

1 **Rule 24. Briefs.**

2 **(a) Brief of the appellant.** The brief of the appellant ~~shall~~must contain under appropriate headings  
3 and in the order indicated:

4 (a)(1) A complete list of all parties to the proceeding in the court or agency whose judgment or  
5 order is sought to be reviewed, except where the caption of the case on appeal contains the names of  
6 ~~all such~~those parties. The list should be set out on a separate page which appears immediately  
7 inside the cover.

8 (a)(2) A table of contents, including the contents of the addendum, with page references.

9 (a)(3) A table of authorities with cases alphabetically arranged and with parallel citations, rules,  
10 statutes and other authorities cited, with references to the pages of the brief where they are cited.

11 (a)(4) A brief statement showing the jurisdiction of the appellate court.

12 (a)(5) A statement of the issues presented for review, including for each issue:

13 (a)(5)(A) the standard of appellate review with supporting authority; and

14 ~~(a)(5)(A)~~ (a)(5)(B) citation to the record showing that the issue was preserved in the trial  
15 court; or

16 ~~(a)(5)(B)~~ (a)(5)(C) a statement of grounds for seeking review of an issue not preserved in the  
17 trial court.

18 (a)(6) Constitutional provisions, statutes, ordinances, rules, and regulations whose interpretation  
19 is determinative of the appeal or of central importance to the appeal ~~shall~~must be set out verbatim  
20 with the appropriate citation. If the pertinent part of the provision is lengthy, the citation alone will  
21 suffice, and the provision ~~shall~~must be set forth in an addendum to the brief under paragraph (a)(11)  
22 ~~of this rule.~~

23 (a)(7) A statement of the case. The statement ~~shall~~must first indicate briefly the nature of the  
24 case, the course of proceedings, and its disposition in the court below. A statement of the facts  
25 relevant to the issues presented for review ~~shall~~must follow. All statements of fact and references to  
26 the proceedings below ~~shall~~must be supported by citations to the record in accordance with  
27 paragraph ~~(e)~~ of this rule.

28 (a)(8) Summary of arguments. The summary of arguments, suitably paragraphed, ~~shall~~must be a  
29 succinct condensation of the arguments actually made in the body of the brief. It ~~shall~~must not be a  
30 mere repetition of the heading under which the argument is arranged.

31 (a)(9) An argument. The argument ~~shall~~must contain the contentions and reasons of the  
32 appellant with respect to the issues presented, including the grounds for reviewing any issue not  
33 preserved in the trial court, with citations to the authorities, statutes, and parts of the record relied on.  
34 A party challenging a fact finding must first marshal all record evidence that supports the challenged  
35 finding. A party seeking to recover attorney's fees incurred on appeal ~~shall~~must state the request  
36 explicitly and set forth the legal basis for ~~such~~ an award.

37 (a)(10) A short conclusion stating the precise relief sought.

38 (a)(11) An addendum to the brief or a statement that no addendum is necessary ~~under this~~  
39 ~~paragraph. The addendum shall be bound as part of the brief unless doing so makes the brief~~  
40 ~~unreasonably thick. If the addendum is bound separately, the addendum shall contain a table of~~  
41 ~~contents. The addendum shall must contain a copy of:~~

42 (a)(11)(A) any constitutional provision, statute, rule, or regulation of central importance cited  
43 in the brief but not reproduced verbatim in the brief;

44 (a)(11)(B) in cases being reviewed on certiorari, a copy of the Court of Appeals opinion; in all  
45 cases any court opinion of central importance to the appeal but not available to the court as part  
46 of a regularly published reporter service; and

47 (a)(11)(C) those parts of the record on appeal that are of central importance to the  
48 determination of the appeal, such as the challenged instructions, findings of fact and conclusions  
49 of law, memorandum decision, the transcript of the court's oral decision, or the contract or  
50 document subject to construction.

51 **(b) Brief of the appellee.** The brief of the appellee ~~shall~~ must conform to the requirements of  
52 paragraph (a) ~~of this rule~~, except that the appellee need not include:

53 (b)(1) a statement of the issues or of the case unless the appellee is dissatisfied with the  
54 statement of the appellant; or

55 (b)(2) an addendum, except to provide material not included in the addendum of the appellant.  
56 ~~The appellee may refer to the addendum of the appellant.~~

57 **(c) Reply brief.** The appellant may file a brief in reply to the appellee's ~~brief of the appellee~~, and if the  
58 appellee has cross-appealed, the appellee may file a brief in reply to the appellant's ~~response of the~~  
59 ~~appellant~~ to the issues presented by the cross-appeal. Reply briefs ~~shall~~ must be limited to answering any  
60 new matter set forth in the opposing brief. The content of the reply brief ~~shall~~ must conform to the  
61 requirements of paragraphs (a)(2), (3), (9), and (10) ~~of this rule~~. No further briefs may be filed except with  
62 leave of the appellate court.

63 **(d) References in briefs to parties.** ~~Counsel will be expected in their briefs and oral arguments to~~  
64 ~~keep to a minimum references to parties by such designations~~ Parties should not be referred to as  
65 "appellant" and "appellee." It promotes clarity to use the designations used in the lower trial court ~~or in the~~  
66 ~~agency proceedings~~, or the actual names of parties and others, or descriptive terms such as "the  
67 employee," "the injured person," "the taxpayer," etc.

68 **(e) References in briefs to the record.** ~~References shall be made to the pages of the original record~~  
69 ~~as paginated pursuant to Rule 11(b) or to pages of any statement of the evidence or proceedings or~~  
70 ~~agreed statement prepared pursuant to Rule 11(f) or 11(g). References to pages of published depositions~~  
71 ~~or transcripts shall identify the sequential number of the cover page of each volume as marked by the~~  
72 ~~clerk on the bottom right corner and each separately numbered page(s) referred to within the deposition~~  
73 ~~or transcript as marked by the transcriber.~~

74 (e)(1) The displayed text of a reference to the trial court record must set forth “R:#:#” where the  
75 first digit is the docket number of the document referred to and the second digit is the PDF page  
76 number on which the reference is found.

77 (e)(2) The displayed text of a reference to the appellate court record must set forth “A:#:#” where  
78 the first digit is the docket number of the document referred to and the second digit is the PDF page  
79 number on which the reference is found.

80 (e)(3) The displayed text of a reference to the trial court or appellate court record must link to the  
81 page of the document on which the reference is found.

82 (e)(4) A party may set forth a further reference to a document to aid the reader, such as a  
83 document title, paragraph number, section number, etc.

84 (e)(5) The displayed text of a reference to an agency record must set forth the page number of  
85 the paginated record on which the reference is found.

86 ~~R (e)(6) A references to an exhibits shall be made to~~ must set forth the exhibit numbers. If the  
87 reference is ~~made to~~ evidence the admissibility of which is in controversy, the reference shall be  
88 ~~made to~~ must set forth the pages of the record at which the evidence was identified, offered, and  
89 received or rejected.

90 **(f) Length of briefs.**

91 (f)(1) Type-volume limitation.

92 (f)(1)(A) In an appeal involving the legality of a death sentence, a principal brief is acceptable  
93 if it contains no more than 28,000 words or if it uses a monospaced face and contains no more  
94 than 2,600 lines of text; and a reply brief is acceptable if it contains no more than 14,000 words or  
95 if it uses a monospaced face and contains no more than 1,300 lines of text. In all other appeals, a  
96 principal brief is acceptable if it contains no more than 14,000 words or it uses a monospaced  
97 face and contains no more than 1,300 lines of text; and a reply brief is acceptable if it contains no  
98 more than 7,000 words or it uses a monospaced face and contains no more than 650 lines of  
99 text.

100 (f)(1)(B) Headings, footnotes and quotations count toward the word and line limitations, but  
101 the table of contents, table of citations, and any addendum containing statutes, rules, regulations  
102 or portions of the record as required by paragraph (a) ~~of this rule~~ do not count toward the word  
103 and line limitations.

104 (f)(1)(C) Certificate of compliance. A brief submitted under ~~Rule 24 paragraph~~ (f)(1) must  
105 include a certificate by the attorney or an unrepresented party that the brief complies with the  
106 type-volume limitation. The person preparing the certificate may rely on the word or line count of  
107 the word processing system used to prepare the brief. The certificate must state either the  
108 number of words in the brief or the number of lines of monospaced type in the brief.

109 (f)(2) Page limitation. Unless a brief complies with ~~Rule 24 paragraph~~ (f)(1), a principal briefs shall  
110 may not exceed 30 pages, and a reply briefs shall may not exceed 15 pages, exclusive of pages

111 containing the table of contents, tables of citations and any addendum containing statutes, rules,  
112 regulations, or portions of the record as required by paragraph (a) ~~of this rule~~.

113 In cases involving cross-appeals, paragraph (g) ~~of this rule~~ sets forth the length of briefs.

114 **(g) Briefs in cases involving cross-appeals.** If a cross-appeal is filed, the party first filing a notice of  
115 appeal ~~shall be deemed is~~ the appellant, unless the parties otherwise agree or the court otherwise orders.  
116 Each party ~~shall be is~~ entitled to file two briefs.

117 (g)(1) The appellant ~~shall must~~ file a Brief of Appellant, which ~~shall must~~ present the issues raised  
118 in the appeal.

119 (g)(2) The appellee ~~shall must~~ then file one brief, entitled Brief of Appellee and Cross-Appellant,  
120 which ~~shall must~~ respond to the issues raised in the Brief of Appellant and present the issues raised  
121 in the cross-appeal.

122 (g)(3) The appellant ~~shall must~~ then file one brief, entitled Reply Brief of Appellant and Brief of  
123 Cross-Appellee, which ~~shall must~~ reply to the Brief of Appellee and respond to the Brief of Cross-  
124 Appellant.

125 (g)(4) The appellee may then file a Reply Brief of Cross-Appellant, which ~~shall must~~ reply to the  
126 Brief of Cross-Appellee.

127 (g)(5) Type-Volume Limitation.

128 (g)(5)(A) The appellant's Brief of Appellant is acceptable if it contains no more than 14,000  
129 words or it uses a monospaced face and contains no more than 1,300 lines of text.

130 (g)(5)(B) The appellee's Brief of Appellee and Cross-Appellant is acceptable if it contains no  
131 more than 16,500 words or it uses a monospaced face and contains no more than 1,500 lines of  
132 text.

133 (g)(5)(C) The appellant's Reply Brief of Appellant and Brief of Cross-Appellee is acceptable if  
134 it contains no more than 14,000 words or it uses a monospaced face and contains no more than  
135 1,300 lines of text.

136 (g)(5)(D) The appellee's Reply Brief of Cross-Appellant is acceptable if it contains no more  
137 than half of the type volume specified in ~~Rule 24 paragraph~~ (g)(5)(A).

138 (g)(6) Certificate of Compliance. A brief submitted under ~~Rule 24 paragraph~~ (g)(5) must comply  
139 with ~~Rule 24 paragraph~~ (f)(1)(C).

140 (g)(7) Page Limitation. Unless it complies with ~~Rule 24 paragraphs~~ (g)(5) and (6), the appellant's  
141 Brief of Appellant must not exceed 30 pages; the appellee's Brief of Appellee and Cross-Appellant, 35  
142 pages; the appellant's Reply Brief of Appellant and Brief of Cross-Appellee, 30 pages; and the  
143 appellee's Reply Brief of Cross-Appellant, 15 pages.

144 **(h) Permission for to file over-length brief.** ~~While such motions are~~ A motion for permission to file  
145 an overlength brief is disfavored, but the court for good cause shown may ~~upon on~~ motion permit a party  
146 to file a brief that exceeds the page, word, or line limitations of this rule. The motion ~~shall must~~ state with  
147 specificity the issues to be briefed, the number of additional pages, words, or lines requested, and the

148 good cause for granting the motion. A motion filed at least ~~seven-7~~ seven-7 days ~~prior to~~ before the date the brief  
149 is due or seeking three or fewer additional pages, 1,400 or fewer additional words, or 130 or fewer lines of  
150 text need not be accompanied by a copy of the brief. A motion filed within ~~seven-7~~ seven-7 days of the date the  
151 brief is due ~~and or~~ seeking more than three additional pages, 1,400 additional words, or 130 lines of text  
152 ~~shall must~~ be accompanied by a copy of the finished brief. If the motion is granted, the responding party  
153 is entitled to an equal number of additional pages, words, or lines without further order of the court.  
154 Whether the motion is granted or denied, the draft brief will be destroyed by the court.

155 ~~(i) Briefs in cases involving multiple appellants or appellees~~ Joining in the brief of another;  
156 referring to the brief of another. In cases involving more than one appellant or appellee, including  
157 cases consolidated for purposes of the appeal, any number of either may join in a single brief, ~~and any~~  
158 ~~appellant or appellee~~ Any other party may adopt by reference any part of the brief of another. ~~Parties may~~  
159 ~~similarly join in reply briefs.~~

160 **(j) Citation of supplemental authorities.** When pertinent and significant authorities come to the  
161 attention of a party after that party's brief has been filed, or after oral argument but before decision, a  
162 party may promptly ~~advise the clerk of the appellate court, by letter~~ file a notice of supplemental authority  
163 setting forth the citations. ~~An original letter and nine copies shall be filed in the Supreme Court. An~~  
164 ~~original letter and seven copies shall be filed in the Court of Appeals. There shall be a reference either to~~  
165 ~~the page of the brief or to a point argued orally to which the citations pertain applies, but the letter shall~~  
166 ~~state and~~ the reasons for the supplemental citations. The body of the ~~letter must~~ notice may not exceed  
167 350 words. Any response ~~shall be made~~ must be filed within ~~seven-7~~ seven-7 days of filing the notice and ~~shall~~  
168 must be similarly limited.

169 **(k) Requirements and sanctions.** All briefs under this rule must be concise, presented with  
170 accuracy, logically arranged with proper headings and free from burdensome, irrelevant, immaterial or  
171 scandalous matters. Briefs ~~which are not in compliance~~ that do not comply may be disregarded or  
172 stricken, on motion or ~~sua sponte by~~ on the court's own initiative, and the court may assess attorney fees  
173 against the offending lawyer.

#### 174 **Advisory Committee Notes**

175 The rule reflects the marshaling requirement articulated in [State v. Nielsen](#), 2014 UT 10, 326 P.3d  
176 645, which holds that the failure to marshal is no longer a technical deficiency that will result in default,  
177 but is the manner in which an appellant carries its burden of persuasion when challenging a finding or  
178 verdict based upon evidence.

179 Briefs that do not comply with the technical requirements of this rule are subject to Rule [27\(e\)](#).

180 The brief must contain for each issue raised on appeal, a statement of the applicable standard of  
181 review and citation of supporting authority.