



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, March 5, 2026
12:00 pm to 1:30 pm

PRESENT

Dick Baldwin
Judge Michele
Christiansen Forster
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
Scarlet Smith
Nick Stiles—Staff
Mary Westby

EXCUSED

Michael Judd—Recording
Secretary

GUESTS

Jennifer Gadbois
Julie Nelson
Crystal Cragun—Transcript
Coordinator

1. Action:

Nathalie Skibine

Approval of February 2026 Minutes

Nathalie Skibine welcomed everyone to the meeting and asked for approval of the minutes from the Committee's February meeting. Tera Peterson noted a repeated word in section three and a typo in section six.

With those edits made to the February minutes Mary Westby moved to approve. Stan Purser seconded the motion, and it unanimously passed.

2. Discussion: Nick Stiles
Rule 11 – Transcript Issue

Nick Stiles reminded the Committee that an amendment to Rule 11 went into effect which eliminated the ability for parties to submit their own transcripts. Crystal Cragun added that previously once the parties created the transcripts they would have to stipulate with the other party before it was submitted to the Court.

Since that amendment became final there have been ongoing discussions between the District Court bench and the Trial Court Executives regarding fee waivers for parties to acquire transcripts. The current issue is that if the district grants the fee waiver that district is covering the costs to have the transcripts made.

Mr. Stiles does not believe amending the rule back to its previous version is the best course of action and asked the Committee their viewpoints and suggested that maybe AI technology could be a possible solution. Ms. Peterson reported receiving a transcript that was transcribed from the recording via AI and that the transcript was riddled with errors.

Ms. Westby noted that there are additional amendments to Rule 11 set to become effective on May 1, 2026 which will change when transcripts are due. Once that amendment becomes effective it may help reduce the number of transcripts needed. Jennifer Gadbois added that since the rule was amended to remove parties from creating their own transcripts there has only been one case that didn't qualify for a pro bono attorney. If a party qualifies for a pro bono attorney then the transcript is paid for through that funding.

Following that discussion, the Committee tabled further discussion on the matter until the new amendments to Rule 11, changing the timeframe on when transcripts are due, goes into effect on May 1, 2026 to see if that resolves the issue.

3. Discussion: Julie Nelson
Rule 11

Julie Nelson reported to the Committee that the trial courts have been referring to docket numbers in their orders and although people can usually locate what item they are referring to in Xchange that is not the case with family law cases. Ms. Nelson asked the Committee to consider amending the rule to state that the appellate record will include docket numbers or at least include them in the index.

Mr. Stiles has talked with the Deputy Court Administrator to see if it would be difficult to have IT add this information and they are looking into how much it would cost. Ms. Gray and Ms. Gadbois have also spoken with IT regarding the issue and have been told that it would be difficult to do as this information isn't stored in the same place.

Ms. Skibine questioned if the trial courts could stop referring to docket numbers. Ms. Gadbois stated she could speak to the District Court Board of Judges about it.

Ms. Nelson shared her screen with the Committee to show how Xchange appeared, confirming that numerous filings did not list the docket numbers. Ms. Gadbois will speak with IT again regarding the issue and reach out to Ms. Nelson with their response.

Following that discussion the issue was tabled and will be revisited during the Committee's April or May meeting.

4. Action: Judge Orme
Appellate Disqualification

Judge Orme informed the Committee that the Court of Appeals recently received a couple of last-minute motions to disqualify judges from hearing an appeal and stated that having a disqualification rule in place could help guide the Court on how to handle these situations. Judge Orme suggested including language from the District Court rule that the judge in question can read the motion and if they agree they can disqualify themselves.

The Committee discussed a possible timeframe with Ms. Westby suggesting within a certain timeframe of when the parties were made aware of who would be on the panel. Ms. Westby also noted that the panel is not disclosed until after an order is issued for appeals decided without oral argument. Clark Sabey added that one concern is receiving motions prior to the Court's internal process of reviewing cases for recusals.

Following these discussions Judge Christiansen Forster moved to table the issue. A subcommittee consisting of Judge Christiansen Forster, Nicole Gray, Jennifer Gadbois, Clark Sabey, and Judge Mortensen was created to work on a new draft of a potential rule.

5. Action: Clark Sabey
Rules 19, 48, and 49

Mr. Sabey introduced the proposed changes to Rules 19, 48, and 49 noting that these were previously presented to the Committee. One change has been made to the proposal which removed the proposed amendments to Rule 19(a). Mr. Sabey suggested if the Committee is interested in clarifying paragraph (a) of Rule 19 and Rule 5 that perhaps a subcommittee could be formed.

Ms. Westby voiced concerns with the proposed amendments to Rule 19 and suggested that instead of the Clerk reviewing the petitions they should be sent to the staff attorneys for review. Ms. Gadbois also noted a concern of not having a record of receiving the filing and of the following rejection.

Mr. Sabey noted that this is already the process for Writ of Certiorari cases. Ms. Gray is in favor of the rule and doesn't believe there are any legal reasons that the Clerk cannot review the case to see if the party followed the rule.

The Committee decided to table Rule 19 for further discussion. Mr. Purser then moved to approve the proposed amendments to Rules 48 and 49. Judge Christiansen Forster seconded that motion, and it was unanimously passed. Rules 48 and 49 will be sent to the Supreme Court on recommendation that they be published for public comment.

6. Action: Nathalie Skibine
Rule 55A

Ms. Skibine presented the proposed amendment to Rule 55A in Ms. Westby's absence and informed the Committee that it is an administrative change.

Judge Christiansen Forster moved to approve the proposed amendments. Mr. Purser seconded the motion, and it unanimously passed. The rule will be submitted to the Supreme Court on recommendation that it be published for public comment.

7. Action: Nicole Gray
Rule 26

Ms. Gray presented the proposed amendments to Rule 26 which reflects that the Court will soon be hearing cases as a panel of seven so the Court will need more paper copies of briefs.

Judge Christiansen Forster moved to approve the proposed amendment. Mr. Baldwin seconded the motion, and it was unanimously approved. The rule will be submitted to the Supreme Court on recommendation that it be posted for public comment.

8. Action: Nicole Gray
Rules 24

Ms. Gray advised the Committee that currently Rule 24 states that a filed proposed overlength brief will be destroyed whether or not a motion for overlength brief is granted. The proposed amendment would change this to state the brief will only be destroyed if the motion is denied.

Mr. Purser moved to approve the proposed amendments. Mr. Sabey seconded the motion, and it unanimously passed. The rule will be submitted to the Supreme Court on recommendation that it be posted for public comment.

9. Discussion: Nathalie Skibine
Standing Order 17

Ms. Skibine reported that currently Standing Order 17 does not include extension requests on PCRA cases as these cases are civil cases. Mr. Stiles stated that the Supreme Court is aware of this and will be publishing an amended order within the next day. Mr. Purser questioned how people are being notified of standing orders and Mr. Stiles replied that the Court will work with the appellate practice section to ensure people are being notified.

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

Michelle Quist noted that currently Rule 26 says that a stipulated enlargement of time request can only be 30 days but Rule 22 states it can be up to 60 days. Although the Committee and the Court approved removing the stipulated language from Rule 26 it is not set to be effective until May 1, 2026 and the proposed amendments to Rule 22 were made effective January 23, 2026. Mr. Stiles stated that he will ask the Court if we can make Rule 26 effect immediately to clear up the inconsistency.

11. Adjourn Nathalie Skibine, Chair

Ms. Skibine informed the Committee of the need to be excused for the April meeting and depending on what the agenda looks like April's meeting may be cancelled. Following the business and discussions described above, the Committee adjourned.