



## 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, September 4, 2025  
12:00 pm to 1:30 pm

#### PRESENT

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

Tera Peterson  
Martha Pierce  
Stan Purser—  
Vice Chair  
Clark Sabey  
Nathalie Skibine—  
Chair  
Nick Stiles—Staff  
Mary Westby

#### EXCUSED

Debra Nelson  
Judge Gregory Orme  
Michelle Quist  
Scarlet Smith

#### GUEST

Jacqueline Carlton

#### 1. Action:

Nathalie Skibine

#### Approval of June 2025 Minutes

The committee reviewed the draft minutes from its June 2025 meeting and noted one change needed to those minutes: a missing word in first section.

*Mary Westby moved to approve the June 2025 minutes as they appeared in the committee's materials, with that correction made. Dick Baldwin seconded that motion, and it passed without objection by unanimous consent.*

**2. Action: Nathalie Skibine**  
**Final Approval of Rules 3 and 29**

The committee noted that no public comments were received on the proposed amendments on either rule. Ms. Westby noted an additional potential change to Rule 3: the addition of a notice requirement for attorneys filing a notice of appeal where they're not representing the party on appeal. Ms. Westby noted that the clerk's office has occasionally run into problems tracking down that contact information without notice. The committee elected to defer discussion of that additional change.

*Ms. Westby moved for final approval of Rules 3 and 29 as circulated. Martha Pierce seconded that motion, and it passed without objection by unanimous consent. The rules will be sent to the Supreme Court for final approval.*

**3. Action: Nathalie Skibine**  
**Rule 23B**

The committee discussed an additional change to the rule proposed by Judge Orme and reviewed new language proposed by Ms. Skibine. The language at issue discouraged parties from wholesale replication of statements of fact from the principal brief. The committee also discussed whether mirrored changes to Rule 55A are warranted.

*Based on that discussion, Judge Michele Christiansen-Forster moved to approve Rule 23B as circulated. Mr. Baldwin seconded that motion, and it passed without objection by unanimous consent. The rule will be submitted to the Supreme court for recommendation that it be posted for public comment.*

**Caroline Olson, Judge  
Michele Christiansen  
Forster, Mary Westby,  
Michele Mattsson**

*Following that discussion, Judge Christiansen Forster moved to approve the rule as drafted and modified and presented on the screen. Stan Purser seconded, and it passed without objection by unanimous consent. The rules will be submitted to the Supreme Court for recommendation that they be posted for public comment.*

## Nick Stiles

The committee discussed at length questions about limiting the number of extensions a party on appeal can seek. The committee noted that extension requests have climbed significantly over the past four years. A number of committee members noted that those extension requests are attributable to resource limitations and that adjustments to the rule are unlikely to resolve—or even meaningfully mitigate—that problem. Following that discussion, the committee tabled the matter and resolved to revisit the issue in either October or November.

## Nick Stiles

Judge Orme questioned whether the \$3-per-page allowance was a reasonable amount for briefs and attachment and wondered whether submitting documentation of costs actually incurred would be more appropriate. Nick Stiles volunteered to prepare proposed language, and the committee will revisit the issue at its next meeting.

**7. Action: Mary Westby**  
**Rule 3**

The committee discussed the proposed change regarding amendment to Rule 3 raised by Ms. Westby and captured above in Section 2.

*Following the committee's discussion, Ms. Westby moved to approve the amendment, and Mr. Purser seconded that motion. The rule passed without objection by unanimous consent and will be sent to the Supreme Court with a recommendation that it be posted for public comment.*

**8. Action: Mary Westby**  
**Rule 23A**

Finally, the committee reviewed and approved a small change to the proposed amendments to Rule 23A, removing the requirement that the motion be filed within 30 days after entry of the order of dismissal. The deadline for that motion will instead be at remittitur.

*Following that discussion, Ms. Westby moved to approve the amendment in the form discussed at the meeting, and Judge Christiansen Forster seconded that motion. The rule passed without objection by unanimous consent and will be sent to the Supreme Court with a recommendation that it be posted for public comment.*

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

None.

**10. Adjourn Nathalie Skibine, Chair**

*Following the business and discussions described above, the committee adjourned. The committee's next meeting will take place on October 2, 2025.*