



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, June 4, 2026
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
Martha Pierce

Stan Purser—
Vice Chair
Clark Sabey
Nathalie Skibine—
Chair
Scarlet Smith
Nick Stiles—Staff
Mary Westby

EXCUSED

Judge Michele
Christiansen Forster
Tera Peterson
Michelle Quist

GUESTS

Judge David Mortensen

1. Action:

Nathalie Skibine, Chair

Approval of May 2026 Minutes

The committee reviewed the May 2026 minutes. Nick Stiles noted several typographical errors, which were corrected. The committee also corrected the attendance and excusal lists.

Following that discussion, Mary Westby moved to approve the May 2026 minutes as modified and displayed on screen at the committee's meeting. Debra Nelson seconded that motion, and it passed without objection by unanimous consent.

2. **Action:** Judge Michele Christiansen
Appellate Disqualification Forster, Judge David
Mortensen, Nicole Gray,
Clark Sabey

The committee discussed the different filing timelines in the Supreme Court and Court of Appeals. In the Court of Appeals, a party may file a motion upon learning of a conflict, but in the Supreme Court, a party must wait until the court completes its internal process. The committee also changed references to judges and justices to lowercase and decided that an advisory committee note regarding internal recusal processes was not presently necessary.

3. Action: Nathalie Skibine, Chair
Rule 24

The committee received only one comment on the proposed Rule 24, and it was in favor of the changes. The committee also discussed changes responding to comments from Justice Pohlman. It moved the requirement to list trial court or agency counsel to a separate subparagraph, limited that requirement to counsel pertinent to the appeal, made the parenthetical in paragraph (a)(11) a separate sentence, and clarified that a proposed brief accompanying a motion to file an overlength brief will be accepted as filed if the motion is granted.

4. Action:
Rules 48 and 49

Rules 48 and 49 had previously received the committee's final approval. Upon further review, however, a change was proposed to remove the phrase "or

other filing” from Rule 48. Clark Sabey explained that Rule 49(f) does not identify another filing to which that phrase would refer. The committee agreed and removed the phrase from the proposed rule.

Following that discussion, Mary Westby moved to approve the rules as modified and displayed on screen at the committee’s meeting. Stan Purser seconded that motion, and it passed without objection by unanimous consent. The rules will be submitted to the Supreme Court with a recommendation that they be posted for public comment.

5. Action: Nathalie Skibine, Chair
Items Referred by the Supreme Court

Because of time constraints, the committee briefly discussed the items referred by the Supreme Court. Martha Pierce noted that several of these changes relate to concerns about the Court’s exercise of its discretion. Ms. Westby noted that the committee may need to engage with policy questions requiring further consideration before making committee assignments.

The committee will discuss the referred items again at its September meeting and determine whether any rule changes are needed.

6. Action: Nick Stiles
URE 107 / URAP 11

Because of time constraints, the committee tabled this item until a future meeting.

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

The committee noted that its July and August meetings had been canceled and that its next meeting would be held on September 3, 2026.

8. Adjourn Nathalie Skibine, Chair

Following the business and discussions described above, the committee adjourned. The committee’s next meeting will take place on September 3, 2026.

