

1 **Rule 46. Considerations governing review of certiorari.**

2 (a) Review by a writ of certiorari is not a matter of right, but of judicial discretion, and will
3 be granted only for special and important reasons. The primary consideration is whether
4 a decision on the question presented is likely to have significant precedential value. The
5 possibility of an error in the Court of Appeals' or another tribunal's decision, without
6 more, ordinarily will not justify review. The following, while neither controlling nor wholly
7 measuring the Supreme Court's discretion, indicate the character of reasons that
8 typically will be considered:

9 ~~(1) When a panel of the Court of Appeals has rendered a decision in conflict with~~
10 ~~a decision of another panel of the Court of Appeals on the same issue of law;~~

11 ~~(2) When a panel of the Court of Appeals has decided a question of state or~~
12 ~~federal law in a way that is in conflict with a decision of the Supreme Court;~~

13 ~~(3) When a panel of The Court of Appeals has rendered a decision that has so~~
14 ~~far departed from the accepted and usual course of judicial proceedings or has~~
15 ~~so far sanctioned such a departure by a lower court as to call for an exercise of~~
16 ~~the Supreme Court's power of supervision.~~

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18 (1) The petition presents a question regarding the proper interpretation of, or
19 ambiguity in, a constitutional or statutory provision that is likely to affect future
20 cases.

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22 (2) The petition presents a legal question of first impression in Utah that is likely
23 to recur in future cases.

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25 (3) The petition provides an opportunity to resolve confusion or inconsistency in
26 a legal standard set forth in a decision of the Court of Appeals, or in a prior
27 decision of the Supreme Court, that is likely to affect future cases.

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29 ~~(4) When~~ The petition challenges a decision of the Court of Appeals with regard
30 to a legal issue that has not been addressed ~~has decided an important question~~

31 ~~of municipal, state, or federal law which has not been, but should be, settled by~~
32 ~~the Supreme Court and that is likely to recur in future cases.~~

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34 (b) After a petition for certiorari has been filed, the panel that issued the opinion of the
35 Court of Appeals may issue a minute entry recommending that the Supreme Court grant
36 the petition. Parties shall not request such a recommendation by motion or otherwise.