

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 when submitted by
16 the Office of the 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 one or more parties do not consent
26 to the 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 together
32 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 ~~p~~Parties 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 ~~7~~14 days after the motion is ~~of~~ served that
41 concisely states its reasons for withholding consent ~~ice of the motion.~~

42 The objection must not exceed 1,500 words.

43 (4) The appellate court has discretion in determining whether to grant a _____
44 motion for leave to file an amicus curiae brief.

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

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

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

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

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

59 (1) a table of contents;

60 (2) a table of authorities;

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

63 (4) a statement indicating whether the parties received timely notice
64 under paragraph (a);

65 (5) a statement indicating whether all parties consented under paragraph (b)(2)

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

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

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

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

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

76 (8) a certificate of compliance as required by Rule 24(a)(11).

77 (f) **Length.** An amicus curiae brief filed regarding a petition for writ of certiorari may
78 not exceed 4,000 words. Any other amicus curiae brief may not exceed 7,000 words.
79 Those limits will not be extended on the amicus's motion. Both limits exclude the table
80 of contents, the table of authorities, any appendix, and required certificates of counsel.

81 (g) **Responsive briefs.**

(1) when no motion under paragraph (c) has been filed, the time for responsive
briefs under Rule 26(a) runs from the timely filing of the amicus curiae brief or

from the timely filing of the brief of the party whose position the amicus curiae supports, whichever is later.

(2) when a motion under paragraph (c) has been filed, the time for responsive briefs under Rule 26(a) runs from the date of the appellate court order granting or denying the motion.

82

83 (h) Oral argument. ~~A motion of a~~ While such motions are not favored, an amicus curiae

84 ~~or guardian ad litem~~ may file letter requesting permission to participate in the oral

85 argument within 14 days after the notice of oral argument. ~~will be~~

86 ~~granted when circumstances warrant in the court's discretion.~~

87 (i) An amicus curiae brief may not be filed in support of a petition for rehearing under

88 Rule 35.

86