



## 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, October 3, 2024  
12:00 pm to 1:30 pm

#### PRESENT

Dick Baldwin  
Judge Michele  
Christiansen Forster  
Amber Griffith—Staff  
Michael Judd—Recording  
Secretary  
Debra Nelson  
Caroline Olsen

Judge Gregory Orme  
Tera Peterson  
Stan Purser  
Clark Sabey  
Nathalie Skibine—  
Chair  
Nick Stiles—Staff  
Mary Westby

#### EXCUSED

Nicole Gray  
Martha Pierce  
Michelle Quist  
Scarlet Smith

#### GUESTS

None

#### 1. Action:

##### Approval of September 2024 Minutes

The committee reviewed the draft September 2024 minutes. The committee identified a correction needed in Section 6.

*With that correction made, Mary Westby moved to approve the September 2024 minutes as they appeared in the committee's materials. Tera Peterson seconded that motion, and it passed without objection by unanimous consent.*

**Nathalie Skibine**

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

Stan Purser reminded the committee of the relevant background question: Does Rule 8 need to be amended so that the stay factors mirror the new preliminary-injunction factors that appear in the Utah Rules of Civil Procedure, which changed as a result of legislative action a year or so ago. The committee considered a two-part change: (1) a reworking of the rule to clarify existing language and requirements, (2) a rule revision that would leave stay-pending-appeal factors more flexible than the factors are for district courts below. The committee believes that a set of changes that meet those goals would reflect how the appellate courts have traditionally handled this type of request.

With respect to an injunction, the rule is intended to make the burden the same on appeal as below—no harder and no easier than obtaining an injunction in district court. The committee discussed the practical difference between a stay pending appeal and an injunction entered by the appellate court, including circumstances under which a party may seek the latter.

Dick Baldwin suggested several changes to the proposed rule, including striking references to Rules 14 and 15 in line 7 and changing language referring to a “bond requirement” in lines 10-11 to incorporate into prior subsection. The committee made several additional stylistic changes.

*Following that discussion, Debra Nelson moved to approve Rule 8 as modified and as it appeared on the screen at the committee’s meeting. Ms. Westby seconded that motion, and it passed without objection by unanimous consent.*

**3. Action: Nick Stiles**  
**Rule 29**

Nick Stiles reminded the committee about the background for the potential rule change, noting again that a similar rule has already been adopted in the civil, criminal, and juvenile rules and explaining that one upside of a potential rule change would be to maintain consistency. After discussing the implications of such a rule in the appellate setting, the committee has opted for a more streamlined rule, through an addition to Rule 29.

*Following that discussion, Judge Gregory Orme moved to approve Rule 29 as modified and as it appeared on the screen at the committee’s meeting. Ms. Westby seconded that motion, and it passed without objection by unanimous consent.*

4. **Discussion:** **Judge Christiansen Forster**  
**Vexatious Litigants**

Judge Christiansen Forster reported that the appellate courts have occasionally encountered vexatious litigants and have used Rule 83 to address those issues. The appellate courts believe a specific appellate rule may prove useful.

To formulate language for a proposed appellate rule, the committee welcomed the formation of a sub-committee, made up of Judge Christiansen Forster, Mary Westby, Tera Peterson, and Nick Stiles. That sub-committee will work to develop a proposed rule for submission to the committee.

5. **Discussion:** **Nick Stiles**  
**Board of Juvenile Court Judges Letter to  
the Supreme Court**

A letter sent to the Supreme Court from the Board of Juvenile Court Judges related to contemplated changes to rules affecting appeals from juvenile-court proceedings has been accepted for inclusion in the committee's minutes and materials, as a courtesy and for purposes of transparency.

6. **Discussion:** **Nathalie Skibine**  
**Old/New Business**

The committee plans to discuss Rule 42 in an upcoming meeting, possibly as soon as November. A set of committee members and other stakeholders continue to work on changes to the child-welfare rules, and a proposal for those changes will be taken first to the board of juvenile judges. Those changes will therefore likely be ready for committee discussion early next year.

*Finally, Ms. Westby moved that Rule 10(e) be deleted. Judge Gregory Orme seconded that motion. That change passed without objection by unanimous consent.*

**7. Adjourn**

**Nathalie Skibine**

*Following the business and discussions described above, Judge Orme moved to adjourn, and Ms. Westby seconded. The committee adjourned. The committee's next meeting will take place on November 7, 2024.*