



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, May 1, 2025
12:00 pm to 1:30 pm

PRESENT

Dick Baldwin
Nicole Gray
Amber Griffith—Staff
Michael Judd—Recording
Secretary
Debra Nelson
Caroline Olsen
Tera Peterson

Martha Pierce
Michelle Quist
Clark Sabey
Nathalie Skibine—
Chair
Nick Stiles—Staff
Mary Westby

EXCUSED

Judge Michele
Christiansen Forster
Judge Gregory Orme
Stan Purser
Scarlet Smith

GUEST

Alexandra Mareschal

1. Action:

Nathalie Skibine

Approval of March 2025 Minutes

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

Martha Pierce moved to approve the March 2025 minutes as they appeared in the committee's materials. Mary Westby seconded that motion, and it passed without objection by unanimous consent.

2. **Action:** **Nathalie Skibine**
Final Approval of Rules 35 and 44

Rules 35 and 44 were circulated for public comment and the committee received no responses.

Ms. Westby moved for final approval of the rules as circulated. Ms. Pierce seconded that motion, and it passed without objection by unanimous consent.

3. **Action:** **Mary Westby, Debra**
Rule 55A **Nelson, Tera Peterson**

The committee discussed the proposed changes to Rule 55A at length. Ms. Westby began by noting that the version of the rule presented to the committee this month is very different from its previous version. The committee engaged with a question regarding the interplay between potential delays associated with the proposed process and the scope of briefing. The committee understands that the rule, as drafted, is intended to facilitate a balance and a trade-off by allowing a Rule 55A petition only upon receipt of a notice that the case will proceed to full briefing—that is, after a briefing order has been entered. The committee discussed and adopted a correction to include a needed word limit.

The committee continued with an extended discussion of the distinctions between factual findings and legal conclusions in this context, including reference to analogous Rule 23B procedures. A difference of opinion remains among committee members with respect to this question.

Following that discussion, Ms. Westby moved to approve Rule 55A as modified, as it appeared on the screen at the committee’s meeting, with a plan to clear the rule with the board of juvenile judges before proceeding further. Mr. Sabey seconded that motion, and it passed without objection by unanimous consent.

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

The committee understands that the Utah Supreme Court made additional changes to Rule 29 and then approved the rule with those changes, but that the Court requested a “good cause” standard be added. Nathalie Skibine drafted that standard for addition at line 54.

Following that discussion, Ms. Westby moved to approve the most recent version of the rule conditionally, pending input from Judges Orme and Christiansen Forster. Dick Baldwin seconded, and it passed without objection by unanimous consent. Later in the meeting, the committee received approval from the two judges. The rule is ready to proceed forward accordingly.

5. **Action:** Dick Baldwin
Rule 3

Dick Baldwin explained to the committee that the proposed changes to Rule 3 are meant as an incremental, moderate attempt to address “trap for the unwary” regarding identification of a single order for interlocutory review. Under certain circumstances, such an identification may inadvertently pin an appellant to the single identified order, and an appellate court may then refrain from touching any other issues, based on lack of jurisdiction. The committee discussed the proposed rule and its success in addressing that trap.

Following that discussion, Ms. Westby moved to approve Rule 3 as modified, as it appeared on the screen at the committee's meeting. Debra Nelson seconded that motion, and it passed without objection by unanimous consent. The rule will be sent to the Utah Supreme Court for approval.

6.	Action: Rule 11	Mary Westby
----	--------------------	-------------

The committee was left without time to discuss this action item, and it has therefore been reserved for the committee's next meeting.

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

None.

8. Adjourn

Nathalie Skibine

Following the business and discussions described above, Ms. Pierce moved to adjourn, and Mr. Baldwin seconded. The committee adjourned. The committee's next meeting will take place on June 5, 2025.