

Administrative Office of the Courts

Chief Justice Richard C. Howe
Chairman, Utah Judicial Council

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

AGENDA

Supreme Court's Advisory Committee on the Rules of Appellate Procedure

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

September 19, 2000 - 4:30 p.m.

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|----|---------------------------------|---------------|
| 1. | WELCOME AND APPROVAL OF MINUTES | Todd Utzinger |
| 2. | RULE 9, DOCKETING STATEMENT | Fred Voros |
| 3. | RULE 29, ORAL ARGUMENT | Fred Voros |
| 4. | OTHER BUSINESS | |
| 5. | ADJOURN | |

**The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.**

MINUTES

APPROVED MINUTES

**Supreme Court's Advisory Committee
on the Rules of Appellate Procedure**

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

September 19, 2000 - 4:30 p.m.

ATTENDEES

Todd Utzinger
Larry Jenkins
Julianne Blanch
David Arrington
Karra Porter
Fred Voros
Matty Branch
Clark Nielsen

EXCUSED

George Haley
Fred Metos
Judge Judith Billings
Joan Watt

STAFF

Brent Johnson

I. WELCOME AND APPROVAL OF MINUTES

Todd Utzinger welcomed the Committee members to the meeting. Matty Branch moved to approve the minutes of the June meeting. David Arrington seconded the motion. The motion carried unanimously.

II. RULE 9, DOCKETING STATEMENT

Fred Voros provided a brief description of two proposals before the Committee. The first proposal presented language intended to clarify the docketing statement requirements. The second proposal, which was prepared by Larry Jenkins, consisted of a simplified rule along with a form docketing statement.

Karra Porter stated that the docketing statement form makes sense as it seems to take a lot less time to do a Tenth Circuit appeal than it does a state appeal. Larry Jenkins clarified that the form need not be as he proposed, as the appellate court personnel would certainly be involved in creating the form. Matty Branch stated that a form would certainly help the court with pro se appellants. Ms. Branch also mentioned that the form would perhaps not require such things as "standard of review."

Clark Nielsen stated that he previously had long discussions with the judges about what they wanted in the docketing statement and there may be a lot of resistance to any changes. Ms. Branch stated that a form might be useful to staff attorneys. Larry Jenkins stated that the idea is to provide something simple for the court and his experience is that a Tenth Circuit docketing statement can take a hour and a half, while a state docketing statement can require a half a day or more.

Todd Utzinger questioned how the courts are currently using the docketing statement. Ms. Branch stated that the Court of Appeals is using the docketing statement for summary disposition purposes. Ms. Branch suggested that the next step for the Committee would be to get staff attorneys involved. Ms. Branch stated that judges do not usually see the docketing statement except if there is summary disposition.

After additional discussion, the Committee members agreed to invite staff attorneys to the next Committee meeting to discuss a docketing statement form. Fred Voros agreed to create a form which more closely follows the Utah rule. After meeting with staff attorneys, the Committee will setup a meeting with the appellate court judges.

III. RULE 29, ORAL ARGUMENT

Todd Utzinger noted that the Committee had scheduled a discussion of the oral argument rule and whether it should be amended. The Committee agreed that input should be received from staff attorneys before discussing this issue, and the issue was postponed until the next meeting.

IV. ADJOURN

The next meeting was scheduled for Tuesday, October 17, 2000 at 4:30 p.m. There being no further business, the meeting adjourned at 6:00 p.m.