



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, December 4, 2025
12:00 pm to 1:30 pm

PRESENT

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

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

EXCUSED

Judge Michele
Christiansen Forster
Stan Purser—
Vice Chair
Michelle Quist
Scarlet Smith

GUESTS

None

1. Action:

Approval of November 2025 Minutes

The committee discussed the November 2025 minutes and noted no errors.

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

Nathalie Skibine

2. Discussion/Action: Nathalie Skibine
Final Approval of Rules 3, 11, 28A, 23A,
and 23B

The committee received two public comments on the proposed rule changes regarding transcripts and mediation timing, and those two comments expressed opposing views. Noting those comments, the committee maintained the view that the planned approach is appropriate.

Following that discussion, Ms. Pierce moved for final approval of the rules as drafted and discussed. That motion was seconded, and it passed without objection by unanimous consent. The rules will be sent to the Supreme Court for final approval.

3. Action: Stan Purser
Rules 22 and 26

The committee reviewed proposed changes to Rules 22 and 26, incorporating suggestions from the Supreme Court. The committee recognized its preference for use of the term “extension” rather than “enlargement” and made adjustments to the proposed language to refer to a “notice of stipulation” in order to clarify that this is not a motion requiring action by the court. The committee also discussed the utility and possible removal of “ex parte” procedure under Rule 22(c) and otherwise reviewed and adjusted the language of the rules.

Following that discussion, Dick Baldwin moved to approve Rule 22 and 26 as circulated. Debra Nelson 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.

4. Action: Nathalie Skibine
Rule 27

After receiving feedback regarding references to Rule 3(g), the committee’s preferred approach is to remove cross-references altogether. The committee also agreed on changes to the language in paragraph (a)(2) regarding typeface requirements and to replace that with a legibility requirement.

Based on that discussion, Mary Westby moved to approve Rule 27 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.

5. Action: Mary Westby
Rule 5

The committee considered the addition of a note regarding what is sufficient to “start the clock running” under the rule, and it removed a reference to *Houghton v. Department of Health*.

Following that discussion, Mary Westby moved to approve the rule and comment as circulated. Ms. Nelson 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.

6. Discussion: Judge Gregory Orme
Time to Appeal Order Related to
Substantiation Proceedings

The committee considered a memo from staff regarding orders from substantiation proceedings. The memo focused on a lack of clarity about whether 15-day or 30-day appeal deadlines apply. The committee considered a recommendation to remove the line from paragraph (f) of Rule 1, meaning that challenges would be brought within 15 days, thereby making the rule consistent with the applicable code section. After that discussion, however, the committee turned to more fundamental questions about how these appeals *should* proceed.

Following that discussion, the committee opted to table discussion of Rule 1 for the time being, with Mary Westby agreeing to propose potential revisions to the rule at the committee’s February meeting.

7. Discussion: Nathalie Skibine, Chair
State v. James

Ms. Skibine brought to the committee’s attention an allocution problem flagged by the dissent in a case called *State v. James*. That problem raises questions about how to handle errors regarding allocution statements, and the committee has been encouraged to consider changes. After discussion,

the committee recognized that it will likely need to wait for decisions to be made by parallel rulemaking committees.

Following that discussion, the committee opted to wait for potential criminal rules or criminal appeals rulemaking processes, including potential amendment of Rule 22(b), to play out before discussing this problem further.

8. Discussion: Nathalie Skibine, Chair
Old/New Business

None.

9. Adjourn Nathalie Skibine, Chair

Following the business and discussions described above, the committee adjourned. The committee's next meeting will take place on February 5, 2026.