



## 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, November 7, 2024  
12:00 pm to 1:30 pm

#### PRESENT

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

Tera Peterson  
Martha Pierce  
Stan Purser  
Michelle Quist  
Clark Sabey  
Nathalie Skibine—  
Chair  
Scarlet Smith  
Nick Stiles—Staff  
Eric Weeks

#### EXCUSED

Mary Westby

#### GUESTS

None

1. **Action:** **Nathalie Skibine**  
**Approval of October 2024 Minutes**

The committee reviewed the draft October 2024 minutes and noted no needed changes.

*Judge Michele Christiansen Forster moved to approve the October 2024 minutes as they appeared in the committee's materials. Stan Purser seconded that motion, and it passed without objection by unanimous consent.*

2. **Action:** **Judge Christiansen Forster**  
**Rule 42** **Clark Sabey**  
**Michelle Quist**  
**Nicole Gray**

The committee discussed the proposed version of Rule 42 and worked through several suggested changes to the language of the rule, including clarifying initial requirements as applying only to letters requesting retention (and not to a subsequent response), discussing the appropriate timing for letters and responses, and addressing nuances about letter length.

*Following that discussion, Judge Gregory Orme moved to approve Rule 42 as modified and as it appeared on the screen at the committee's meeting. Clark Sabey seconded that motion, and it passed without objection by unanimous consent. The approved rule will next be circulated for public comment.*

3. **Action:** **Judge Christiansen Forster**  
**Vexatious Litigants** **Nick Stiles**  
**Mary Westby**  
**Tera Peterson**

Nick Stiles offered background to the proposed rule. The rule, as drafted, stands as a pared-down adaptation of Rule 83 of the Utah Rules of Civil Procedure. The committee discussed, at some length, the behaviors giving rise to a vexatious-litigant finding, as contained in the rule. The committee also discussed how the rule would apply when a party has already been deemed a vexatious litigant in the trial court below, in accordance with Rule 83(j) of the Utah Rules of Civil Procedure. The committee then discussed where to place the rule and settled on a spot within Rule 40A, where it will sit alongside rules regarding attorney conduct and discipline.

*Following that discussion, Judge Christiansen Forster moved to approve Rule 42 as modified and as it appeared on the screen at the committee's meeting. Dick Baldwin seconded that motion, and it passed without objection by unanimous consent. The approved rule will next be circulated for public comment.*

**4. Discussion: Nicole Gray**  
**Rule 3**

The proposed change to Rule 3 is a simple one, reflecting only that appeals may be taken from Business and Chancery Court matters, as from district court and juvenile court matters.

*Following that discussion, Judge Christiansen Forster moved to approve Rule 3 as modified and as it appeared on the screen at the committee's meeting. Mr. Sabey seconded that motion, and it passed without objection by unanimous consent.*

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

The committee briefly discussed the possibility of additional changes to Rule 3 and parallel rules, as well as a potential treatment of a "jurisdictional trap" in the existing rules. Those matters will be reserved for the committee's next meeting.

**6. Adjourn Nathalie Skibine**

*Following the business and discussions described above, Debra Nelson moved to adjourn, and Judge Orme seconded. The committee adjourned. The committee's next meeting will take place on December 5, 2024.*