

1 **Rule 9. Docketing statement.**

2 (a) **Purpose.** A docketing statement has two principal purposes: (1) to demonstrate that the  
3 appellate court has jurisdiction over the appeal, and (2) to identify at least one substantial issue  
4 for review. The docketing statement is a document used for jurisdictional and screening  
5 purposes. It should not include argument.

6 (b) **Time for filing.** Within 21 days after a notice of appeal, cross-appeal, or a petition for review  
7 of an administrative order is filed, the appellant, cross-appellant, or petitioner ~~shall~~must file ~~an~~  
8 ~~original and two copies of a~~the docketing statement with the ~~clerk of the~~ appellate court clerk  
9 and serve ~~a copy~~the docketing statement with any required attachments on all parties. The Utah  
10 Attorney General ~~shall~~must be served in any appeal arising from a crime charged as a felony or a  
11 juvenile court proceeding.

12 (c) **Content of docketing statement in a civil case.** The docketing statement in an appeal arising  
13 from a civil case ~~shall~~must include:

14 (1) A concise statement of the nature of the proceeding and the effect of the order  
15 appealed, and the district court case number, e.g., “This appeal is from a final judgment  
16 of the First District Court granting summary judgment in case number 001900055.”

17 (2) The following dates relevant to a determination of the ~~timeliness of the notice of~~  
18 appeal’s timeliness and the ~~jurisdiction of the~~ appellate court’s jurisdiction:

19 (iA) The date ~~of entry of~~ the final judgment or order from which the appeal is  
20 taken is entered.

21 (iiB) The date the notice of appeal was filed in the trial court.

22 (iiiC) If the notice of appeal was filed after receiving ~~an~~ time extension ~~of the~~  
23 ~~time to file pursuant to~~under Rule 4(e), the date the motion for an extension was  
24 granted.

25 (ivD) If any motions listed in Rule 4(b) were filed, the date such motion was filed  
26 in the trial court and the date ~~of entry of~~ any order disposing of such motion was  
27 entered.

28 (vE) If the appellant is an inmate confined in an institution and is invoking Rule  
29 21(f), the date the notice of appeal was deposited in the institution's internal mail  
30 system.

31 (viF) If a motion to reinstate the time to appeal was filed pursuant to under Rule  
32 4(g), the date of the order disposing of such motion was entered.

33 (3) If the appeal is taken from an order certified as final pursuant to under Rule 54(b) of  
34 the Utah Rules of Civil Procedure, a statement of what claims and parties remain for  
35 adjudication before the trial court for adjudication.

36 (4) A statement of at least one substantial issue appellant intends to assert on appeal. An  
37 issue not raised in the docketing statement may nevertheless be raised in the appellant's  
38 brief of the appellant; conversely, an issue raised in the docketing statement does not  
39 have to be included in the appellant's brief of the appellant.

40 (5) A concise summary of the facts necessary to provide context for the issues presented.

41 (6) A reference to all related or prior appeals in the case, with case numbers and citations.

42 (d) **Content of a docketing statement in a criminal case.** The docketing statement in an appeal  
43 arising from a criminal case shall must include:

44 (1) A concise statement of the nature of the proceeding, including the highest degree of  
45 any of the charges in the trial court, and the district court case number, e.g., "This appeal  
46 is from a judgment of conviction and sentence of the Third District Court on a third  
47 degree felony charge in case number 001900055."

48 (2) The following dates relevant to a determination of the timeliness of the appeal's  
49 timeliness and the jurisdiction of the appellate court's jurisdiction:

50 (iA) The date of entry of the final judgment or order from which the appeal is  
51 taken is entered.

52 (iiB) The date the notice of appeal was filed in the district court.

53 (iiiC) If the notice of appeal was filed after receiving an extension of the time  
54 extension to file pursuant to under rule 4(e), the date the motion for an extension  
55 was granted.

56 (~~iv~~D) If a motion ~~pursuant to~~under Rule 24 of the Utah Rules of Criminal  
57 Procedure was filed, the date such motion was filed in the trial court and the date  
58 ~~of entry of~~ any order disposing of such motion was entered.

59 (~~v~~E) If a motion to reinstate the time to appeal was filed ~~pursuant to~~under Rule  
60 4(f), the date ~~of~~ the order disposing of such motion was entered.

61 (~~vi~~F) If the appellant is an inmate confined to an institution and is invoking Rule  
62 21(f), the date the notice of appeal was deposited in the institution's internal mail  
63 system.

64 (3) The charges of which the defendant was convicted, and any sentence imposed; or, if  
65 the defendant was not convicted, the dismissed or pending charges.

66 (4) A statement of at least one substantial issue appellant intends to assert on appeal. An  
67 issue not raised in the docketing statement may nevertheless be raised in ~~the~~ appellant's  
68 ~~brief of the appellant~~; conversely, an issue raised in the docketing statement does not  
69 have to be included in ~~the~~ appellant's ~~brief of the appellant~~.

70 (5) A concise summary of the facts necessary to provide context for the issues presented.  
71 If the conviction was pursuant to a plea, the statement of facts should include whether a  
72 motion to withdraw the plea was made ~~prior to~~before sentencing, and whether the plea  
73 was conditional.

74 (6) A reference to all related or prior appeals in the case, with case numbers and citations.

75 (e) **Content of a docketing statement in a review of an administrative order.** The docketing  
76 statement in a case arising from an administrative proceeding ~~shall~~must include:

77 (1) A concise statement of the nature of the proceedings and the effect of the order  
78 appealed, e.g., "This petition is from an order of the Workforce Appeals Board denying  
79 reconsideration of the denial of benefits."

80 (2) The statutory provision that confers jurisdiction on the appellate court.

81 (3) The following dates relevant to a determination of the timeliness of the petition for  
82 review:

83 (iA) The date ~~of entry of~~ the final order from which the petition for review is  
84 filed.

85 (iiB) The date the petition for review was filed.

86 (4) A statement of at least one substantial issue petitioner intends to assert on review. An  
87 issue not raised in the docketing statement may nevertheless be raised in ~~the petitioner's~~  
88 ~~brief of petitioner~~; conversely, an issue raised in the docketing statement does not have to  
89 be included in ~~the petitioner's~~ ~~brief of petitioner~~.

90 (5) A concise summary of the facts necessary to provide context for the issues presented.

91 (6) If applicable, a reference to all related or prior petitions for review in the same case.

92 (7) ~~Copies of~~ ~~†~~ The following documents must be attached to ~~each copy of~~ the docketing  
93 statement:

94 (iA) The final order from which the petition for review is filed.

95 (iiB) In appeals arising from an order of the Public Service Commission, any  
96 application for rehearing filed pursuant to Utah Code section 54-7-15.

97 (f) **Consequences of failure to comply.** In a civil appeal, failure to file a docketing statement  
98 within the time period provided in subsection (b) may result in dismissal of a civil appeal or a  
99 petition for review. In a criminal case, failure to file a docketing statement within the time period  
100 provided in subsection (b) may result in a finding of contempt or other sanction.

101 (g) **Appeals from interlocutory orders.** When a petition for permission to appeal from an  
102 interlocutory order is granted under Rule 5, a docketing statement ~~shall~~may not be filed unless  
103 otherwise ordered.

104 *Effective November 1, 2020*