

1 **Rule 9. Docketing statement.**

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

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

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

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

16 (c)(2) The following dates relevant to a determination of the timeliness of the notice of appeal and
17 the jurisdiction of the appellate court:

18 (c)(2)(i) The date of entry of the final judgment or order from which the appeal is taken.

19 (c)(2)(ii) The date the notice of appeal was filed in the trial court.

20 (c)(2)(iii) If the notice of appeal was filed after receiving an extension of the time to file
21 pursuant to Rule [4\(e\)](#), the date the motion for an extension was granted.

22 (c)(2)(iv) If ~~any~~ motions listed in Rule [4\(b\)](#) ~~were was~~ filed, the date ~~such the~~ motion was filed
23 in the trial court and the date of entry of ~~any the~~ order disposing of ~~such the~~ motion.

24 (c)(2)(v) If the appellant is an inmate confined in an institution ~~and is invoking Rule 21(f)~~, the
25 date the notice of appeal was deposited in the institution's internal mail system.

26 (c)(2)(vi) If a motion to reinstate the time to appeal was filed pursuant to Rule [4\(g\)](#), the date of
27 the order disposing of ~~such the~~ motion.

28 (c)(3) If the appeal is taken from an order certified as final pursuant to Rule [54\(b\)](#) of the Utah
29 Rules of Civil Procedure, a statement of what claims and parties remain before the trial court for
30 adjudication.

31 (c)(4) A statement of at least one substantial issue appellant intends to assert on appeal. An
32 issue not raised in the docketing statement may nevertheless be raised in the brief of the appellant;
33 conversely, an issue raised in the docketing statement does not have to be included in the brief of the
34 appellant.

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

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

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

39 (d)(1) A concise statement of the nature of the proceeding, including the highest degree of any of
40 the charges in the trial court, and the district court case number, e.g., “This appeal is from a judgment
41 of conviction and sentence of the Third District Court on a third degree felony charge in case number
42 001900055.”

43 (d)(2) The following dates relevant to a determination of the timeliness of the appeal and the
44 jurisdiction of the appellate court:

45 (d)(2)(i) The date of entry of the final judgment or order from which the appeal is taken.

46 (d)(2)(ii) The date the notice of appeal was filed in the district court.

47 (d)(2)(iii) If the notice of appeal was filed after receiving an extension of the time to file
48 pursuant to rule 4(e), the date the motion for an extension was granted.

49 (d)(2)(iv) If a motion pursuant to Rule [24](#) of the Utah Rules of Criminal Procedure was filed,
50 the date ~~such~~the motion was filed in the trial court and the date of entry of ~~any~~the order
51 disposing of ~~such~~the motion.

52 (d)(2)(v) If a motion to reinstate the time to appeal was filed pursuant to Rule [4\(f\)](#), the date of
53 the order disposing of ~~such~~the motion.

54 (d)(2)(vi) If the appellant is an inmate confined to an institution ~~and is invoking Rule 21(f)~~, the
55 date the notice of appeal was deposited in the institution’s internal mail system.

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

58 (d)(4) A statement of at least one substantial issue appellant intends to assert on appeal. An
59 issue not raised in the docketing statement may nevertheless be raised in the brief of the appellant;
60 conversely, an issue raised in the docketing statement does not have to be included in the brief of the
61 appellant.

62 (d)(5) A concise summary of the facts necessary to provide context for the issues presented. If
63 the conviction was pursuant to a plea, the statement of facts should include whether a motion to
64 withdraw the plea was made prior to sentencing, and whether the plea was conditional.

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

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

68 (e)(1) A concise statement of the nature of the proceedings and the effect of the order appealed,
69 e.g., “This petition is from an order of the Workforce Appeals Board denying reconsideration of the
70 denial of benefits.”

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

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

73 (e)(3)(i) The date of entry of the final order from which the petition for review is filed.

74 (e)(3)(ii) The date the petition for review was filed.

75 (e)(4) A statement of at least one substantial issue petitioner intends to assert on review. An
76 issue not raised in the docketing statement may nevertheless be raised in the brief of petitioner;
77 conversely, an issue raised in the docketing statement does not have to be included in the brief of
78 petitioner.

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

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

81 (e)(7) ~~Copies~~ A copy of the following documents must be attached to ~~each copy~~ of the docketing
82 statement:

83 (e)(7)(i) The final order from which the petition for review is filed.

84 (e)(7)(ii) In appeals arising from an order of the Public Service Commission, any application
85 for rehearing filed pursuant to Utah Code Section [54-7-15](#).

86 **(f) Consequences of failure to comply.** In a civil appeal, failure to file a docketing statement within
87 the time period provided in ~~subsection-paragraph~~ (b) may result in dismissal of a civil appeal or a petition
88 for review. In a criminal case, failure to file a docketing statement within the time period provided in
89 ~~subsection-paragraph~~ (b) may result in a finding of contempt or other sanction.

90 **(g) Appeals from interlocutory orders.** When a petition for permission to appeal from an
91 interlocutory order is granted under Rule [5](#), a docketing statement ~~shall~~ may not be filed unless otherwise
92 ordered.

93 **Advisory Committee Notes**

94 ~~The content of the docketing statement has been slightly reordered to first state information governing~~
95 ~~the jurisdiction of the court.~~

96 ~~The docketing statement and briefs contain a new section requiring a statement of the applicable~~
97 ~~standard of review, with citation of supporting authority, for each issue presented on appeal.~~

98 ~~The content of the docketing statement has been reordered and brought into conformity with revised~~
99 ~~Rule 4, Utah Rules of Appellate Procedure.~~ This rule is satisfied by a docketing statement in compliance
100 with ~~form 7~~ the forms found at <http://www.utcourts.gov/howto/appeals/#forms>.

101 The provisions for service formerly found in this rule, have been consolidated in Rule 21.

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