

# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

## AGENDA

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

### 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

October 19, 2005 - 12:00 p.m.

1. WELCOME AND APPROVAL OF MINUTES Joan Watt
2. ELECTRONIC TRANSCRIPT PROPOSAL Joan Watt  
Brent Johnson
3. SINGLE JUDGE OR JUSTICE REVIEW Clark Sabey
4. OTHER BUSINESS  
Manning v. Utah  
Forms Review  
Rule 27 Comment
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

**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

October 19, 2005

**ATTENDEES**

Matty Branch  
Paul Burke  
Marian Decker  
Larry Jenkins  
Judge Gregory Orme  
Kate Toomey  
Joan Watt

**EXCUSED**

David Lewis  
Margaret Lindsay  
Bryan Pattison  
Clark Sabey  
Fred Voros

**STAFF**

Brent Johnson

**I. WELCOME AND APPROVAL OF MINUTES**

Joan Watt welcomed the Committee members to the meeting. Ms. Watt introduced Paul Burke as the newest member of the Committee.

Kate Toomey moved to approve the minutes of the last meeting. Matty Branch seconded the motion. The motion carried unanimously.

**II. ELECTRONIC TRANSCRIPT PROPOSAL**

Staff reported on his contacts with managing court reporters concerning the proposal to mandate filing electronic transcripts. The court reporters believe that the concept is viable, but various issues will need to be addressed. The reporters raised issues about the format of the electronic transcript, the cost, the certification of an electronic record, and the ability of certain transcribers to meet such a requirement.

Joan Watt questioned whether it is worth imposing this requirement as a rule. After brief discussion, Fred Voros noted that it is probably an administrative issue, and it is not worth a rule change. Mr. Voros noted that attorneys are probably already able to obtain an electronic copy and he will instruct attorneys in his office to attempt to get a copy and see what happens. The Committee members agreed with this approach.

### **III. MANNING V. STATE**

Joan Watt stated that the recent case of Manning v. State had established a new procedure for extending the time for appeal. The issues are whether the new procedure should be put into rule and, if so, whether the requirement should go into Rules of Appellate Procedure or the Rules of Criminal Procedure. The Committee agreed that the procedures should be put into rule. Judge Orme suggested that there should be a reference in both sets of rules. The Committee members suggested that a subcommittee be formed with a member of the Appellate Procedure Committee and a member of the Criminal Procedure Committee to propose language, and where the language should be placed. The subcommittee will consist of Joan Watt and Laura Dupaix.

### **IV. FORMS REVIEW**

Staff notified the Committee that he had recently received an e-mail about updating forms. Some times rules are changed without any review of forms that might be affected. The Committee members suggested that Staff review all of the forms to see if changes are needed. The members also suggested that Staff review the forms as rule changes are proposed to see if any rule changes are necessary.

### **V. RULE 27 COMMENT**

Marian Decker noted that the comment to Rule 27 still contained a reference to the “priority number” on the cover of the brief. This requirement had been removed and Ms. Decker suggested that the comment needed to be changed. Matty Branch moved to remove the second paragraph of the Rule 27 comment. Marian Decker seconded the motion. The motion carried unanimously.

Judge Orme suggested that Staff also review all of the comments to make certain that they are up to date.

### **VI. NEXT MEETING**

The Committee scheduled its next meeting for November 16, 2005. The agenda for the meeting will include Clark Sabey’s review of the rules on single judge or justice review. Judge Orme noted that he had received a suggestion that the rules contain a reference as to how issues for review should be stated. He will bring this issue to the next meeting. Fred Voros stated that there might also be an issue about the recent amendments to Rule 4 and whether they have created new problems.

The Committee adjourned at 12:45 p.m.