

1 **Rule 25A. Challenging the constitutionality of a statute, ~~or ordinance,~~ rule, or other**  
2 **administrative or legislative enactment.**

3 (a) **Notice to the Attorney General or ~~the county or municipal attorney~~other**  
4 **governmental entity; penalty for failure to give notice.**

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

9 (2) When a party challenges the constitutionality of a governmental entity's  
10 ordinance, rule, or other administrative or legislative enactment ~~a county or~~  
11 ~~municipal ordinance~~ in an appeal or petition for review in which the responsible  
12 ~~county or municipal~~ governmental entity attorney has not appeared, every party  
13 must serve its principal brief and any subsequent brief on the governmental  
14 entity ~~county or municipal attorney~~ on or before the date the brief is filed, and file  
15 proof of service with the court.

16 (3) If an appellee or cross-appellant is the first party to challenge the  
17 constitutionality of a statute, ~~or ordinance,~~ rule, or other administrative or legislative  
18 enactment, the appellant must serve its principal brief on the Attorney General or  
19 ~~the county or municipal~~ other governmental entity no more than 7 days after  
20 receiving the appellee's or the cross-appellant's brief and must serve its reply brief  
21 on or before the date it is filed.

22 (4) When service on the Attorney General is necessary under these rules, ~~E~~every  
23 party must serve its brief on the Attorney General by email or, if circumstances  
24 prevent service by email, by mail at the addresses below, ~~or mail at the following~~  
25 ~~address~~ and ~~must~~ file proof of service with the court.

26 Email:

27 notices@agutah.gov

28 | Mail:  
29 | Office of the Utah Attorney General  
30 | Attn: Utah Solicitor General  
31 | 350 North State Street, Suite 230  
32 | ~~320 Utah State Capitol~~  
33 | P.O. Box 142320  
34 | Salt Lake City, Utah 84114-2320

35 | (5) If a party does not serve a brief as required by this rule and supplemental  
36 | briefing is ordered as a result of that failure, a court may order that party to pay the  
37 | costs, expenses, and attorney fees of any other party resulting from that failure.

38 | (b) Notice by the Attorney General or ~~other governmental entity-county or municipal~~  
39 | ~~attorney~~; amicus brief.

40 | (1) ~~Within 14 days after service of the a brief that presents a constitutional challenge,~~  
41 | ~~and all responsive briefs,~~ When a party raises a constitutional challenge in an appeal  
42 | in which the Attorney General or responsible governmental entity has not appeared,  
43 | the Attorney General or other governmental ~~attorney entity will must notify inform~~  
44 | the appellate court whether ~~it intends to it will~~ file an amicus brief. When the  
45 | appellant's principal brief raises the constitutional challenge, the Attorney General  
46 | or other governmental entity must file its notice within 14 days after service of the  
47 | appellee's principal brief. When the appellee's or cross-appellant's principal brief  
48 | raises the constitutional challenge, the Attorney General or other governmental  
49 | entity must file its notice within 14 days after service of the appellant's or cross-  
50 | appellant's reply brief. The Attorney General or other governmental ~~attorney entity~~  
51 | may seek up to an additional 7 days' extension of time ~~from the court to file its~~  
52 | ~~notice. Should the Attorney General or other government attorney decline to file an~~  
53 | ~~amicus brief, that entity should plainly state the reasons therefor.~~

54 (2) If the Attorney General or other governmental al attorney entity declines to file an  
55 amicus brief, the briefing schedule is not affected.

56 (3) If the Attorney General or other governmental al attorney entity intends to file an  
57 amicus brief, that brief ~~will come is~~ due 30 days after the notice of intent is filed. ~~Each~~  
58 The Attorney General or other governmental entity may ~~file a motion move~~ to  
59 extend that time as provided under Rule 22. ~~On a governmental entity~~ The filing ~~of~~ a  
60 notice of intent ~~to file an amicus brief, vacates~~ the briefing schedule established  
61 under Rule 13 ~~is vacated,~~ and the next brief of a party, ~~if the rules allow for a next~~  
62 brief, will come is due 30 days after the amicus brief is ~~filed served.~~ If the rules do not  
63 allow the party that raised the constitutional challenge to file an additional brief  
64 without leave of the court after that party receives the amicus brief, that party may  
65 move for permission to file a supplemental brief. If leave is granted, the court will  
66 state the length of, and due date for, the supplemental brief. The supplemental brief  
67 must be limited to responding to the arguments raised in the amicus brief and  
68 comply with all other requirements of rule 24(b). On its own motion, the court may  
69 order additional supplemental briefing.

70 (c) ~~Call for the views of the Attorney General or other governmental entity county or~~  
71 ~~municipal attorney.~~ Any time a party challenges the constitutionality of a statute, ~~or~~  
72 ordinance, ~~rule, or other administrative or legislative enactment,~~ the appellate court  
73 may call for the views of the Attorney General or ~~of the county or municipal~~  
74 ~~attorney~~ other governmental entity and set a schedule for filing an amicus brief and  
75 supplemental briefs by the parties, if any.

76 (d) Participation in oral argument. If the Attorney General or other governmental  
77 entity county or municipal attorney files an amicus brief, the Attorney General or other  
78 governmental entity county or municipal attorney will be permitted to participate at  
79 oral argument by timely declaring an intent to participate on the court's oral argument  
80 acknowledgment form. :