

1 **Rule 21. Filing and service.**

2 **(a) Filing. Papers**

3 (a)(1) Any filing required or permitted to be filed by these rules shall ~~must~~ be filed with the clerk of  
 4 the appropriate court. Filing may be accomplished by mail addressed to the clerk. Except as provided  
 5 in subpart (f), filing is not considered timely unless the papers are received by the clerk within the time  
 6 fixed for filing, except that briefs shall be deemed filed on the date of the postmark if first class mail is  
 7 utilized. If a motion requests relief which may be granted by a single justice or judge, the justice or  
 8 judge may accept the motion, note the date of filing, and transmit it to the clerk. Courtesy briefs must  
 9 be bound as required in Rule 27. Otherwise, if a paper document is filed, the pages must not be  
 10 bound or stapled.

11 (a)(2) Unless filed by an inmate confined in an institution, a filing must be received by the clerk  
 12 within the time fixed for filing. A filing by an inmate confined in an institution is timely filed if it is  
 13 deposited in the institution's internal mail system on or before the last day for filing with first-class  
 14 postage prepaid. An inmate must include in the certificate of service a statement under penalty of  
 15 Utah Code Section 78B-5-705 required by paragraph (d).

16 (a)(3) Filing by a self-represented party may be by delivery or by mail or email addressed to the  
 17 clerk of the court. Before [date] filing by a lawyer may be by delivery or electronic filing or by mail or  
 18 email addressed to the clerk of the court. After [date] filing by a lawyer must be by electronic filing.

19 (a)(4) The filer must pay any fee established by law at the time of filing, but the clerk will accept  
 20 the filing regardless of whether the fee has been paid. Failure to pay the filing fee within a reasonable  
 21 time may result in dismissal.

22 **(b) Service of all papers documents required. Copies of all papers**

23 **(b)(1) Service on counsel or party.** Any document filed with the appellate court shall, at or  
 24 before the time of filing, ~~must~~ be served on all other parties to the appeal or review at or before the  
 25 time of filing. Service on a party represented by counsel shall ~~must~~ be made on counsel of record, or,  
 26 if the party is not represented by counsel, ~~upon~~ on the party at the last known address.

27 **(b)(2) Served documents must be filed.** A copy of any paper document required by these rules  
 28 to be served on a party shall ~~must~~ be filed with the court and accompanied by proof of service.

29 **(b)(3) Service on the attorney general.** Any document filed by a defendant in a criminal case  
 30 originally charged as a felony or by a juvenile in a delinquency proceeding must be served on the  
 31 Criminal Appeals Division of the Office of the Utah Attorney General.

32 **(c) Manner of service.** ~~Service may be personal or by mail. Personal service includes delivery of the~~  
 33 ~~copy to a clerk or other responsible person at the office of counsel. Service by mail is complete on~~  
 34 ~~mailing. Unless personal service is required, service may be by:~~

35 (c)(1) submitting it for electronic filing if the person being served has an electronic filing account,  
 36 except a petition for review under Rule 14;

37 (c)(2) emailing it to the email address provided by the person or to the email address on file with  
38 the Utah State Bar;

39 (c)(3) mailing it to the person's last known address;

40 (c)(4) handing it to the person;

41 (c)(5) leaving it at the person's office with a person in charge or, if no one is in charge, leaving it  
42 in a receptacle intended for receiving deliveries or in a conspicuous place; or

43 (c)(6) leaving it at the person's dwelling house or usual place of abode with a person of suitable  
44 age and discretion who resides there.

45 **(d) Proof of service.** ~~Papers presented for a filing shall~~ must contain or be filed with an  
46 acknowledgment of service by the person served or a certificate of service in the form of a statement of  
47 stating the date and manner of service, the names of the persons served, and the addresses at which  
48 they were served. The certificate of service may appear on or be affixed to the papers filed. If counsel of  
49 record is served, the certificate of service shall must designate the name of the party represented by that  
50 counsel. The certificate of service of a service by an inmate must also state under penalty of Utah Code  
51 Section 78B-5-705 the date the filing was deposited in the institution's internal mail system and state that  
52 first-class postage was prepaid.

53 **(e) Signature.** ~~All papers~~ documents filed in the appellate court shall must be signed by counsel of  
54 record or by a party who is not represented by counsel. A person may sign a document using any form of  
55 signature recognized by law. If a document is electronically signed, the document may contain a typed  
56 representation of a signature, such as "s/name."

57 ~~(f) Papers filed by an inmate confined in an institution are timely filed if they are deposited in the~~  
58 ~~institution's internal mail system on or before the last day for filing. Timely filing may be shown by a~~  
59 ~~notarized statement or written declaration setting forth the date of deposit and stating that first-class~~  
60 ~~postage has been prepaid.~~

61 **(f) Filing a notarized document.** Except when required by statute a filing need not be verified or  
62 accompanied by affidavit. If a rule requires an affidavit or a notarized, verified, or acknowledged  
63 signature, the person may submit a declaration pursuant to Utah Code Section 78B-5-705. If a statute  
64 requires an affidavit or a notarized, verified, or acknowledged signature and the party electronically files  
65 the document, the party may:

66 (f)(1) electronically file the original affidavit with a notary acknowledgment as provided by Utah  
67 Code Section 46-1-16(7);

68 (f)(2) electronically file a scanned image of the affidavit;

69 (f)(3) electronically file the affidavit with a conformed signature; or

70 (f)(4) if the filer does not have an electronic filing account, present the original affidavit to the clerk  
71 of the court, who will electronically file a scanned image and return the original to the filer.

72 The filer must keep the original affidavit of anyone other than the filer safe and available for inspection  
73 upon request until the action is concluded.

74 **(g) Filings containing other than public information and records.** If a filing, including an  
75 addendum, contains non-public information, the filer must also file a version with all such information  
76 removed. Non-public information means information classified as private, controlled, protected,  
77 safeguarded, sealed, juvenile court legal, or juvenile court social, or any other information to which the  
78 right of public access is restricted by statute, rule, order, or caselaw.

79 **Advisory Committee Notes**

80 Paragraph (e) is added to Rule 21 to consolidate various signature provisions formerly found in other  
81 ~~sections of the rules.~~

82 2015 amendments

83 Records are classified as public, private, controlled, protected, safeguarded, sealed, juvenile court  
84 legal, or juvenile court social by Code of Judicial Administration Rule 4-202.02. The right of public access  
85 might also be restricted by [Title 63G, Chapter 2, Government Records Access and Management Act](#), by  
86 other statutes, rules, or caselaw, or by court order. If a filing contains information or records that are not  
87 public, Rule 21(g) requires the filer to file an unredacted version for the court and a version for the public  
88 that does not contain the confidential information.

89 2016 amendments

90 The provisions for service, proof of service, and paying filing fees, formerly found in other rules, have  
91 been consolidated in this rule.

92 The addresses of the clerks of court are:

Clerk of the Supreme Court

supremecourt@utcourts.gov

POB 140210

Salt Lake City, UT 84114-0210

Clerk of the Court of Appeals

courtofappeals@utcourts.gov

POB 140230

Salt Lake City, UT 84114-0230

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