

1 **Rule 25A. Challenging the constitutionality of a statute, ~~or ordinance,~~ rule, or other**
2 **administrative or legislative enactment.**

3 (a) **Notice to the Attorney General or ~~the county or municipal attorney~~ other**
4 **governmental entity; penalty for failure to give notice.**

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

8 (a)(2) When a party challenges the constitutionality of a governmental entity's ordinance,
9 rule, or other administrative or legislative enactment ~~a county or municipal ordinance~~ in an
10 appeal or petition for review in which the responsible ~~county or municipal~~ governmental entity
11 ~~attorney~~ has not appeared, every party must serve its principal brief and any subsequent brief on
12 the governmental entity ~~county or municipal attorney~~ on or before the date the brief is filed, and
13 file proof of service with the court.

14 (a)(3) If an appellee or cross-appellant is the first party to challenge the constitutionality of
15 a statute, ~~or ordinance,~~ rule, or other administrative or legislative enactment, the appellant must
16 serve its principal brief on the Attorney General or ~~the county or municipal~~ other governmental
17 entity no more than 7 days after receiving the appellee's or the cross-appellant's brief and must
18 serve its reply brief on or before the date it is filed.

19 (a)(4) When service on the Attorney General is necessary under these rules, Every party
20 must serve its brief on the Attorney General by email or, if circumstances prevent service by
21 email, by mail at the addresses below, or mail at the following address and must file proof of
22 service with the court.

23 Email:

24 notices@agutah.gov

25 Mail:

26 Office of the Utah Attorney General

27 Attn: Utah Solicitor General

28 350 North State Street, Suite 230

29 ~~320 Utah State Capitol~~

30 P.O. Box 142320

31 Salt Lake City, Utah 84114-2320

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

35 (b) **Notice by the Attorney General or other governmental entity ~~county or municipal~~**
36 **attorney; amicus brief.**

37 (b)(1) ~~Within 14 days after service of the a brief that presents a constitutional challenge,~~
38 ~~and all responsive briefs,~~ When a party raises a constitutional challenge in an appeal in which the
39 Attorney General or responsible governmental entity has not appeared, the Attorney General or
40 other governmental attorney entity will must notify inform the appellate court whether it intends
41 ~~to it will~~ file an amicus brief. When the appellant's principal brief raises the constitutional
42 challenge, the Attorney General or other governmental entity must file its notice within 14 days
43 after service of the appellee's principal brief. When the appellee's or cross-appellant's principal
44 brief raises the constitutional challenge, the Attorney General or other governmental entity must
45 file its notice within 14 days after service of the appellant's or cross-appellant's reply brief. The
46 Attorney General or other governmental attorney entity may seek up to an additional 7 days'
47 extension of time from the court to file its notice. Should the Attorney General or other
48 government attorney decline to file an amicus brief, that entity should plainly state the reasons
49 therefor.

50 (b)(2) If the Attorney General or other governmental attorney entity declines to file an
51 amicus brief, the briefing schedule is not affected.

52 (b)(3) If the Attorney General or other governmental attorney entity intends to file an
53 amicus brief, that brief ~~will come is~~ due 30 days after the notice of intent is filed. ~~Each~~ The
54 Attorney General or other governmental entity may file a motion move to extend that time as
55 provided under Rule 22. ~~On a governmental entity~~ The filing of a notice of intent to file an
56 amicus brief, vacates the briefing schedule established under Rule 13 ~~is vacated,~~ and the next
57 brief of a party, if the rules allow for a next brief, will come is due 30 days after the amicus brief
58 ~~is filed served.~~ If the rules do not allow the party that raised the constitutional challenge to file an
59 additional brief without leave of the court after that party receives the amicus brief, that party
60 may move for permission to file a supplemental brief. If leave is granted, the court will state the
61 length of, and due date for, the supplemental brief. The supplemental brief must be limited to

62 | responding to the arguments raised in the amicus brief and comply with all other requirements of
63 | rule 24(b). On its own motion, the court may order additional supplemental briefing.

64 | (c) **Call for the views of the Attorney General or other governmental entity** ~~county or~~
65 | ~~municipal attorney~~. Any time a party challenges the constitutionality of a statute, ~~or ordinance,~~
66 | rule, or other administrative or legislative enactment, the appellate court may call for the views
67 | of the Attorney General or ~~of the county or municipal attorney~~ other governmental entity and set
68 | a schedule for filing an amicus brief and supplemental briefs by the parties, if any.

69 | (d) **Participation in oral argument.** If the Attorney General or other governmental
70 | entity ~~county or municipal attorney~~ files an amicus brief, the Attorney General or other
71 | governmental entity ~~county or municipal attorney~~ will be permitted to participate at oral argument
72 | by timely declaring an intent to participate on the court's oral argument acknowledgment form. -