

1 **Rule 21. Filing and service.**

2 (a) **Filing.** ~~A document may be filed by email, by mail, or in person.~~ Documents required
3 or permitted to be filed by these rules must be filed with the appellate [court](#) clerk.

4 (1) How to file. The appellate courts are transitioning to an e-filing system. Before
5 August 1, 2024, a~~A~~ document may be filed by submitting it through the appellate e-
6 ~~lectronic~~-filing system, by email, mail, or in person. Effective August 1, 2024, all
7 licensed attorneys must file through the appellate e-filing system. Unrepresented
8 parties may continue to file by email, mail, or in person. If ~~electronically~~-filed or
9 emailed, a document must be in a searchable PDF format of no more than ~~7seven~~25
10 megabytes. Large PDF documents must be divided into 7seven megabyte files.
11 Documents filed by email in the Supreme Court must be sent
12 to supremecourt@utcourts.gov. Documents filed by email in the Court of Appeals
13 must be sent to courtofappeals@utcourts.gov.

14 (2) Timing. Except as provided in paragraph (g):

15 ~~(A1)~~ Documents other than briefs are timely:

16 ~~(iA)~~ if received by ~~electronic~~-filing or email to the appropriate court by 11:59
17 p.m. ~~on~~f the due date; or

18 ~~(iiB)~~ if received by mail or hand delivery to the Appellate Clerks' Office before
19 5 p.m. ~~on~~f the due date.

20 ~~(B2)~~ Briefs are timely:

21 ~~(iA)~~ if received by ~~electronic~~-filing or email to the appropriate court by 11:59
22 p.m. ~~on~~f the due date;

23 ~~(iiB)~~ if postmarked by the due date; or

24 ~~(iiiC)~~ if received by hand delivery to the Appellate Clerks' Office before 5 p.m.
25 ~~on~~f the due date.

26 (b) **Filing Fees.** If a statute or rule establishes a fee for the filing, the party must pay the
27 fee to the appellate court clerk no more than ~~7~~seven days after the filing, or the filing
28 may be stricken. If a party elects to e-file electronically, the party must pay the filing fee
29 at the time of e-filing through the appellate electronic filing system.

30 (c) **Service of all documents required.** All documents filed with the appellate court must,
31 at or before the time of filing, be served on all other parties to the appeal or review. Service
32 on a party represented by counsel must be made on counsel of record, or, if the party is
33 not represented by counsel, on the party at the last known address or email address
34 provided to the appellate court. Any document required by these rules to be served on a
35 party must be filed with the court and accompanied by proof of service.

36 (d) **Manner of service.** Service may be personal, by electronic-filing, by mail, or by email.
37 Personal service includes delivery of the copy to a clerk or other responsible person at the
38 office of counsel. Service by mail or email is complete on mailing or emailing. Service by
39 electronic-filing is complete on -acceptance by the electronic-filing system.

40 (e) **Proof of service.** Documents filed through the e-filing system need not include a
41 certificate or acknowledgement of service if all parties have contact information in the e-
42 filing system. All other ~~D~~documents presented for filing must contain an
43 acknowledgment of service by the person served or a certificate of service in the form of
44 a statement of the date and manner of service, the names of the persons served, and the
45 addresses at which they were served. The certificate of service may appear on or be
46 affixed to the documents filed. If counsel of record is served, the certificate of service must
47 designate the name of the party represented by that counsel. ~~Electronically filed~~
48 ~~documents do not need to contain a certificate or acknowledgement of service if all~~
49 ~~parties have contact information in the electronic filing system.~~

50 (f) **Signature.** All documents filed in the appellate court must be signed by counsel of
51 record or by a party who is not represented by counsel. For documents electronically-
52 filed, or filed by email, the documents may be electronically signed as follows: /s/ name
53 of unrepresented party or name of counsel of record.

54 (g) **Filing by inmate.**

55 (1) For purposes of this paragraph (g), an inmate is a person confined to an institution
56 or committed to a place of legal confinement.

57 (2) Documents filed by an inmate are timely filed if they are deposited in the
58 institution's internal mail system on or before the due date. Timely filing may be
59 shown by a contemporaneously filed notarized statement or written declaration
60 setting forth the date of deposit and stating that first-class postage has been, or is
61 being, prepaid, or that the inmate has complied with any applicable requirements for
62 legal mail set by the institution. Response time will be calculated from the date the
63 documents are received by the court.

64 (h) **Filings containing other than public information and records.** If a filing, including
65 an addendum, contains non-public information, the filer must also file a version with all
66 such information removed. Non-public information means information classified as
67 private, controlled, protected, safeguarded, sealed, juvenile court legal, or juvenile court
68 social, or any other information to which the right of public access is restricted by statute,
69 rule, order, or case law.

70 *Effective: 2/19/2020*

71

72 **Advisory Committee Note**

73 Court records are public unless otherwise classified as private, controlled, protected,
74 safeguarded, sealed, juvenile court legal, or juvenile court social by the Utah Code of
75 Judicial Administration. The right of public access may be restricted by statute (including
76 the Government Records Access and Management Act), rule, case law, or court order. If
77 a filing contains information or records that are not public, the filer must file an
78 unredacted version for the court and a version for the public that does not contain the
79 nonpublic information.

80 Note *Adopted 2020*