

Rule 21. Filing and service.

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**Effective:
11/1/2024**

(a) **Filing.** Documents required or permitted to be filed by these rules must be filed with the appellate court clerk.

(1) **How to file.** All licensed attorneys must file through the appellate e-filing system. Unrepresented parties may continue to file by email, mail, or in person. If e-filed or emailed, a document must be in a searchable PDF format of no more than seven megabytes. Large PDF documents must be divided into multiple files of no more than seven megabytes each. Documents filed by email in the Supreme Court must be sent to supremecourt@utcourts.gov. Documents filed by email in the Court of Appeals must be sent to courtofappeals@utcourts.gov.

(2) **Timing.** Except as provided in paragraph (g):

(A) Documents other than briefs are timely:

- (i) if received by e-filing or email to the appropriate court by 11:59 p.m. on the due date; or
- (ii) if received by mail or hand delivery to the Appellate Clerks' Office before 5 p.m. on the due date.

(B) Briefs are timely:

- (i) if received by e-filing or email to the appropriate court by 11:59 p.m. on the due date;
- (ii) if postmarked by the due date; or
- (iii) if received by hand delivery to the Appellate Clerks' Office before 5 p.m. on the due date.

(b) **Filing Fees.** If a statute or rule establishes a fee for the filing, the party must pay the fee to the appellate court clerk no more than seven days after the filing, or the filing may be stricken. If a party elects to e-file, the party must pay the filing fee at the time of e-filing. Failure to pay the filing fee may result in dismissal.

(c) **Service of all documents required.** All documents filed with the appellate court must, at or before the time of filing, be served on all other parties to the appeal or review. Service on a party represented by counsel must be made on counsel of record, or, if the party is not represented by counsel, on the party at the last known address or email address provided to the appellate court.

(d) **Manner of service.** Service may be personal, by e-filing, by mail, or by email. Personal service includes delivery of the copy to a clerk or other responsible person at the office of counsel. Service by mail or email is complete on mailing or emailing. Service by e-filing is complete on acceptance by the e-filing system.

(e) **Proof of service.** Documents filed through the e-filing system need not include a certificate or acknowledgement of service if all parties have user accounts in the e-filing system. All other documents presented for filing must contain an acknowledgment of service by the person served or a certificate of service in the form of a statement of the date and manner of service, the names of the persons served, and the addresses at which they were served. The certificate of service may appear on or be affixed to the documents filed. If counsel of record is served, the certificate of service must designate the name of the party represented by that counsel.

(f) **Signature.** All documents filed in the appellate court must be signed by counsel of record or by a party who is not represented by counsel. For documents e-filed, or filed by email, the documents may be electronically signed as follows: /s/ name of unrepresented party or name of counsel of record.

(g) **Filing by inmate.**

(1) For purposes of this paragraph (g), an inmate is a person confined to an institution or committed to a place of legal confinement.

(2) Documents filed by an inmate are timely filed if they are deposited in the institution's internal mail system on or before the due date. Timely filing may be shown by a contemporaneously filed notarized statement or written declaration setting forth the date of deposit and stating that first-class postage has been, or is being, prepaid, or that the inmate has complied with any applicable requirements for legal mail set by the institution. Response time will be calculated from the date the documents are received by the court.

(h) **Filings containing other than public information and records.** If a filing, including an addendum, contains non-public information, the filer must also file a version with all such information removed. Non-public information means information classified as private, controlled, protected, safeguarded, sealed, juvenile court legal, or juvenile court social, or any other information to which the right of public access is restricted by statute, rule, order, or case law.

Advisory Committee Note

Court records are public unless otherwise classified as private, controlled, protected, safeguarded, sealed, juvenile court legal, or juvenile court social by the Utah Code of Judicial Administration. The right of public access may be restricted by statute (including the Government Records Access and Management Act), rule, case law, or court order. If a filing contains information or records that are not public, the filer must file an unredacted version for the court and a version for the public that does not contain the nonpublic information.

Adopted 2020
