

1 **Rule 25A. Challenging the constitutionality of a statute or ordinance.**

2 (a) Notice to the Attorney General or the county or municipal attorney; penalty for failure to  
3 give notice.

4 (a)(1) When a party challenges the constitutionality of a statute in an appeal or petition for  
5 review in which the Attorney General has not appeared, every party must serve its principal brief  
6 and any subsequent brief on the Attorney General on or before the date the brief is filed.

7 (a)(2) When a party challenges the constitutionality of a county or municipal ordinance in an  
8 appeal or petition for review in which the responsible county or municipal attorney has not  
9 appeared, every party must serve its principal brief and any subsequent brief on the county or  
10 municipal attorney on or before the date the brief is filed.

11 (a)(3) If an appellee or cross-appellant is the first party to challenge the constitutionality of a  
12 statute or ordinance, the appellant must serve its principal brief on the Attorney General or the  
13 county or municipal attorney no more than 7 days after receiving the appellee's or the cross-  
14 appellant's brief and must serve its reply brief on or before the date it is filed.

15 (a)(4) Every party must serve its brief on the Attorney General by email or mail at the  
16 following address and must file proof of service with the court.

17 Email

18 notices@agutah.gov

19 Mail

20 Office of the Utah Attorney General

21 Attn: Utah Solicitor General

22 320 Utah State Capitol

23 P.O. Box 142320

24 Salt Lake City, Utah 84114-2320

25 (a)(5) If a party does not serve a brief as required by this rule and supplemental briefing is  
26 ordered as a result of that failure, a court may order that party to pay the costs, expenses, and  
27 attorney fees of any other party resulting from that failure.

28 (b) Notice by the Attorney General or county or municipal attorney; amicus brief.

29 (b)(1) Within 14 days after service of the brief that presents a constitutional challenge the  
30 Attorney General or other government attorney will notify the appellate court whether it intends

31 to file an amicus brief. The Attorney General or other government attorney may seek up to an  
32 additional 7 days' extension of time from the court. Should the Attorney General or other  
33 government attorney decline to file an amicus brief, that entity should plainly state the reasons  
34 therefor.

35 (b)(2) If the Attorney General or other government attorney declines to file an amicus brief,  
36 the briefing schedule is not affected.

37 (b)(3) If the Attorney General or other government attorney intends to file an amicus brief,  
38 that brief will come due 30 days after the notice of intent is filed. Each governmental entity may  
39 file a motion to extend that time as provided under Rule 22. On a governmental entity filing a  
40 notice of intent, the briefing schedule established under Rule 13 is vacated, and the next brief of  
41 a party will come due 30 days after the amicus brief is filed.

42 (c) Call for the views of the Attorney General or county or municipal attorney. Any time a  
43 party challenges the constitutionality of a statute or ordinance, the appellate court may call for  
44 the views of the Attorney General or of the county or municipal attorney and set a schedule for  
45 filing an amicus brief and supplemental briefs by the parties, if any.

46 (d) If the Attorney General or county or municipal attorney files an amicus brief, the Attorney  
47 General or county or municipal attorney will be permitted to participate at oral argument.