



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 2, 2025
12:00 pm to 1:30 pm

PRESENT

Dick Baldwin
Nicole Gray
Amber Griffith—Staff
Debra Nelson
Caroline Olsen
Judge Gregory Orme
Tera Peterson
Martha Pierce

Stan Purser—
Vice Chair
Michelle Quist
Clark Sabey
Nathalie Skibine—
Chair
Nick Stiles—Staff
Mary Westby

EXCUSED

Michael Judd—Recording
Secretary
Judge Michele
Christiansen Forster
Scarlet Smith

GUEST

Jennifer Gadbois

1. **Action:** **Nathalie Skibine**
Approval of September 2025 Minutes

The committee reviewed the draft minutes from its September 2025 meeting and Dick Baldwin noted a misspelling in item two.

With that correction noted Mary Westby moved to approve the September 2025 minutes. Martha Pierce seconded that motion, and it passed without objection by unanimous consent.

The Committee reviewed the public comment that was received from the Judiciary’s Transcript Office regarding the proposed amendments to Rule 11. Nathalie Skibine noted that the concern raised was regarding self-represented parties who use paragraph (e) when they are unable to afford the costs of transcripts.

Nick Stiles reported that he spoke with Jennifer Gadbois and the transcript office, and they have been reviewing options for how self-represented parties can obtain transcripts. Mr. Stiles is currently meeting with trial court executives to see about creating a fee waiver for transcripts.

Judge Orme stated that if the Court has the recording, he doesn't see an issue with self-represented parties creating their own transcripts. Others viewed this as problematic as it causes an undue burden on appellate counsel and the courts to verify the accuracy.

Another concern raised in the public comment was parties who use paragraph (d) to correct the transcript when the transcript says (inaudible). Tera Peterson reported that some practitioners may believe they are no longer able to correct the record in these instances. The Committee discussed the concerns and added “due to audio issues” to paragraph (d) **Supplementing or modifying the record** to clarify that parties are still able to correct the record using this paragraph.

Ms. Westby moved to approve Rule 11 with the above additional language added, and Rules 28A and 55A as final. Stan Purser seconded that motion, and it unanimously passed. Nathalie Skibine noted that Rule 11 may need to go out for public comment again and will speak with the Supreme Court about this at their next court conference.

Mr. Stiles introduced the proposed amendments to Rule 34 which changes the awarded costs for printed briefs and attachments from \$3.00 per page to actual reasonable cost incurred. Mr. Baldwin noted that the paragraphs needed to be renumbered due to the removal of paragraph (c)(1).

Ms. Westby moved to approve Rule 34 for public comment with the above change. Ms. Peterson seconded the motion, and it unanimously passed.

4. Discussion: Nathalie Skibine
Extension

Nathalie Skibine informed the Committee that her office met with the Supreme Court regarding the extension issue but there are no new resolutions for the problem. Ms. Skibine questioned whether a rule could be put in place that would make extensions easier, create less paperwork, or have the parties request fewer.

Stan Purser suggested increasing the number of stipulated continuances that parties can request, this could save parties time in writing the extension request and save the Court time in reviewing the request.

Ms. Peterson questioned whether there was a way for parties to streamline their briefs and suggested removing the introduction and background portion. Judge Orme disagreed and stated that those sections can be helpful if the parties focus on what is relative to the issue on appeal.

With the Committee's agreement Mr. Purser will work on a draft of Rule 22 for November's meeting.

5. Discussion: Nathalie Skibine
Pro Se Criminal Defendants

Nathalie Skibine reported that her office has seen an increase in clients who want to represent themselves and wondered if there should be a rule in place for when this occurs. Ms. Westby stated that it could simply be a motion by the party stating that they are declining counsel and wish to proceed on their own but suggested waiting on the creation of a rule as it is still a rare occurrence.

6. Action: Stan Purser
Rule 50

Mr. Purser explained the proposed amendments to Rule 50 and expressed that it may be helpful for the rule to list what should be included in responses to petitions for writ.

The Committee discussed the addition of a word limit. Clark Sabey suggested studying the issue further to determine what the correct word limit should be to correlate with the number of pages allowed by the rule. The Committee agreed and the word limit was removed from the draft.

The Committee removed the requirement that the controlling provisions be included in the contents, clarified what the statement of the case should be, and cleaned up language in paragraph (a)(4)(E). Ms. Skibine noted that Rule 49 should also be updated with the same changes and stated that both rules can be submitted to the Supreme Court at the same time.

Ms. Westby moved to approve the rule as it appeared on the screen with the additional changes and with the understanding that Rule 49 will also be changed to be consistent with the changes to Rule 50. Mr. Sabey seconded that motion, and it unanimously passed. Both rules will be sent to the Supreme Court for recommendation they be posted for public comment.

**7. Action: Nicole Gray
Rule 5**

Nicole Gray reported that the Supreme Court suggested that Rule 5 be amended to provide clarity that a petition cannot be filed before the written order has been filed in the trial court. Mary Westby suggested that further clarification could be made in the rule and asked to make further changes.

The Committee agreed. Ms. Westby will submit a new proposal for Rule 5 at the Committee's November meeting.

**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 November 6, 2025.