



## 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, June 5, 2025  
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  
Mary Westby

#### EXCUSED

None

#### GUEST

None

#### 1. Action:

Nathalie Skibine

#### Approval of May 2025 Minutes

The committee reviewed the draft minutes from its May 2025 meeting and noted no needed changes.

*Mary Westby moved to approve the May 2025 minutes 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: Mary Westby**  
**Rule 11**

Ms. Westby led the committee's discussion of proposed changes to Rule 11. Ms. Westby explained that the rule has become unworkable and she recommended deleting paragraphs (d) and (e) of the rule, adding that she has never seen (d) used and that (e) provides options when transcripts are unavailable. The committee recognized that these provisions are old, and that the most common struggle now relates to the receipt of handcrafted transcripts from pro se litigants. The committee discussed situations under which parties may need assistance with transcripts and agreed that those situations don't need to be addressed by this rule.

*Ms. Westby moved for final approval of Rule 11 as circulated. Judge Gregory Orme seconded that motion, and it passed without objection by unanimous consent.*

**3. Action: Caroline Olsen**  
**Rules 9, 11, and 28A**

Caroline Olsen led the committee's discussion, beginning with an identification of a potential issue: the interaction between timing for transcript requests and potential mediation timing when mediation is a strong possibility. Ms. Westby explained that she had spoken with the mediator and confirmed that the docketing statement is often what drives the direction to mediation. With that information in hand, the committee considered a proposal under which transcripts are due 14 days after a docketing statement instead of 14 days after filing of notice of appeal. Because child-welfare matters are governed by a different rule, this procedure would not apply. One goal of any amendment would be to make clear that if mediation is scheduled, the deadline for a transcript request is stayed, along with the rest of the proceedings.

*Based on that discussion, Ms. Olsen agreed to take lead on drafting proposed rule revisions. Ms. Olsen will do so as part of a subcommittee, joined by Ms. Westby, Michele Mattson, and Judge Michele Christiansen-Forster.*

**4. Action: Nathalie Skibine, Chair**  
**Rule 23B**

The proposed changes to Rule 23B would delete the requirement that parties include a proposed order when filing a rule 23B motion, as the court often does not use the proposed order. The committee discussed the benefits of that proposed-order requirement, including the possibility that even if the court doesn't frequently enter proposed orders as submitted, the proposed order may nevertheless provide some value to the court. Nicole Gray noted that this is the only type of proposed order that the clerk's office tracks, so these motions are unique in this way. One option the committee considered is to make this a specific requirement for the motion itself to contain the information that would, under the current rule, appear in the accompanying proposed order.

*Following that discussion, Debra Nelson moved to approve the rule as drafted and presented on the screen. Ms. Westby seconded, and it passed without objection by unanimous consent.*

**5. Action: Mary Westby**  
**Rule 38A**

Ms. Westby explained to the committee that the proposed amendment to Rule 38A would prohibit attorneys from withdrawing from an appeal while a motion is pending in the appellate court.

*Following that discussion, a motion was received and seconded, and the committee approved the rule to be submitted to the Supreme Court with a recommendation that it be published for public comment.*

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

None.

**7. Adjourn**

**Nathalie Skibine, Chair**

*Following the business and discussions described above, the committee adjourned. The committee's next meeting will take place on September 4, 2025.*