references to parties by such designations~~  
106 ~~as "appellant" and "appellee." It promotes clarity to use the designations used in the~~  
107 ~~lower court or in the agency proceedings, or the actual names of parties, or~~  
108 ~~descriptive terms such as "the employee," "the injured person," "the taxpayer," etc.~~  
109 Parties and other persons and entities should be referred to consistently by the term,  
110 phrase, or name most pertinent to the issues on appeal. These may include descriptive  
111 terms based on the person or entity's role in the dispute, or the designations used in the  
112 trial court or agency, or the names of parties. Unless germane to an issue on appeal, a party  
113 should not be described solely by the party's procedural role in the case. The identity of  
114 minors should be protected by use of descriptive terms, initials, or pseudonyms. In child welfare  
115 appeals, the surname of a minor must not be used nor may a surname of a minor's biological,  
116 adoptive, or foster parent be used.

117 **(e) References ~~in~~ briefs to the record.**

118 (e)(1) Statements of fact and references to proceedings in the court or agency whose  
119 judgment or order is under review must be supported by citation to the record.  
120 References shall be made to A citation must identify the pages of the original record as  
121 paginated pursuant to Rule 11(b) or to pages of any statement of the evidence or  
122 proceedings or agreed statement prepared pursuant to Rule 11(f) or 11(g) marked by  
123 the clerk. References to pages of published depositions or transcripts shall identify the  
124 sequential number of the cover page of each volume as marked by the clerk on the bottom  
125 right corner and each separately numbered page(s) referred to within the deposition or  
126 transcript as marked by the transcriber.

127 (e)(2) RA references to an exhibits shall be made to must set forth the exhibit  
128 numbers. If the reference is made to evidence the admissibility of which is in  
129 controversy, the reference shall be made to must set forth the pages of the record at  
130 which the evidence was identified, offered, and received or rejected.

131 **(f) References to legal authority.** A reference to an opinion of the Utah Supreme Court  
132 or the Utah Court of Appeals issued on or after January 1, 1999, must include the  
133 universal citation (e.g., 2015 UT 99, ¶ 3; or 2015 UT App 320, ¶ 6).

134 **(f)-(g) Length of briefs.**

135 **(f)(1) Type-volume limitation.**

136 ~~(f)(1)(A) In an appeal involving the legality of a death sentence, a principal~~  
137 ~~brief is acceptable if it contains no more than 28,000 words or if it uses a monospaced face~~  
138 ~~and contains no more than 2,600 lines of text; and a reply brief is acceptable if it contains~~  
139 ~~no more than 14,000 words or if it uses a monospaced face and contains no more than~~  
140 ~~1,300 lines of text. In all other appeals, a principal brief is acceptable if it contains~~  
141 ~~no more than 14,000 words or it uses a monospaced face and contains no more than 1,300~~  
142 ~~lines of text; and a reply brief is acceptable if it contains no more than 7,000 words or it~~  
143 ~~uses a monospaced face and contains no more than 650 lines of text.~~

144 ~~(f)(1)(B) Headings, footnotes and quotations count toward the word and line~~  
145 ~~limitations, but the table of contents, table of citations, and any addendum containing~~

146 statutes, rules, regulations or portions of the record as required by paragraph (a) of this  
147 rule do not count toward the word and line limitations.

148 ~~(f)(1)(C) Certificate of compliance. A brief submitted under Rule~~  
149 ~~24(f)(1) must include a certificate by the attorney or an unrepresented party that the brief~~  
150 ~~complies with the type volume limitation. The person preparing the certificate may rely~~  
151 ~~on the word or line count of the word processing system used to prepare the brief. The~~  
152 ~~certificate must state either the number of words in the brief or the number of lines of~~  
153 ~~monospaced type in the brief.~~

154 ~~(f)(2) Page limitation. Unless a brief complies with Rule 24(f)(1), a principal~~  
155 ~~briefs shall not exceed 30 pages, and a reply briefs shall not exceed 15 pages,~~  
156 ~~exclusive of pages containing the table of contents, tables of citations and any addendum~~  
157 ~~containing statutes, rules, regulations, or portions of the record as required by paragraph~~  
158 ~~(a) of this rule. In cases involving cross appeals, paragraph (g) of this rule sets forth the~~  
159 ~~length of briefs.~~

160 (g)(1) Unless a brief complies with the following page limits, it must comply with the  
161 following word limits:

<u>Type of brief</u>	<u>Page limit</u>	<u>Word limit</u>
<u>Legality of death sentence,</u> <u>principal brief</u>	<u>60</u>	<u>28,000</u>
<u>Legality of death sentence,</u> <u>reply brief</u>	<u>30</u>	<u>14,000</u>
<u>Other cases, principal brief</u>	<u>30</u>	<u>14,000</u>
<u>Other cases, reply brief</u>	<u>15</u>	<u>7,000</u>

162 (g)(2) Headings, footnotes, and quotations count toward the page or word limit, but  
163 the table of contents, table of authorities, and addendum, and any certificates of counsel  
164 do not.

165 ~~(g) Briefs in cases involving cross appeals. If a cross appeal is filed, the party first~~  
166 ~~filing a notice of appeal shall be deemed the appellant, unless the parties otherwise~~  
167 ~~agree or the court otherwise orders. Each party shall be entitled to file two briefs.~~

168 ~~(g)(1) The appellant shall file a Brief of Appellant, which shall present the~~

169 issues raised in the appeal.

170 ~~(g)(2) The appellee shall then file one brief, entitled Brief of Appellee and~~  
171 ~~Cross Appellant, which shall respond to the issues raised in the Brief of Appellant and~~  
172 ~~present the issues raised in the cross appeal.~~

173 ~~(g)(3) The appellant shall then file one brief, entitled Reply Brief of Appellant~~  
174 ~~and Brief of Cross Appellee, which shall reply to the Brief of Appellee and respond to~~  
175 ~~the Brief of Cross Appellant.~~

176 ~~(g)(4) The appellee may then file a Reply Brief of Cross Appellant, which~~  
177 ~~shall reply to the Brief of Cross Appellee.~~

178 **~~(g)(5) Type Volume Limitation.~~**

179 ~~(g)(5)(A) The appellant's Brief of Appellant is acceptable if it contains~~  
180 ~~no more than 14,000 words or it uses a monospaced face and contains no more than 1,300~~  
181 ~~lines of text.~~

182 ~~(g)(5)(B) The appellee's Brief of Appellee and Cross Appellant is~~  
183 ~~acceptable if it contains no more than 16,500 words or it uses a monospaced face and~~  
184 ~~contains no more than 1,500 lines of text.~~

185 ~~(g)(5)(C) The appellant's Reply Brief of Appellant and Brief of Cross~~  
186 ~~Appellee is acceptable if it contains no more than 14,000 words or it uses a~~  
187 ~~monospaced face and contains no more than 1,300 lines of text.~~

188 ~~(g)(5)(D) The appellee's Reply Brief of Cross Appellant is~~  
189 ~~acceptable if it contains no more than half of the type volume specified in Rule~~  
190 ~~24(g)(5)(A).~~

191 **~~(g)(6) Certificate of Compliance.~~** A brief submitted under Rule 24(g)(5) must  
192 ~~comply with Rule 24(f)(1)(C).~~

193 **~~(g)(7) Page Limitation.~~** Unless it complies with Rule 24(g)(5) and (6), the  
194 ~~appellant's Brief of Appellant must not exceed 30 pages; the appellee's Brief of~~  
195 ~~Appellee and Cross Appellant, 35 pages; the appellant's Reply Brief of Appellant~~  
196 ~~and Brief of Cross Appellee, 30 pages; and the appellee's Reply Brief of Cross~~  
197 ~~Appellant, 15 pages.~~

198 **(h) Permission for to file over length brief.** ~~While such motions are~~ Although  
199 overlength briefs are disfavored, the court for good cause shown may upon a party  
200 may file a motion permit a party for leave to file a brief that exceeds the page, or word,  
201 or line limitations of this rule. The motion shall must state with specificity the issues  
202 to be briefed, the number of additional pages, or words, or lines requested, and the good  
203 cause for granting the motion. A motion filed at least seven 7 days prior to the date before  
204 the brief is due or seeking three or fewer additional pages, or 1,400 or fewer additional  
205 words, or 130 or fewer lines of text need not be accompanied by a copy of the proposed  
206 brief. A motion filed within seven days of the date the brief is due and seeking more than  
207 three additional pages, 1,400 additional words, or 130 lines of text shall be accompanied  
208 by ~~Otherwise,~~ a copy of the finished proposed brief must accompany the motion. If the  
209 motion is granted, the responding party is entitled to an equal number of additional pages,  
210 or words, or lines without further order of the court. Whether the motion is granted or  
211 denied, the ~~draft~~ court will destroy the proposed brief will be destroyed by the court.

212 **(i) Briefs in cases involving multiple appellants or appellees.** ~~In cases involving more~~  
213 ~~than one appellant or appellee, including cases consolidated for purposes of the~~  
214 ~~appeal, any number of either may join in a single brief, and any appellant or appellee may~~  
215 ~~adopt by reference any part of the brief of another. Parties may similarly join in reply~~  
216 ~~briefs.~~

217 **(i) Sanctions.** The court on motion or on its own initiative may strike or disregard a  
218 brief that contains burdensome, irrelevant, immaterial, or scandalous matters, and the  
219 court may assess an appropriate sanction including attorney fees for the violation.

220 **(j) Citation Notice of supplemental authorities.** ~~When pertinent and significant~~  
221 ~~authorities~~ authority of central importance to an issue comes to the attention of a party  
222 ~~after that party's brief has been filed, or after briefing or oral argument but before~~  
223 ~~decision, a that party may promptly advise the clerk of the appellate court, by letter file~~  
224 a notice of supplemental authority setting forth:

225 (j)(1) the citations to the authority; ~~An original letter and nine copies shall be~~  
226 ~~filed in the Supreme Court. An original letter and seven copies shall be filed in the~~  
227 ~~Court of Appeals. There shall be~~



228 ~~(j)(2)~~ a reference either to the page of the brief or to a point argued orally to  
229 which the citations ~~pertain, authority applies;~~ but the letter shall state and

230 ~~(j)(3)~~ the reasons for the supplemental citations relevance of the authority.  
231 The body of the ~~letter notice~~ must not exceed 350 words. Any other party may file a  
232 response shall be made within seven no later than 7 days of filing and shall be similarly  
233 limited after service of the notice. The body of the response must not exceed 350 words.

234 **(k) Requirements and sanctions.** All briefs under this rule must be concise, presented  
235 with accuracy, logically arranged with proper headings and free from burdensome,  
236 irrelevant, immaterial or scandalous matters. Briefs which are not in compliance may  
237 be disregarded or stricken, on motion or sua sponte by the court, and the court may  
238 assess attorney fees against the offending lawyer.

#### 239 **Advisory Committee Notes**

241 ~~The rule reflects the marshaling requirement articulated in State v.~~  
242 ~~Nielsen, 2014 UT 10, 326 P.3d 645, which holds that the failure to~~  
243 ~~marshal is no longer a technical deficiency that will result in default, but~~  
244 ~~is the manner in which an appellant carries its burden of persuasion~~  
245 ~~when challenging a finding or verdict based upon evidence.~~

246 ~~Briefs that do not comply with the technical requirements of this rule are~~  
247 ~~subject to Rule 27(e).~~

248 ~~The brief must contain for each issue raised on appeal, a~~  
249 ~~statement of the applicable standard of review and citation of supporting~~  
250 ~~authority.~~

#### 251 **2017 amendments**

252 The 2017 amendments substantially change the organization and  
253 content of briefs. An important objective of the amendments is to  
254 present the party's case in logical order, in measured increments, and  
255 without unnecessary repetition. The principal brief of each party must meet  
256 the same requirements.

257 **Paragraph (a)(4).** A party's principal brief should include an  
258 introduction. The author should focus the introduction on the important  
259 features of the case. The introduction to one case may be only a few  
260 sentences, while a more complex case may require a few paragraphs or  
261 perhaps a few pages. The objective of the introduction is to give the  
262 reader a sense of the forest before detailing the trees.

263 **Paragraph (a)(6).** The statement of the case should describe the facts  
264 surrounding the dispute and procedural history of the litigation, but only  
265 to the extent that these are necessary to understand the issues.  
266 Describing a fact or circumstance or proceeding that has no bearing on  
267 the issues adds words of no value and distracts the reader. When stating a  
268 fact or describing a proceeding, a concise narrative is sometimes a better  
269 presentation than a numbered, itemized list. The party must cite to the  
270 places in the record that support the statement.

271 **Paragraph (a)(8).** The 2017 amendments remove the reference to  
272 marshaling. *State v. Nielsen*, 2014 UT 10, 326 P.3d 645, holds that the  
273 failure to marshal is not a technical deficiency resulting in default, but is a  
274 manner in which an appellant may carry its burden of persuasion  
275 when challenging a finding or verdict.

276 **Paragraph (a)(11).** The certificate of compliance is expanded to  
277 include not only compliance with the limit on the length of the brief,  
278 but also compliance with the public/private record requirements of Rule  
279 21. Briefs, including the addendum containing trial court records, are  
280 public documents, increasingly available on the Internet. However, many  
281 trial court records are not public. If the author needs to include a non-  
282 public document in an addendum or non-public information in the  
283 body of the brief, Rule 21 requires that an identical, public brief be  
284 filed, but with the non-public information removed.

285 **Paragraph (b).** The purpose of a reply brief is to respond to the facts  
286 and arguments presented in an appellee's principal brief, not to reiterate

287 points already made in the appellant’s principal brief, nor to introduce  
288 new matters that should have been raised in that brief. Although not  
289 required, it is good practice to identify the point that is being responded  
290 to.

291 **Paragraph (d).** Describing the actors in a dispute and litigation  
292 presents a challenge to the author of a brief. Consistency promotes  
293 clarity; having chosen a term, phrase, name, or initials to define a  
294 party, person, or entity, the author should use it throughout a brief.

295 The name of a minor is often a private record and caution should be  
296 used to avoid including other names or information from which a minor  
297 might be identified. A minor’s surname should be used only with the  
298 informed consent of a mature minor. The author may file a private brief  
299 for the parties and the court using the minor’s name while  
300 simultaneously filing an otherwise identical public brief with the minor’s  
301 name omitted, redacted, reduced to initials, or substituted with a  
302 placeholder name. A minor may be referred to by a descriptive term such  
303 as “the child,” “the 11-year old,” or “the sister.” The biological,  
304 adoptive, or foster parents of minors may be referred to by their relation to  
305 the minor, such as “mother,” “adoptive parent,” or “foster father.”

306 While the name of an adult is usually a public record, the author  
307 should recognize the intrusion into the lives of victims, witnesses, and others  
308 who are not principals in the dispute caused by a brief published on  
309 the Internet. Also, the use of names is disfavored when clarity and  
310 discretion can be promoted by use of a reference based on the person’s role  
311 in the dispute or the case. Parties and other persons and entities should  
312 generally be referred to by their role in the dispute, such as “employee,”  
313 “Defendant Employer,” or “the Taxpayer.” Descriptions such as  
314 “witness” or “neighbor” can also be useful while respecting the interests of  
315 non-parties. The reference chosen should be the one most relevant to the  
316 matters on appeal.

317                    **Paragraph (g).** Because of the increasing rarity of monospaced font,  
318                    the 2017 amendments eliminated the number of lines as a measure of  
319                    a brief's length. And to improve the clarity of Rule 24, the 2017  
320                    amendments moved the requirements for briefs in a cross-appeal  
321                    to Rule 24A.

Effective November 1, 2017