

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

2 (a) Filing. Papers required or permitted to be filed by these rules shall be
3 filed with the clerk of the appropriate court. Filing may be accomplished by
4 mail addressed to the clerk. Except as provided in subpart (f), filing is not
5 considered timely unless the papers are received by the clerk within the time
6 fixed for filing, except that briefs shall be deemed filed on the date of the
7 postmark if first class mail is utilized. If a motion requests relief which may be
8 granted by a single justice or judge, the justice or judge may accept the
9 motion, note the date of filing, and transmit it to the clerk.

10 (b) Service of all papers required. Copies of all papers filed with the
11 appellate court shall, at or before the time of filing, be served on all other
12 parties to the appeal or review. Service on a party represented by counsel
13 shall be made on counsel of record, or, if the party is not represented by
14 counsel, upon the party at the last known address. A copy of any paper
15 required by these rules to be served on a party shall be filed with the court
16 and accompanied by proof of service.

17 (c) Manner of service. Service may be personal or by mail. Personal
18 service includes delivery of the copy to a clerk or other responsible person at
19 the office of counsel. Service by mail is complete on mailing.

20 (d) Proof of service. Papers presented for filing shall contain an
21 acknowledgment of service by the person served or a certificate of service in
22 the form of a statement of the date and manner of service, the names of the
23 persons served, and the addresses at which they were served. The certificate
24 of service may appear on or be affixed to the papers filed. If counsel of record
25 is served, the certificate of service shall designate the name of the party
26 represented by that counsel.

27 (e) Signature. All papers filed in the appellate court shall be signed by
28 counsel of record or by a party who is not represented by counsel.

29 (f) Papers filed by an inmate confined in an institution are timely filed if they
30 are deposited in the institution's internal mail system on or before the last day
31 for filing. Timely filing may be shown by a notarized statement or written
32 declaration setting forth the date of deposit and stating that first-class postage
33 has been prepaid.

34 (g) Representations to court. By filing papers in the appellate court, an
35 attorney or unrepresented party is certifying that to the best of the person's
36 knowledge formed after an inquiry reasonable under the circumstances:

37 (g)(1) they are not being presented for any improper purpose, such as to
38 harass or to cause unnecessary delay or needless increase in the cost of
39 litigation;

40 (g)(2) the legal contentions are warranted by existing law or by
41 a nonfrivolous argument for the extension, modification, or reversal of existing
42 law or the establishment of new law;

43 (g)(3) the factual contentions are supported by the record on appeal; and

44 (g)(4) the filing complies with Rule 21A and Rule 4-202.02 of the Utah
45 Code of Judicial Administration.

46 **Advisory Committee Notes**

47 Paragraph (e) is added to Rule 21 to consolidate various signature
48 provisions formerly found in other sections of the rules.