

1 **Rule 25A. Challenging the constitutionality of a statute or ordinance.**

2 (a) Notice to the Attorney General or the county or municipal attorney; penalty
3 for failure to give notice.

4 (a)(1) When a party challenges the constitutionality of a statute in an
5 appeal or petition for review in which the Attorney General has not appeared, every
6 party must serve its principal brief and any subsequent brief on the Attorney
7 General on or before the date the brief is filed.

8 (a)(2) When a party challenges the constitutionality of a county or
9 municipal ordinance in an appeal or petition for review in which the responsible
10 county or municipal attorney has not appeared, every party must serve its principal
11 brief and any subsequent brief on the county or municipal attorney on or before the
12 date the brief is filed.

13 (a)(3) If an appellee or cross-appellant is the first party to challenge the
14 constitutionality of a statute or ordinance, the appellant must serve its principal
15 brief on the Attorney General or the county or municipal attorney no more than 7
16 days after receiving the appellee's or the cross-appellant's brief and must serve its
17 reply brief on or before the date it is filed.

18 (a)(4) Every party must serve its brief on the Attorney General by email
19 or mail at the following address and must file proof of service with the court.

20 Email

21 notices@agutah.gov

22 Mail

23 Office of the Utah Attorney General

24 Attn: Utah Solicitor General

25 320 Utah State Capitol

26 P.O. Box 142320

27 Salt Lake City, Utah 84114-2320

28 (a)(5) If a party does not serve a brief as required by this rule and

29 supplemental briefing is ordered as a result of that failure, a court may order that
30 party to pay the costs, expenses, and attorney fees of any other party resulting from
31 that failure.

32 (b) Notice by the Attorney General or county or municipal attorney; amicus brief.

33 (b)(1) Within 14 days after service of the brief that presents a
34 constitutional challenge the Attorney General or other government attorney will
35 notify the appellate court whether it intends to file an amicus brief. The Attorney
36 General or other government attorney may seek up to an additional 7 days'
37 extension of time from the court. Should the Attorney General or other government
38 attorney decline to file an amicus brief, that entity should plainly state the reasons
39 therefor.

40 (b)(2) If the Attorney General or other government attorney declines to
41 file an amicus brief, the briefing schedule is not affected.

42 (b)(3) If the Attorney General or other government attorney intends to file
43 an amicus brief, that brief will come due 30 days after the notice of intent is filed.
44 Each governmental entity may file a motion to extend that time as provided under
45 Rule 22. On a governmental entity filing a notice of intent, the briefing schedule
46 established under Rule 13 is vacated, and the next brief of a party will come due 30
47 days after the amicus brief is filed.

48 (c) Call for the views of the Attorney General or county or municipal attorney.
49 Any time a party challenges the constitutionality of a statute or ordinance, the
50 appellate court may call for the views of the Attorney General or of the county or
51 municipal attorney and set a schedule for filing an amicus brief and supplemental
52 briefs by the parties, if any.

Effective November 1, 2016