

1 **Rule 19. Extraordinary relief.**

2 (a) **Petition for extraordinary relief.** When no other plain, speedy, or adequate remedy
3 is available, a person may petition an appellate court for extraordinary relief referred to
4 in [Rule 65B](#) of the Utah Rules of Civil Procedure.

5 (b) **Respondents.** The person or entity against whom relief is sought and all parties in
6 any related district court or agency action other than the petitioner are deemed
7 respondents for all purposes.

8 (c) **Filing and service.** The petition must be filed with the appellate [court](#) clerk and served
9 on the respondent(s). In the event of an original petition in the appellate court where no
10 action is pending in the district court or agency, the petition also must be served on all
11 persons or entities whose interests might be substantially affected.

12 (d) **Filing fee.** The petitioner must, [pursuant to ~~Rule 21~~](#), pay the prescribed filing fee ~~at~~
13 ~~the time of filing~~ [to the appellate court clerk](#), unless waived by the court.

14 (e) **Contents of petition.** A petition for extraordinary relief must contain the following:

15 (1) a list of all respondents against whom relief is sought, and all others persons or
16 entities, by name or by class, whose interests might be substantially affected;

17 (2) a statement of the issues presented and of the relief sought;

18 (3) a statement of the facts necessary to understand the issues presented by the
19 petition;

20 (4) a statement of the reasons why no other plain, speedy, or adequate remedy exists
21 and why the relief should be granted;

22 (5) when the subject of the petition is an interlocutory order, a statement explaining
23 whether a petition for interlocutory appeal has been filed and, if so, summarize its
24 status or, if not, why interlocutory appeal is not a plain, speedy, or adequate remedy;

25 (6) except in cases where the petition is directed to a district court, a statement
26 explaining why it is impractical or inappropriate to file the petition in the district
27 court;

28 (7) a discussion of points and authorities in support of the petition; and

29 (8) copies of any order or opinion or parts of the record that may be essential to
30 understand the matters set forth in the petition.

31 (f) **Emergency relief.** When emergency relief is sought, the petitioner must file a separate
32 motion pursuant to [Rule 23C](#) explaining why emergency relief is requested. Any
33 response to a motion filed under [Rule 23C](#) is governed by that rule and is separate from
34 any response to a petition filed under Rule 19.

35 (g) **Response.** No petition will be granted in the absence of a request by the court for a
36 response. No response to a petition will be received unless requested by the court.

37 (1) **Timing.** If requested, a respondent may file a response within 30 days of the court's
38 request or within such other time as the court orders.

39 (2) **Joint Response.** Two or more respondents may respond jointly.

40 (3) **Contents.** The response must include, or respond to, as appropriate, the items in
41 paragraph (e).

42 (4) **Notice of non-participation.** If any respondent does not desire to appear in the
43 proceedings or file a response, that respondent may advise the appellate court clerk
44 and all parties by letter, but the allegations of the petition will not thereby be deemed
45 admitted.

46 (h) **Reply.** The petitioner may file a reply within 14 days after service of the response. A
47 reply must be limited to responding to the facts and arguments raised in the response.

48 (i) **Page and word limits.** A petition or response may not exceed 20 pages or 7,000 words.
49 A reply may not exceed 10 pages or 3,500 words. Headings, footnotes, and quotations

50 count toward the page or word limit, but the cover page or caption, any table of contents
51 or authorities, signature block, certificates, and any attachments do not.

52 (j) **Certificate of compliance.** A petition, response, and reply must include the filer's
53 certification that the document complies with:

54 (1) paragraph (i), governing the number of pages or words (the filer may rely on the
55 word count of the word processing system used to prepare the document); and

56 (2) [Rule 21](#)~~(h)~~, governing filings containing non-public information.

57 (k) **Review and disposition of petition.**

58 (1) The court may deny a petition without a response. Where a response has been
59 called for, the court will render a decision based on the petition and any timely
60 response and reply, or it may require briefing or request further information, and may
61 hold oral argument at its discretion.

62 (2) If the court determines that the petition was not appropriately filed in the appellate
63 court, the court will refer the petition to the appropriate district court. Any review of
64 the district court's decision on the petition must be pursued by appeal rather than a
65 refiling of the petition.

66 (3) A single judge or justice may deny the petition if it is frivolous on its face or fails
67 to materially comply with the requirements of this rule or [Rule 65B](#) of the Utah Rules
68 of Civil Procedure. A petition's denial by a single judge or justice may be reviewed by
69 the appellate court upon specific request filed within seven days of notice of
70 disposition, but such request may not include any additional argument or briefing.

71 (l) **Transmission of record.** In reviewing a petition for extraordinary relief, the appellate
72 court may order transmission of the record, or any relevant portion thereof.

73 (m) **Issuing an extraordinary writ on the court's motion.**

74 (1) The appellate court, in aid of its own jurisdiction in extraordinary cases, may on
75 its own motion issue a writ directed to a judge, agency, person, or entity.

76 (2) A copy of the writ will be served on the named respondents in the manner and by
77 an individual authorized to accomplish personal service under [Rule 4](#) of the Utah
78 Rules of Civil Procedure. In addition, copies of the writ must be transmitted by the
79 appellate court clerk, by the most direct means available, to all persons or associations
80 whose interests might be substantially affected by the writ.

81 (3) The respondent and the persons or entities whose interests are substantially
82 affected may, within four days of the writ's issuance, petition the court to dissolve or
83 amend the writ. The petition must be accompanied by a concise statement of the
84 reasons for dissolving or amending the writ.

85 ~~Effective May 1, 2023~~

86 **Advisory Committee Note**

87 The Utah Constitution enshrines the right to a writ of habeas corpus. Utah Const., art. I,
88 sec. 5; art. VIII, sec. 3; art. VIII, sec. 5. The Appellate Rules Committee recommended
89 repealing Rule 20 (Habeas Corpus Proceedings) because it was duplicative of Rule 19
90 (Extraordinary Relief) and potentially caused incarcerated individuals to forgo filing a
91 petition under the Post-Conviction Remedies Act (Utah Code Title 78B, Chapter 9). The
92 repeal is not intended to substantively affect a defendant's right to a writ of habeas
93 corpus. Rule 19 of the Utah Rules of Appellate Procedure and [Rules 65B](#) and [65C](#) of the
94 Utah Rules of Civil Procedure govern habeas corpus proceedings.

95 *Adopted May 1, 2023*