

1        **Rule 27. Form of briefs, petitions for writ of certiorari and petitions for**  
2 **rehearing.**

3        (a) *Paper size; printing margins.* Briefs, petitions for writ of certiorari and petitions for  
4 rehearing shall be typewritten, printed or prepared by photocopying or other duplicating  
5 or copying process that will produce clear, black and permanent copies equally legible  
6 to printing, on opaque, unglazed paper 8 1/2 inches wide and 11 inches long, and shall  
7 be securely bound along the left margin. Paper may be recycled paper, with or without  
8 deinking. The printing must be double spaced, except for matter customarily single  
9 spaced and indented. Margins shall be at least one inch on the top, bottom and sides of  
10 each page. Page numbers may appear in the margins.

11        (b) *Typeface.* Either a proportionally spaced or monospaced typeface in a plain,  
12 roman style may be used. A proportionally spaced typeface must be 13-point or larger  
13 for both text and footnotes. A monospaced typeface may not contain more than ten  
14 characters per inch for both text and footnotes.

15        (c) *Binding.* Briefs, petitions for certiorari and petitions for rehearing shall be printed  
16 on both sides of the page, and bound with a compact-type binding so as not unduly to  
17 increase the thickness of the brief along the bound side. Coiled plastic and spiral-type  
18 bindings are not acceptable.

19        (d) *Color of cover; ~~contents of cover.~~* The cover of the opening brief of appellant  
20 shall be blue; that of appellee, red; that of intervenor, guardian ad litem, or amicus  
21 curiae, green; that of any reply brief, or in cases involving a cross-appeal, the  
22 appellant's second brief, gray; that of any petition for rehearing, tan; that of any  
23 response to a petition for rehearing, white; that of a petition for certiorari, white; that of a  
24 response to a petition for certiorari, orange; and that of a reply to the response to a  
25 petition for certiorari, yellow. All ~~brief~~ covers shall be of heavy cover stock. There shall  
26 be adequate contrast between the printing and the color of the cover.

27        (e) *Contents of cover.* The cover of all briefs, petitions for certiorari and petitions for  
28 rehearing shall set forth in the caption the full title given to the case in the court or  
29 agency from which the appeal was taken, as modified pursuant to Rule 3(g), as well as  
30 the designation of the parties both as they appeared in the lower court or agency and as  
31 they appear in the appeal. In addition, the covers shall contain: the name of the

32 appellate court; the number of the case in the appellate court opposite the case title; the  
33 title of the document (e.g., Brief of Appellant); the nature of the proceeding in the  
34 appellate court (e.g., Appeal, Petition for Review); the name of the court and judge,  
35 agency or board below; and the names and addresses of counsel for the respective  
36 parties designated as attorney for appellant, petitioner, appellee, or respondent, as the  
37 case may be. The names of counsel for the party filing the document shall appear in the  
38 lower right and opposing counsel in the lower left of the cover. In criminal cases, the  
39 cover of the defendant's brief shall also indicate whether the defendant is presently  
40 incarcerated in connection with the case on appeal and if the brief is an Anders brief.

41 (ef) *Effect of non-compliance with rules.* The clerk shall examine all briefs before  
42 filing. If they are not prepared in accordance with these rules, they will not be filed but  
43 shall be returned to be properly prepared. The clerk shall retain one copy of the non-  
44 complying brief and the party shall file a brief prepared in compliance with these rules  
45 within 5 days. The party whose brief has been rejected under this provision shall  
46 immediately notify the opposing party in writing of the lodging. The clerk may grant  
47 additional time for bringing a brief into compliance only under extraordinary  
48 circumstances. This rule is not intended to permit significant substantive changes in  
49 briefs, petitions for certiorari or petitions for rehearing. This subsection does not apply to  
50 petitions for writ of certiorari or to petitions for rehearing.

51

### 52 **Advisory Committee Note**

53 The change from the term "pica size" to "ten characters per inch" is intended to  
54 accommodate the widespread use of word processors. The definition of pica is print of  
55 approximately ten characters per inch. The amendment is not intended to prohibit  
56 proportionally spaced printing.

57 An Anders brief is a brief filed pursuant to *Anders v. California*, 386 U.S. 793,  
58 97 S.Ct. 1396 (1967), in cases where counsel believes no nonfrivolous appellate issues  
59 exist. In order for an Anders-type brief to be accepted by either the Utah Court of  
60 Appeals or the Utah Supreme Court, counsel must comply with specific requirements  
61 that are more rigorous than those set forth in *Anders*. See, e.g. *State v. Wells*, 2000 UT  
62 App 304, 13 P.3d 1056 (per curiam); *In re D.C.*, 963 P.2d 761 (Utah App. 1998); *State*

63 v. Flores, 855 P.2d 258 (Utah App. 1993)(per curiam); Dunn v. Cook, 791 P.2d 873  
64 (Utah 1990); and State v. Clayton, 639 P.2d 168 (Utah 1981).