



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, March 7, 2024
12:00 pm to 1:30 pm

PRESENT

Emily Adams
Christopher Ballard—Chair
Judge Michele
Christiansen Forster
Lisa Collins
Carol Funk
Amber Griffith—Staff
Michael Judd—Recording Sec-
retary
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

Troy Booher—
Emeritus Member

1. Action:

Chris Ballard

Approval of February 2024 Minutes

The committee reviewed the February 2024 minutes and identified a needed correction in Part 6: changing a reference to “Rule 3” to “Rule 8.”

With that correction made, Debra Nelson moved to approve the February 2024 minutes (as corrected), as they appeared in the committee’s materials. Mary Westby seconded that motion, and it passed without objection by unanimous consent.

2. **Action:**
**Final Approval of Rules 3, 5, 14, 19, 48,
21, 26, and 27**

Chris Ballard

The committee received only one public comment related to this batch of amendments—a comment related to the size limit for electronic filings. Nick Stiles explained that while the appellate courts recognize that filers may prefer a higher filing-size limit, an increase to that limit is not available, given existing system limitations.

The committee also made a slight change to the e-filing amendments to clarify whether agencies need to electronically file a record.

Following that discussion, Ms. Westby moved to approve the eight rules, as they appeared in the committee minutes and, in at least one case, on the screen at the committee’s meeting. Lisa Collins seconded that motion, and it passed without objection by unanimous consent.

3. **Action:**
Rule 42—Transfer of Cases

**Clark Sabey, Michelle
Quist, Judge Michele
Christiansen Forster**

The proposed amendments to Rule 42 would relate to the transfer of cases from the Supreme Court to the Court of Appeals. Those amendments would not change the existing practices, but would simply codify those practices—now circulated to parties by letter—into a rule.

The committee discussed proposed subsection (b)(5)’s treatment of the relevant deadlines, and Carol Funk proposed edits to subsection (b) that would eliminate redundancies and clarify language.

Following that discussion, Ms. Funk moved to table the proposed amendments to allow the subcommittee to complete additional work on the language of the rule. Michelle Quist seconded that motion, and it passed without objection by unanimous consent.

4. **Action:** **Stan Purser**
Rule 8

The proposed amendments to Rule 8 are designed to track the standard that appears in Rule 65A(e) of the Utah Rules of Civil Procedure. The committee engaged in a vigorous discussion regarding the applicable standard—including whether the appellate rule and civil rule should, in fact, map precisely.

Following that discussion, Ms. Funk moved to table the proposed amendments to allow the subcommittee to complete additional work on the language of the rule. Mr. Purser seconded that motion, and it passed without objection by unanimous consent.

5. **Discussion:** **Clark Sabey, Mary Westby,**
Rule 23C—Emergency Relief Standard **Troy Booher**

The committee’s discussion of the proposed amendments to Rule 23C was time-restricted but productive. The committee discussed whether Rule 23C should adopt a standard drawn from other rules but noted that the adoption of a specific standard would reduce the rule’s flexibility. The committee did recognize the appeal of changing the term “emergency” to “expedited,” and expects that change to figure into the eventual proposed amendment.

With that discussion completed, the committee plans to return to discussion of Rule 23C at its next meeting.

6. **Discussion:** **Chris Ballard**
Old/New Business

The committee noted that proposed changes to the rules for child-welfare proceedings are currently being handled by an assigned subcommittee. Those rules implicate important interests and represent a balance—at least at times, a delicate balance—between the needs of various stakeholders. That project still holds the committee’s attention, and the committee plans to return to those rules in the next several months.

8. Adjourn

Chris Ballard

Following the business and discussions described above, Ms. Quist moved to adjourn, and Ms. Nelson seconded. The committee adjourned. The committee's next meeting will take place in April 2024.