

1 **Rule 9. Docketing statement.**

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

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

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

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

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

19 (c)(2)(~~i~~A) The date ~~of entry of~~ the final judgment or order from which the appeal
20 is taken is entered.

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

22 (c)(2)(~~iii~~C) If the notice of appeal was filed after receiving ~~an~~ time extension ~~of~~
23 ~~the time to file pursuant to~~under Rule 4(e), the date the motion for an extension
24 was granted.

25 (c)(2)(~~iv~~D) If any motions listed in Rule 4(b) were filed, the date such motion was
26 filed in the trial court and the date ~~of entry of~~ any order disposing of such motion
27 was entered.

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

(c)(2)(~~v~~F) If a motion to reinstate the time to appeal was filed ~~pursuant to~~under Rule 4(g), the date ~~of~~ the order disposing of such motion was entered.

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

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

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

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

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

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

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

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

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

55 (d)(2)(~~iii~~C) If the notice of appeal was filed after receiving ~~an extension of the~~
56 time ~~extension to file pursuant to~~under rule 4(e), the date the motion for an
57 extension was granted.

58 (d)(2)(~~iv~~D) If a motion ~~pursuant to~~under Rule 24 of the Utah Rules of Criminal
59 Procedure was filed, the date such motion was filed in the trial court and the date
60 ~~of entry of~~ any order disposing of such motion was entered.

61 (d)(2)(~~v~~E) If a motion to reinstate the time to appeal was filed ~~pursuant to~~under
62 Rule 4(f), the date ~~of~~ the order disposing of such motion was entered.

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

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

68 (d)(4) A statement of at least one substantial issue appellant intends to assert on appeal.
69 An issue not raised in the docketing statement may nevertheless be raised in ~~the~~
70 appellant's brief ~~of the appellant~~; conversely, an issue raised in the docketing statement
71 does not have to be included in ~~the~~ appellant's brief ~~of the appellant~~.

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

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

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

80 (e)(1) A concise statement of the nature of the proceedings and the effect of the order
81 appealed, e.g., "This petition is from an order of the Workforce Appeals Board denying
82 reconsideration of the denial of benefits."

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

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

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

88 (e)(3)(~~ii~~B) The date the petition for review was filed.

89 (e)(4) A statement of at least one substantial issue petitioner intends to assert on review.
90 An issue not raised in the docketing statement may nevertheless be raised in ~~the~~
91 petitioner's ~~brief of petitioner~~; conversely, an issue raised in the docketing statement does
92 not have to be included in ~~the~~ petitioner's ~~brief of petitioner~~.

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

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

97 (e)(7) ~~Copies of t~~The following documents must be attached to ~~each copy of the~~
98 docketing statement:

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

100 (e)(7)(~~ii~~B) In appeals arising from an order of the Public Service Commission,
101 any application for rehearing filed pursuant to Utah Code section 54-7-15.

102 (f) **Consequences of failure to comply.** In a civil appeal, failure to file a docketing statement
103 within the time period provided in subsection (b) may result in dismissal of a civil appeal or a
104 petition for review. In a criminal case, failure to file a docketing statement within the time period
105 provided in subsection (b) may result in a finding of contempt or other sanction.

106 (g) **Appeals from interlocutory orders.** When a petition for permission to appeal from an
107 interlocutory order is granted under Rule 5, a docketing statement ~~shall~~may not be filed unless
108 otherwise ordered.