

1 **Rule 25A. Challenging the constitutionality of a statute or ordinance.**

2 **(a) Notice to the Attorney General or the county or municipal attorney; penalty for failure to**  
3 **give notice.**

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

7 (a)(2) When a party challenges the constitutionality of a county or municipal ordinance in an  
8 appeal or petition for review in which the responsible county or municipal attorney has not appeared,  
9 every party must serve its principal brief and any subsequent brief on the county or municipal attorney  
10 on or before the date the brief is filed.

11 (a)(3) If an appellee or cross-appellant is the first party to challenge the constitutionality of a  
12 statute or ordinance, the appellant must serve its principal brief on the Attorney General or the county  
13 or municipal attorney no more than 7 days after receiving the appellee's or the cross-appellant's brief  
14 and must serve its reply brief on or before the date it is filed.

15 (a)(4) Every party must serve its brief on the Attorney General by email or mail at the following  
16 address and must file proof of service with the court.

<u>Email</u>	<u>Mail</u>
<u>notices@agutah.gov</u>	<u>Office of the Utah Attorney General</u>
	<u>Attn: Utah Solicitor General</u>
	<u>320 Utah State Capitol</u>
	<u>P.O. Box 142320</u>
	<u>Salt Lake City, Utah 84114-2320</u>

17 (a)(5) If a party does not serve a brief as required by this rule and supplemental briefing is  
18 ordered as a result of that failure, a court may order that party to pay the costs, expenses, and  
19 attorney fees of any other party affected by that failure.

20 **(b) Notice by the Attorney General or county or municipal attorney; amicus brief.**

21 (b)(1) Within 14 days after service of the brief that presents a constitutional challenge the  
22 Attorney General or other government attorney will notify the appellate court whether it intends to file  
23 an amicus brief. The Attorney General or other government attorney may seek up to an additional 7  
24 days' extension of time from the court. Should the Attorney General or other government attorney  
25 decline to file an amicus brief, that entity should plainly state the reasons therefor.

26 (b)(2) If the Attorney General or other government attorney declines to file an amicus brief, the  
27 briefing schedule is not affected.

28 (b)(3) If the Attorney General or other government attorney intends to file an amicus brief, that  
29 brief will come due 30 days after the notice of intent is filed. Each governmental entity may file a  
30 motion to extend that time as provided under Rule 22. On a governmental entity filing a notice of a

31 intent, the briefing schedule established under Rule 13 is vacated, and the next brief of a party will  
32 come due 30 days after the amicus brief is filed.

33 **(c) Call for the views of the Attorney General or county or municipal attorney.** Any time a party  
34 challenges the constitutionality of a statute or ordinance, the appellate court may call for the views of the  
35 Attorney General or of the county or municipal attorney and set a schedule for filing an amicus brief and  
36 supplemental briefs by the parties, if any.

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