

PRO SE GUIDE

APPEAL PROCEDURES

Basic information about filing an appeal to the
Utah Supreme Court or the **Utah Court of Appeals**

The appellate courts' office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday except on official state and federal holidays.

Utah Supreme Court
Appellate Clerks' Office
450 South State, Fifth Floor
PO Box 140210
Salt Lake City, Utah 84114-0210
(801) 578-3900

Utah Court of Appeals
Appellate Clerks' Office
450 South State, Fifth Floor
PO Box 140230
Salt Lake City, Utah 84114-0230
(801) 578-3900

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Representing Yourself

People who represent themselves in court without the assistance of an attorney are called "Pro Se" or "Self-Represented" litigants. Pro Se litigants are responsible for learning about and following the procedures that govern the court process. Think carefully before deciding to represent yourself because the process is very detailed and can be confusing. The appellate courts highly recommend that you obtain the assistance of an attorney.

Should you forgo the assistance of an attorney, this guide is designed to give you basic information concerning the papers that need to be filed in an appeal. Although the appellate clerks' staff can provide you with general information concerning court rules and procedures, they are prohibited from writing papers for you and from participating directly or indirectly in any action. Court staff cannot advise you about what the law is or how it applies to your situation.

The information in this guide does not pertain to appeals from juvenile court orders in child welfare cases. A pro se guide for this type of appeal is available on the courts' website at

<http://www.utcourts.gov/courts/appell/juvenilewelfareproseguide.pdf>.

Keep in mind that as a pro se litigant, you can only represent yourself. The law prohibits you from representing another person, company, or entity such as a club or association that includes other individuals.

You can access information regarding legal clinics, agencies, and organizations which provide some services to pro se litigants by accessing the internet at <http://www.utcourts.gov/howto/legalclinics/>.

Appealing a Trial Court Decision

If you do not like the final decision from the lower or trial court, and you think the judge made a legal mistake, you can file an appeal. An appeal is the review of a final decision of a lower court.

An appellate court does not retry the case, take new evidence, or weigh the credibility of witnesses. The appeal must be based on the record created in the trial court. Generally, the appealing party must demonstrate that the trial court made a legal mistake. If there was a mistake, it also has to have been important enough that it could have made a difference to the outcome of the case.

You should not file an appeal that is clearly frivolous, or just to harass someone. Appellate Rule 33. If the court decides you have done so, it can order you to pay a fine or to pay the legal fees of the party you filed the appeal against.

Utah Rules of Appellate Procedure

The Utah Rules of Appellate Procedure (also called Appellate Rules) govern the processing of appeals. The Appellate Rules specify the documents which are required, deadlines for filing documents, document format, etc. This pro-se guide informs you of the basic rules that you must follow to pursue the appeal; however, not all of the details of the Appellate Rules are specifically referred to in this guide. It is your responsibility to familiarize yourself with the Appellate Rules and follow them as they apply to your situation.

The current Utah Rules of Appellate Procedure are available on the courts' website at <http://www.utcourts.gov/resources/rules/urap/>. The Appellate Rules are also published in *Utah Court Rules Annotated*, which is available at the law libraries listed below and at some public libraries.

Utah State Law Library
450 S. State Street, Rm. W-13
Salt Lake City
801-238-7990
www.utcourts.gov/lawlibrary/

**University of Utah
S.J. Quinney Law Library**
332 South 1400 East
University of Utah Campus
801-581-6438
www.law.utah.edu/library/

**Brigham Young University
Howard W. Hunter Law Library**
BYU Campus, Provo
801-422-3593
<http://lawlib.byu.edu/>

Filing the Notice of Appeal Appellate Rules 3 & 4

The appeal process begins with the filing of a Notice of Appeal. The person filing the Notice of Appeal is called the **Appellant**. The person or entity against whom the appeal is taken is called the **Appellee**.

The Appellant must file the Notice of Appeal with the clerk of the **trial court** within 30 days after the date of entry of the final judgement or order appealed from. **(Please note that some appeals are due sooner than 30 days. When an order is entered in a statutory forcible entry or unlawful detainer action, the notice of appeal must be filed within 10 days after the date of entry.)**

There are two appellate courts in the State of Utah: the Utah Supreme Court and the Utah Court of Appeals. Each appellate court has its own unique jurisdiction. The Notice of Appeal should designate which court the matter is being appealed to. The Utah Supreme Court has the right to transfer many of its cases to the Utah Court of Appeals for decision.

If the Appellant seeks an extension of time to file the Notice of Appeal, the request must be filed in the trial court. Only the trial court can extend the time to file the Notice of Appeal. Appellate Rule 4(e).

The following chart summarizes the jurisdiction of each appellate court:

Supreme Court	Court of Appeals
Criminal & post-conviction: 1 st degree felony & capital felony	Criminal & post-conviction: 2 nd & 3 rd degree felony; misdemeanor Post-conviction - Prison conditions regardless of degree of criminal charges if not appealing conviction
Civil; civil stalking; probate	Domestic Relations: divorce; annulment; child custody; property division; support; visitation; adoption; paternity
	Juvenile delinquency; child welfare
Please note: -Decisions from the justice court are appealed to the district court. Decisions from traffic court are appealed to the justice court. Decisions from a small claims court are appealed to the district court.	

Fees Appellate Rule 3

When the Notice of Appeal is filed, the **Appellant** must pay a filing fee of \$225.00 and a cost bond of \$300.00 to the trial court. No filing fee or cost bond is required for criminal cases or juvenile delinquency cases.

If the Appellant is unable to pay the required fees, they can ask the trial court to waive the filing fee if they can show they meet certain financial/income guidelines. The Appellant must submit an Affidavit and Application for Waiver of Court Fees to make the request. This form is available on the courts' website at www.utcourts.gov/resources/forms/.

Even if a waiver of the filing fee and cost bond is approved by the trial court, the Appellant will still have to pay other costs associated with the appeal. For example, if the Appellant requests a transcript of the trial court proceedings, they must pay the court reporter to prepare it. The appellate courts charge 25¢ per page for copies of documents.

To “file” a paper means to give it to the clerk’s office to add to the case record on appeal. You can file papers with the court in person or by mail. You may also file by fax, subject to the following rules:

- A document being faxed must be 10 pages or less and cannot be a document that requires payment of a filing fee.
- After a party faxes a document, they must also file the original document and any required copies with the court within 5 business days of sending the fax. This can be accomplished by hand delivery or first-class mail. If the original, and any required copies, are not received by the appellate court within that time, the court can disregard the document.
- A fax filing is considered "received" when it is stamped by the clerk’s office. A document can only be stamped during regular office hours (8:00 a.m. to 5:00 p.m., weekdays). A fax received after 5:00 p.m. will not be stamped as received until the next business day.
- At the same time the party faxes the document to the court, they must also serve the other party(ies) either by hand-delivery, first-class mail or fax. The fax to the court must include a certificate of service and indicate that the document was originally filed with the court by fax.
- The time for filing a response to a document filed by fax runs from the date the document was faxed to the court.
- If a party faxes a document to the court, the party assumes the risk for any problems that may occur, such as the court's phone system being out of order, the court’s fax machine running out of paper or being out of order. The party filing the document may want to contact the court to make sure the fax was received safely.

Appellate Clerks' Office Fax Number: 801-578-3999.

*Please note that the drop-box outside the Matheson Courthouse services the district court only and is not utilized by the appellate courts.

When a party files a legal document in the court, they must always deliver a copy of the document to the person or entity on the opposing side of the case. This is known as “service.” If the opposing side has an attorney, the attorney must be served. If the other side does not have an attorney, service of the document is made to the party’s last known address. If the case involves a misdemeanor, service is made on the city or county attorney. If the case arises from a felony, service is made on the attorney general (Attorney General, Appeals Division, 160 East 300 South, PO BOX 140854, Salt Lake City UT 84114-0854). The party filing the document may serve the other party by **mail, hand-delivery, or fax** (please refer to fax policy).

A **certificate of service** must be attached to all documents filed with the court. The certificate of service tells the court when and how service was made on the other side, the names of those who were served, and the addresses where they were served. **The court will not act on any document unless a certificate of service is attached to it.** A sample certificate of service is provided in the back of this guide in the appendix.

Required Filings and Due Dates

After the Notice of Appeal, filing fee and cost bond are filed in the trial court, the trial court will certify a copy of the Notice of Appeal to the designated appellate court. Upon receipt of the Notice of Appeal, the Appellate Clerks' Office will send a notice to the Appellant advising Appellant of the appellate case number and the filing deadlines for the documents that are required to be filed. The Appellee(s) will receive a copy of the notice.

The Appellant is required to file a notice regarding transcripts and a docketing statement:

Notice Regarding Transcripts Appellate Rule 11(e)(1)

A **transcript** is a word-for-word typing of everything that was said "on the record" during a hearing or the trial held in the trial court. The Appellant must either request the transcript to be prepared or state that the transcript isn't needed within **10** days of filing the Notice of Appeal. If no transcript will be requested, the Appellant must file a certificate with the Appellate Court. If a transcript is to be requested, this request shall be ordered online by going to the court's web site www.utcourts.gov and selecting "Of Interest to the Legal Community" and "Request a Transcript". The Appellant must also file a courtesy copy with the Appellee(s). The Appellant will have to pay a certified court transcriber the estimated cost of the transcript if the transcript is requested.

Please note: The Appellant does not have to have a transcript for the appeal. However, if the Appellant intends to show that a finding or conclusion of the trial court is contrary to the evidence, then the Appellant will need to provide a transcript in order to allow the court to consider the appeal.

Docketing Statement Appellate Rule 9

A **docketing statement** includes a summary of the facts and a **brief** description of the legal errors the Appellant thinks the trial court made. The Appellant must file a docketing statement (**original and two copies**) with the **appellate** court within **21 days** from the filing of the Notice of Appeal. The Appellant must also serve a copy of the docketing statement on the Appellee(s). Failure to file the docketing statement may result in dismissal of the appeal. Appellate Rule 3(a).

Please note: Forms for the transcript request, notice that transcript is not required, and the docketing statement are located in the appendix at the end of this guide.

Progress of Appeal after Docketing Statement Is Filed

The docketing statement helps the appellate court determine if it has jurisdiction and if there are legitimate, appealable issues. If the court determines it **has** jurisdiction, and that there are appealable issues, then the case will proceed to the next step which is referred to as “briefing” .

If the Court of Appeals is considering dismissing or denying the appeal because it appears it does not have jurisdiction or because there is no real issue, then the court will issue its own **Motion for Summary Disposition**. The court will give the parties a chance to file a memorandum of ten pages or less explaining why the court should, or should not, dismiss or deny the appeal. The court will tell the parties when the memorandum is due and how many copies must be filed with the court. Appellate Rule 10(b).

The court will review the memorandums. If the court determines that it **does not** have jurisdiction or that the appeal is without merit, it will issue a written decision dismissing the case. If the court determines it **has** jurisdiction and that there is an appealable issue, then the case will proceed to briefing. The questions and answers below explain the briefing process:

Briefing Process Appellate Rules 24, 26 & 27	
What are briefs?	Briefs are the written arguments of parties stating the reasons why the appellate court should rule in their favor.
When is the Appellant’s brief due?	The appellate court will send a written notice giving the Appellant 40 days from the date of notice to file their brief.
What other briefs are due?	<ul style="list-style-type: none"> -The Appellee’s brief is due 30 days after service of Appellant’s brief. -The Appellant may file a reply brief which is due 30 days after service of Appellee’s brief.
How many copies of the brief are to be filed?	<p>Supreme Court: One brief with original signature and 9 copies.</p> <div style="text-align: center; border: 1px solid black; background-color: #cccccc; padding: 2px 10px;">OR</div> <p>Court of Appeals: One brief with original signature and 7 copies.</p>
(Briefs are considered filed on the date of the postmark if first-class mail is used.) What is considered proper service.	Two copies of the brief must be served on the other party. The briefs must include a certificate of service showing that copies were hand-delivered or mailed on the opposing attorney or opposing party (if not represented by counsel).
Parties can agree to extend the deadline to file briefs. This agreement is called a “stipulation,” and must be filed with the appellate court. A stipulation cannot extend the time by more than 30 days and will only be allowed if it is filed before the deadline expires. Appellate Rule 26(a). A party may also file a motion with the court to extend the deadline even if there is no stipulation. Appellate Rule 22(b).	
Samples of briefs are available at the law libraries as listed on page 2 of this guide. These briefs can be used as examples of how briefs should be prepared. The parties need to keep in mind that the arguments in a brief are specific to that appeal, and may not apply to their situation.	

Extension of Time

A party may ask the court for more time to meet a deadline by filing a Motion for Extension of Time. The Motion for Extension of Time is subject to the following requirements:

- The motion must be filed before the deadline. Appellate Rule 22(b)(3).
- The motion must include: Appellate Rule 22(b)(4)
 - a good reason for extending the deadline
 - whether extensions have been requested before, and if so, how many times and how long those extensions were
 - when the deadline is
 - what the party would like the new deadline to be

Please note: The appellate courts do not favor requests to extend a deadline by more than 30 days.

Appellate Court Decision

After the briefs are filed, the appellate court will set the case on the next available calendar for consideration and decision. The court may or may not schedule oral arguments. The appellate court will issue a written decision at a later date.

Please note: The Appellate Clerks' Office cannot determine when a decision will be issued.

Petition for Rehearing

If one of the parties is unhappy with the decision of the appellate court, they can ask the court to reconsider its decision by filing a Petition for Rehearing. The petition must be filed with the clerk **within 14 days after the court's decision is entered**. You should be aware, however, that most petitions for rehearing are not granted.

The Petition for Rehearing shall include the points of law or fact the party thinks the court has overlooked or misunderstood. A petition for rehearing must be made in good faith, not for delay.

Appellate Rule 27 governs the form of the petition, and Appellate Rule 35(b) governs the number of copies to be served and filed.

The court will not accept the Petition for Rehearing if it is not filed by the deadline. The court will not accept more than one rehearing petition. Appellate Rule 35(d).

Please note: The Supreme Court will not accept a petition for rehearing based upon motions for summary disposition which have been granted or denied or for motions to remand for findings under Rule 23B when granted or denied.

Remittitur

To "remit" a case means that the appellate court is returning the record to the trial court and is giving up jurisdiction. As a general rule, the Supreme Court issues the remittitur 15 days after the opinion is filed. The Court of Appeals issues the remittitur 60 days after the opinion or decision is filed.

Other Avenues of Appeal

The **Supreme Court** is the court of last resort in Utah. If the Supreme Court issues an opinion, and a party is not happy with it, the party may file a petition for rehearing. If the petition for rehearing is denied, there are **no** more appeals available in the State of Utah.

If the **Court of Appeals** issues an opinion or decision and a party is not happy with it, the party may file a petition for rehearing. If the petition for rehearing is denied, the party may file a Petition for Writ of Certiorari in the Utah Supreme Court. The filing of a petition for rehearing in the Court of Appeals is not required before the filing of a Petition for Writ of Certiorari. The party may file the Petition for Writ of Certiorari directly after the opinion/decision is entered in the Court of Appeals.

The Petition for Writ of Certiorari is due to be filed in the Supreme Court within 30 days of the final decision of the Court of Appeals. See Appellate Rules 48, 49, 50, and 51 for specific details. A request for an extension of time is permitted. A pro se guide for a Petition for Writ of Certiorari is available on the courts' website at <http://www.utcourts.gov/courts/sup/forms/PROSE-WC.pdf>.

Notice of Appeal Time Line

Notice of Appeal	Due 30 days after final order of District Court (Some appeals are due earlier than 30 days.)
Transcript Request	Due 10 days after filing of Notice of Appeal
Docketing Statement	Due 21 days after filing of Notice of Appeal
Record/Record Index	Prepared by District Court
Appellant's Brief	Due 40 days after District Court's filing of record/record index
Appellee's Brief	Due 30 days after filing of appellant's brief
Appellant's Reply Brief	Optional, due 30 days after filing of appellee's brief
Placed on Court's Calendar	Court will notify parties if it schedules oral argument
Under Advisement	Court is preparing its decision
Opinion/Decision Filed	Court issues written opinion or decision
Petition for Rehearing	Optional, due 14 days after opinion is issued
Remittitur	As a general rule, issues 15 days after opinion filed in Supreme Court and 60 days after opinion is filed in Court of Appeals

Appendix of Forms

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Notice of Appeal

Your Name: _____

Address: _____

Phone Number: _____

IN THE _____ [district #] JUDICIAL DISTRICT COURT
_____ [county name] COUNTY, THE STATE OF UTAH

_____,)

)

Plaintiff and [Appellant] [Appellee],)

(Circle one)

v.)

NOTICE OF APPEAL

Trial Court No. _____

_____,)

)

Defendant and [Appellant][Appellee].)

(Circle one)

Notice is hereby given that _____ (your name) appeals to the Utah
[Supreme Court] [Court of Appeals] (Circle one) the final [judgment] [order] (Circle one) of the Honorable

_____ (judges name) entered in this matter on _____ (judgement date).

(Check one):

The appeal is taken from the entire judgment.

[OR]

The appeal is taken from such part of the judgment that states that _____

_____.

(Signature)

CERTIFICATE OF SERVICE

I certify that a copy of the attached Notice of Appeal was served upon the party(ies) listed below by mailing it by first class mail, personal delivery, or fax to the following address(es):

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

By: _____

Signature

Dated: _____

**** If a transcript is to be requested, this request shall be ordered online by going to the court's web site www.utcourts.gov and selecting "Of Interest to the Legal Community" and "Request a Transcript". This form may only be used if you do not have access to a computer.**

Transcript Request

Name: _____ Phone Number: _____
Address: _____ Email Address: _____

Court Location: _____

Case Name: _____

Trial Court Case Number: _____

To: Transcript Coordinator

Please arrange for a transcript of the proceedings held in the above trial court case before

Judge _____ (name) on:

_____ (Date) _____ (Hearing) _____ (Courtroom) _____ (Time)
_____ (Date) _____ (Hearing) _____ (Courtroom) _____ (Time)
_____ (Date) _____ (Hearing) _____ (Courtroom) _____ (Time)
_____ (Date) _____ (Hearing) _____ (Courtroom) _____ (Time)
_____ (Date) _____ (Hearing) _____ (Courtroom) _____ (Time)

to be prepared, certified and filed with the trial court.

- The transcript is request for purposes of an appeal. (check one)
- The transcript is not requested for purposes of an appeal.

Sincerely,

Signature

cc: Opposing Party or Party's Attorney if represented (list names only):

(Person requesting transcript must serve a copy of request on the opposing party or party's attorney if represented.)

CERTIFICATE OF SERVICE

I certify that a copy of the attached Request for Transcript was served upon the party(ies) listed below by mailing it by first class mail, personal delivery, or fax to the following address(es):

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

By: _____

Signature

Dated: _____

Certificate that Transcript Is Not Required

Your Name: _____

Address: _____

Phone Number: _____

IN THE [UTAH SUPREME COURT] [COURT OF APPEALS]

(circle one)

_____ ,)	CERTIFICATE THAT
Plaintiff and [Appellant] [Appellee],)	TRANSCRIPT IS
(Circle one))	NOT REQUIRED
vs.)	
)	Trial Court No. _____
_____ ,)	
Defendant and [Appellee] [Appellant].)	Appellate Court No. _____
(Circle one))	

Appellant, _____ (print your name), certifies to the court that no transcript will be requested in the above entitled case.

Signature

Date: _____

CERTIFICATE OF SERVICE

I certify that a copy of the attached Certificate that Transcript Is Not Required was served upon the party(ies) listed below by mailing it by first class mail, personal delivery, or fax to the following address(es):

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

By: _____

Signature

Dated: _____

Motion for Extension of Time

Your Name: _____

Address: _____

Phone Number: _____

IN THE UTAH [SUPREME COURT] [COURT OF APPEALS]

(Circle one)

_____,)

)

Plaintiff and [Appellant] [Appellee],)

(Circle one)

MOTION FOR EXTENSION OF TIME

v.)

Appellate Court No: _____

_____,)

)

Defendant and [Appellant] [Appellee].)

(Circle one)

I request that I be granted an extension of time of _____ (number of additional days requested) days to file the _____ (document name) which was originally due on

_____ (original due date). I cannot file this document by the due date because

_____ (please state the reason why more time is needed).

Check one: I have **not** been granted a previous extension of time to file this document.

I have been granted _____ (state how many) previous extensions of time to file this document.

(Signature)

Date: _____

CERTIFICATE OF SERVICE

I certify that a copy of the attached Motion for Extension of Time was served upon the party(ies) listed below by mailing it by first class mail, personal delivery, or fax to the following address(es):

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

By: _____

Signature

Dated: _____

Docketing Statement

Your name: _____

Address: _____

Phone No. _____

IN THE UTAH [SUPREME COURT] [COURT OF APPEALS]
(Circle one)

_____,

Plaintiff and [Appellant] [Appellee],
(Circle one)

v.

DOCKETING STATEMENT

Appellate case number: _____

_____,

District Ct. No.: _____

Defendant and [Appellant] [Appellee].
(Circle one)

PURSUANT TO RULE 9, Utah Rules of Appellate Procedure, appellant submits this docketing statement.

1. Nature of the proceeding. This appeal is from a final [judgment] [order] [decree] (Circle one) of the _____ (identify lower court).
2. Jurisdiction. (Check one)
 - The Utah Supreme Court has jurisdiction pursuant to Utah Code Ann. §78A-3-102
 - The Utah Court of Appeals has jurisdiction pursuant to Utah Code Ann. §78A-4-103
3. Relevant dates. (Attach copy of date stamped notice of appeal and final judgment of order.)
 - a. Date the final judgment or order appealed from was entered: _____
 - b. Date the Notice of Appeal was filed: _____
 (If applicable):
 - c. (1) Date any motions filed pursuant to Rules 50(b), 52(b), or 59, Utah Rules of Civil Procedure or Rule 24, Utah Rules of Criminal Procedure were filed in the district court: _____
 - (2) Date and effect of any orders disposing of such motions: _____
4. For criminal cases: Inmate mailbox rule. The appellant [is] [is not] (Circle one) an inmate confined in an institution invoking rule 4(g).
5. Rule 54(b). This appeal [is] [is not] (Circle one) from an order in a multiple party or a multiple claim case in which the judgment has been certified as a final judgment by the trial court pursuant to Rule 54(b), Utah Rules of Civil Procedure. [If this is such a case, add the following information:]
 - a. The following claims and parties remain before the trial court for adjudication: _____

6. If this is a criminal case, state:
a. The defendant was convicted of the following crime(s): _____

b. The defendant received the following specific sentence: _____

c. The defendant currently [is] [is not] (Circle one) incarcerated.

7. Issues on appeal. Appellant intends to assert the following issue(s) on appeal:

a. Issue: [Briefly state the first issue.] _____

Determinative law: [Cite any statutes, rules, or cases you are aware of that are determinative of the first issue.]

Standard of review: [State applicable standard of appellate review for the first issue, with supporting authority.]

b. Issue: [Briefly state second issue, if any.] _____

Determinative law: [Cite any statutes, rules, or cases you are aware of that are determinative of the second issue.]

Standard of review: [State applicable standard of appellate review for the second issue, with supporting authority.]

(If there are more issues, please include them on a separate paper. You may include issues in your final brief that are not raised in this docketing statement.)

8. Factual summary. [Summarize the facts necessary to understand the issue(s) presented.]:

(If there is more information, please include it on a separate paper.)

9. Assignment. This appeal **[is]** **[is not]** (Circle one) subject to transfer by the Supreme Court to the Court of Appeals pursuant to Utah Code Ann. § 78A-3-102(4). [If appropriate, add:] The appellant **[advocates]** **[opposes]** (Circle one) such a transfer on the following grounds:

a. List one or more grounds. _____

10. Related appeals. (Check one)

- There are **no** related appeals.
- The following are related or prior appeals [Give name, case number, and citation for each related appeal.]

11. Attachments. If applicable, the following must be attached. (Check those that apply.):

- The final judgment or order from which the appeal is taken.
- The rulings and/or findings of the trial court or administrative tribunal included in the judgment or order from which the appeal is taken.
- Any application for rehearing filed if the appeal arises from an order of the Public Service Commission pursuant to Utah Code Ann. § 54-7-15.
- The Notice of Appeal and any order extending the time for the filing of a Notice of Appeal.
- Any motions filed pursuant to Rules 50(b), 52(b), 54(b), or 59, Utah Rules of Civil Procedure or Rule 24, Utah Rules of Criminal Procedure, and any orders disposing of such motions.
- If the appellant is an inmate confined in an institution invoking rule 4(g) [inmate mailbox rule], the notarized statement or written declaration required by rule 4(g), Utah Rules of Appellate Procedure.

*****Be sure to attach all of the items you have indicated to the back of this docketing statement.**

****File an original and two copies of the docketing statement with the appellate court.**

(Signature)

Date: _____

CERTIFICATE OF SERVICE

I certify that a copy of the attached Docketing Statement was served upon the party(ies) listed below by mailing it by first class mail, personal delivery, or fax to the following addresses):

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

Name: _____

Address: _____

Sent Via:

_____ Mail (postage prepaid)

_____ Personal delivery

_____ Fax # _____

By: _____

Signature

Dated: _____

Deadlines for Filing

- 1. Appellant’s brief is due 40 days from notice by clerk.
- 2. Appellee’s brief is due 30 days from appellant's brief.
- 3. Appellant’s reply brief is due 30 days from appellee's brief.

Service

- 1. Upon counsel for all parties to the appeal.
- 2. Upon all pro-se parties to the appeal.
- 3. In criminal appeals arising from a felony charge, upon the Attorney General.
- 4. In criminal appeals arising from a misdemeanor charge, upon the prosecuting attorney.
- 5. Original signature required on proof of service.

Number of Copies

- 1. Supreme Court: One with original signature and 9 copies.
- 2. Court of Appeals: One with original signature and 7 copies.
- 3. Two copies served on counsel for each party.
- 4. One copy of pro-se parties.

Length of Brief

- 1. Appellant and Appellee: 14,000 words or less / 1,300 lines of text or less or 30 pages (if no compliance).
- 2. Appellant’s Reply: 7,000 words or less / 650 lines of text or less or 15 pages (if no compliance).
- 3. Petition for Rehearing: 15 pages, excluding addendum.

Size and Binding

- 1. Size: 8 ½ " x 11".
- 2. Binding: Compact or Vello binding required; coiled plastic or spiral binding not acceptable.

Printing Requirements

- 1. Margins must be at least one inch on top, bottom and sides of each page.
- 2. Proportionally spaced typeface must be 13-point or larger for both text and footnotes. A monospaced typeface may not contain more than ten characters per inch for both text and footnotes.
- 3. Print on both sides of the page.
- 4. Double spaced; 1 ½ line spacing is not acceptable.

Cover Requirements

- 1. Heavy weight paper.
- 2. Color:
 - Appellant or Petitioner Blue
 - Appellee or Respondent Red
 - Reply Gray
 - Petition for Rehearing Tan
 - Response to Pet'n for Rehearing White
- 3. Caption of the Case:
 - a. full title of the case as it appeared in the trial court;
 - b. designation of the parties as they appeared in the trial court (e.g., "plaintiff/defendant");
 - c. designation of the parties as they appear in the appellate court (e.g., "appellant/appellee").
- 4. Name of the appellate court ("In the Utah Supreme Court") ("In the Utah Court of Appeals").

5. Appellate court docket number.
6. Title of the document (e.g., "Brief of the Appellant", "Brief of the Appellee").
7. Nature of the proceeding (e.g., "appeal").
8. Name of the trial court and name of the judge (e.g., "Appeal from the Third District Court, Salt Lake County, Judge Smith").
9. For pro se briefs: The person filing the brief should have their name and address on the lower right of the brief. Opposing counsel or pro se party should be on the lower left.

Content Requirements - In the Order Stated

1. List of all parties unless the caption on the cover shows all parties.
2. Table of contents with page references.
3. Table of authorities with page references:
 - a. cases listed alphabetically with parallel citations;
 - b. rules;
 - c. statutes;
 - d. other authorities.
4. Statement showing jurisdiction of the appellate court.
5. Statement of the issues. For each issue state the standard of review and supporting authority. (Optional with appellee if there is no disagreement with appellant's statement.)
6. Determinative constitutional provisions, statutes, ordinances, and rules set forth verbatim or by citation alone if they are set forth verbatim in the addendum.
7. Statement of the case (Optional with appellee if there is no disagreement with appellant's statement):
 - a. nature of the case;
 - b. course of proceedings;
 - c. disposition at trial court or agency.
8. Relevant facts with citation to the record.
9. Summary of the argument.
10. Detail of the argument.
11. Conclusion containing a statement of the relief sought.
12. Original signature of counsel of record or pro- party appearing without counsel on one copy of brief; reproduced signature on other copies.

Addendum

1. Attach at end of brief or file separately.
2. Not counted against total page number.
3. Contents:
 - a. Reproduction of opinion, memorandum decision, findings of fact, conclusions of law, orders, jury instructions;
 - b. Reproductions of parts of the record of central importance such as contracts or other documents;
 - c. Reproductions of determinative constitutional provisions, statutes, or rules.