

Rule 9. Docketing statement.

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

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

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

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

(2) The following dates relevant to a determination of the timeliness of the notice of appeal and the jurisdiction of the appellate court:

(i) The date of entry of the final judgment or order from which the appeal is taken.

(ii) The date the notice of appeal was filed in the trial court.

(iii) If the notice of appeal was filed after receiving an extension of the time to file pursuant to Rule [4\(e\)](#), the date the motion for an extension was granted.

(iv) If any motions listed in Rule [4\(b\)](#) were filed, the date such motion was filed in the trial court and the date of entry of any order disposing of such motion.

(v) If the appellant is an inmate confined in an institution and is invoking Rule [21\(g\)](#), the date the notice of appeal was deposited in the institution’s internal mail system.

(vi) If a motion to reinstate the time to appeal was filed pursuant to Rule [4\(g\)](#), the date of the order disposing of such motion.

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

(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 brief of the appellant; conversely, an issue raised in the docketing statement does not have to be included in the brief of the appellant.

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

(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 include:

(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.”

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

(i) The date of entry of the final judgment or order from which the appeal is taken.

(ii) The date the notice of appeal was filed in the district court.

(iii) If the notice of appeal was filed after receiving an extension of the time to file pursuant to Rule [4\(e\)](#), the date the motion for an extension was granted.

(iv) If a motion pursuant to Rule [24](#) of the Utah Rules of Criminal Procedure was filed, the date such motion was filed in the trial court and the date of entry of any order disposing of such motion.

(v) If a motion to reinstate the time to appeal was filed pursuant to Rule [4\(f\)](#), the date of the order disposing of such motion.

(vi) If the appellant is an inmate confined to an institution and is invoking Rule [21\(g\)](#), the date the notice of appeal was deposited in the institution's internal mail system.

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

(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 brief of the appellant; conversely, an issue raised in the docketing statement does not have to be included in the brief of the appellant.

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

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

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

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

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

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

(i) The date of entry of the final order from which the petition for review is filed.

(ii) The date the petition for review was filed.

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

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

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

(7) Copies of the following documents must be attached to each copy of the docketing statement:

(i) The final order from which the petition for review is filed.

(ii) In appeals arising from an order of the Public Service Commission, any application for rehearing filed pursuant to Utah Code section [54-7-15](#).

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

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

Advisory Committee Note

~~The content of the docketing statement has been slightly reordered to first state information governing the jurisdiction of the court.~~

~~The docketing statement and briefs contain a new section requiring a statement of the applicable standard of review, with citation of supporting authority, for each issue presented on appeal.~~

~~The content of the docketing statement has been reordered and brought into conformity with revised Rule 4, Utah Rules of Appellate Procedure. This rule is satisfied by a docketing statement in compliance with form 7. [Docketing statement forms are available on the Utah Courts' website.](#)~~

[Adopted 2020](#)