

1 **Rule 25. Amicus curiae briefs**~~Brief of an amicus curiae or guardian ad litem.~~

2 (a) Notice. An amicus curiae in the Supreme Court or Court of Appeals must provide
3 notice to counsel of record for all parties to the appeal of its intent to file its brief at least
4 14 days before the brief's due date as provided in paragraph (d).

5 (1) Only one signatory to any amicus curiae brief filed jointly must notify the
6 parties of its intent to file that brief.

7 (2) An amicus curiae whose brief is requested by an appellate court need not
8 comply with this notice requirement.

9 (b) When permitted. ~~A brief of an amicus curiae or of a guardian ad litem representing~~
10 ~~a minor who is not a party to the appeal may be filed only by leave of court granted on~~
11 ~~motion or at the request of the court.~~

12 (1) The following entities may file an amicus curiae brief without consent of the
13 parties or leave of court:

14 (A) a guardian ad litem;

15 (B) the State of Utah or any agency of the State of Utah by the Office of the
16 Utah Attorney General;

17 (C) any other State, Commonwealth, or Territory when submitted by its
18 Attorney General; or

19 (D) the United States of America when submitted by the United States
20 Department of Justice.

21 (2) Any other amicus curiae brief may be filed only if all parties have consented
22 to its filing, at the court's request, or by leave of court granted on motion.

23 (c) Motion for leave to file. ~~The motion for leave may be accompanied by a proposed~~
24 ~~amicus brief, provided it complies with applicable rules and the number of copies~~
25 ~~specified by Rule 26(b) are submitted to the court.~~ If all parties do not consent to the
26 brief's filing, ~~A~~an amicus curiae may file a motion for leave to file the brief.

27 (1) The motion must ~~shall~~ identify the party or parties who have withheld
28 consent, identify the ~~movant's~~ interest, ~~of the movant and shall~~ and state the
29 reasons why ~~a brief of~~ an amicus curiae ~~or the guardian ad litem~~ brief is desirable
30 and why the matters asserted are relevant to the disposition of the case.

31 (2) The motion must not exceed 1,500 words. It must be submitted as one
32 document with the brief sought to be filed.

33 ~~Except for a motion for leave to participate in support of, or in opposition to, a~~
34 ~~petition for writ of certiorari filed pursuant to Rule 50(e), the motion for leave~~
35 ~~shall be filed at least 21 days prior to the date on which the brief of the party~~
36 ~~whose position as to affirmance or reversal the amicus curiae or guardian ad~~
37 ~~litem will support is due, unless the court for cause shown otherwise orders.~~

38 (3) A party ~~ies~~ to the appeal proceeding ~~may indicate their support for, or~~
39 ~~opposition to,~~ the motion. ~~Any responses of a party to a motion for leave shall~~
40 ~~be by~~ filed an objection within 714 days after the motion is ~~of~~ served that
41 concisely states its reasons for withholding consent ~~ice of the motion.~~

42 Withholding consent is disfavored.

43 (d) Time for filing. An amicus curiae brief, together with a motion under paragraph (c)
44 when a party has withheld consent, must be filed:

45 (1) in a case before the Supreme Court when a petition for a writ of certiorari is
46 pending, 14 days after the petition is filed; or

47 (2) in a case before the Supreme Court for merits review, or before the Court of
48 Appeals, 14 days after the principal brief of the party being supported is filed. ~~If~~
49 ~~leave is granted, an amicus curiae or guardian ad litem shall file its brief within 7~~
50 ~~days of the time allowed the party whose position the amicus curiae or guardian~~
51 ~~ad litem will support, unless the order granting leave otherwise indicates.~~

52 (3) An amicus curiae that does not support either party must file its brief no later
53 than 7 days after the appellant's or petitioner's principal brief is filed.

54 (e) Length. An amicus curiae brief filed regarding a petition for writ of certiorari may
55 not exceed 4,000 words. Any other amicus curiae brief may not exceed 7,000 words.
56 Those limits will not be extended. Both limits exclude the table of contents, the table of
57 authorities, any appendix, and required certificates of counsel.

58 (f) Contents and form. An amicus curiae brief must comply with Rule 27. In addition,
59 the cover must identify the party or parties supported and must indicate whether the
60 brief supports affirmance or reversal. The brief must include:

61 (1) a table of contents;

62 (2) a table of authorities;

63 (3) unless included as part of a motion under paragraph (c)(1), a concise
64 statement of the identity of the amicus curiae and its interest in the case;

65 (4) a statement indicating whether counsel for the parties received timely notice
66 under paragraph (a);

67 (5) unless the amicus curiae is one listed in paragraph (b)(1), a statement that
68 indicates whether:

69 (A) a party's counsel authored the brief in whole or in part;

70 (B) a party or party's counsel contributed money that was intended to
71 fund preparing or submitting the brief; and

72 (C) a person – other than the amicus curiae, its members, or its counsel –
73 contributed money that was intended to fund preparing or submitting the
74 brief, and if so, identifies each such person; and

75 (6) an argument, which may be preceded by a summary and which need not
76 include a statement of the applicable standard of review.

77 (g) Responsive briefs. The time for responsive briefs under Rule 26(a) ~~shall~~ runs from
78 the timely service of the amicus curiae ~~or guardian ad litem~~ brief or from the timely

79 service of the brief of the party whose position the amicus curiae ~~or guardian ad litem~~
80 supports, whichever is later.

81 (h) Oral argument. ~~A motion of a~~ While such motions are not favored, an amicus curiae
82 ~~or guardian ad litem~~ may file a motion to participate in the oral argument. ~~will be~~
83 ~~granted when circumstances warrant in the court's discretion.~~

84 (i) An amicus curiae brief may not be filed in support of a petition for rehearing under
85 Rule 35.

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