

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 84114-0241  
Judicial Council Room

May 16, 2001 - 12:00 p.m.

**ATTENDEES**

Todd Utzinger  
Fred Metos  
Larry Jenkins  
Julie Blanch  
Judge Judith Billings  
Fred Voros  
Joan Watt  
Matty Branch

**EXCUSED**

George Haley  
David Arrington  
Karra Porter  
Clark Nielsen

**GUEST**

Esther Chelesa McCarty

**STAFF**

Brent Johnson

**I. WELCOME AND APPROVAL OF MINUTES**

Todd Utzinger welcomed the Committee members to the meeting. Judge Judith Billings moved to approve the minutes of the April meeting. Matty Branch seconded the motion. The motion carried unanimously.

**II. RULE 9 REVIEW**

The Committee members reviewed the changes to Rule 9 that had been made by Fred Voros in response to the Committee's recommendations. The Committee agreed with and approved the language that had been proposed.

**III. DOCKETING STATEMENT FORM**

Fred Voros introduced the proposed form docketing statement. Mr. Voros questioned whether it was appropriate in paragraphs 7, 9 and 10 to make reference to a first issue and second issue. Mr. Voros' concern was that litigants may feel constrained to two issues, or stretch to make certain that they have two issues. Todd Utzinger suggested simply adding "etc." after the letters to indicate as few or as many issues as necessary.

Mr. Voros also questioned whether paragraph 9, on assignment by the Supreme Court, was appropriate. Mr. Voros stated that litigants may sometimes have no position on the issue. Ms. Branch stated that it would be helpful to have an indication that the attorneys or litigants have no position. Fred Metos suggested that it would also be helpful to cite to the jurisdictional statute.

Joan Watt questioned the inclusion of paragraph 6a which would have included a list of the charges of the defendant. Ms. Watt suggested clarifying that this would only be necessary in the case of a dismissal.

After brief further discussion, Fred Voros moved to approve the form as proposed. Fred Metos seconded the motion. The motion carried unanimously.

#### **IV. CASE CLASSIFICATION**

Fred Voros introduced the most recent proposals to the case classification rule. Mr. Voros stated that the proposal need to go somewhere other than Rule 29. Mr. Voros also stated that he had proposed two alternatives, one with fewer categories.

Ms. Branch suggested that she would get the input of staff attorneys to the two proposals and then report back to the Committee. The Committee agreed that this would be the best course of action.

#### **V. OTHER BUSINESS**

Todd Utzinger noted that Tim Shea wished to appear at a future meeting to discuss putting all of the appellate procedure forms on one site, on the courts' web page. Mr. Shea will be invited to the next meeting. The next meeting was scheduled for August 15, 2001 at 12:00 noon at the Administrative Office of the Courts. There being no further business, the meeting adjourned at 12:40 p.m.