



## Minutes

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

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

In Person and by WebEx Videoconference  
Thursday, February 1, 2024  
12:00 pm to 1:30 pm

#### PRESENT

Emily Adams  
Christopher Ballard—Chair  
Troy Booher—  
Emeritus Member  
Judge Michele  
Christiansen Forster  
Lisa Collins  
Carol Funk  
Amber Griffith—Staff  
Michael Judd—Recording  
Secretary

Debra Nelson  
Judge Gregory Orme  
Tera Peterson  
Stanford Purser  
Michelle Quist  
Clark Sabey  
Nathalie Skibine—  
Vice Chair  
Scarlet Smith  
Nick Stiles—Staff  
Mary Westby

#### EXCUSED

None

#### 1. Action:

**Chris Ballard**

#### Approval of December 2023 Minutes

The committee reviewed the December minutes and identified a needed correction in Section 3.

*After that review, Mary Westby moved to approve the December 2023 minutes as amended, as they appeared in the committee's materials. Judge Michele Christiansen Forster seconded that motion, and it passed without objection by unanimous consent.*

2. **Action:** **Chris Ballard**  
**Final Approval of Rules 11, 22, and 52**

With respect to Rule 11, the committee reviewed a public comment related to exhibits on appeal but concluded that the language in the proposed amendment remains the best approach, as in the committee’s view, both considered *and offered* exhibits should be included in the scope of Rule 11.

*Following that discussion, Ms. Westby moved to approve the three rules and Stan Purser seconded. The motion passed without objection by unanimous consent.*

3. **Action:** **Mary Westby**  
**Rule 10**

The proposed change to Rule 10 had been considered previously as an amendment to Rule 4, but the committee believes the amendment fits better within Rule 10. The intent of the amendment is to allow the appellate courts—likely through staff attorneys—to dismiss appeals for failure to prosecute. The committee discussed the interaction between the draft Rule 10 and the existing provisions of Rule 58A of the Utah Rules of Civil Procedure. The committee also discussed stylistic and ordering changes.

*Following that discussion, Emily Adams moved to approve the amendments to Rule 10 as they appeared on the screen at the committee’s meeting, subject to certain future adjustments to the numbering and format. Ms. Westby seconded that motion, and it passed without objection by unanimous consent.*

4. **Action:** **Mary Westby**  
**Rule 57**

The proposed amendment to Rule 57 is intended to better align the process for child-welfare appeals with the process for other appeals. The committee worked to revise language for clarity.

*Following that discussion, Judge Christiansen Forster moved to approve the amendments to Rule 57 as they appeared on the screen at the committee’s meeting. Mr. Purser seconded that motion, and it passed without objection by unanimous consent.*

5. **Discussion:** **Nick Stiles**  
**Appellate Court Disqualification**

The committee returned to the concept of an appellate-court disqualification rule, building on a prior draft and prior concepts. Nick Stiles agreed to take the lead, in consultation with several other committee members, on assembling a new draft of a proposed rule.

6. **Discussion:** **Chris Ballard**  
**Items Referred by the Supreme Court** **Nathalie Skibine**

The committee discussed several teams and subcommittees to handle the initial stages of planning and drafting associated with several items referred by the Supreme Court:

**Rule 23(b)—Child Welfare.** Tera Peterson, Debra Nelson, and Ms. Westby will lead, seeking input from other governmental child-welfare specialists as appropriate.

**Rule 8.** Mr. Purser will lead.

**A rule regarding retention.** Clark Sabey, Michelle Quist, and Judge Christiansen Forster will lead.

**Rule 23C—Standard.** Mr. Sabey, Ms. Westby, and Troy Booher will lead.

7. **Discussion:** **Chris Ballard**  
**Additional Old/New Business**

None.

8. **Adjourn** **Chris Ballard**

*Following the business described above, Judge Greg Orme moved to adjourn, and Ms. Westby seconded. The committee adjourned. The committee's next meeting will take place in March 2024.*