

# Administrative Office of the Courts

Chief Justice Richard C. Howe  
Chairman, Utah Judicial Council

## AGENDA

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator

### Supreme Court's Advisory Committee on the Rules of Appellate Procedure

Administrative Office of the Courts  
450 South State Street  
Salt Lake City, Utah 84114

Judicial Council Room

June 20, 2000 - 3:30 p.m.

1. **WELCOME AND APPROVAL OF MARCH MINUTES** Todd Utzinger
2. **APPELLATE COURT ISSUES** Matty Branch
  - Rule 36**
  - Rule 11**
  - Rule 12**
3. **ORAL ARGUMENT RULE** Fred Voros
4. **OTHER BUSINESS**
5. **ADJOURN**

**The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

MINUTES

**Supreme Court's Advisory Committee  
on the Rules of Appellate Procedure**

Administrative Office of the Courts  
450 South State Street  
Salt Lake City, Utah 84114

June 20, 2000 - 3:30 p.m.

**ATTENDEES**

Todd Utzinger  
George Haley  
David Arrington  
Julianne Blanch  
Clark Nielsen  
Joan Watt  
Matty Branch

**EXCUSED**

Fred Metos  
Larry Jenkins  
Fred Voros  
Karra Porter  
Judge Judith Billings

**STAFF**

Brent Johnson

**I. WELCOME AND APPROVAL OF MINUTES**

Todd Utzinger welcomed the Committee members to the meeting and asked the Committee members to review the minutes of the March meeting. Joan Watt noted one typographical error. Matty Branch moved to approve the minutes as amended. Julianne Blanch seconded the motion. The motion carried unanimously.

**II. RULE 36**

Matty Branch distributed proposed amendments to Rule 36. The amendments propose to make a stay of the remittitur automatic upon the filing of a petition for writ of certiorari and propose to clarify that section (b) applies only to U.S. Supreme Court actions. Ms. Branch stated that there had often been confusion about whether section (b) applies only to U.S. Supreme Court actions.

The Committee members briefly discussed whether subsection (b) applies only to U.S. Supreme Court actions, and whether this supersedeas language should be moved to another rule. After brief discussion, George Haley moved to adopt the rule for public comment. Joan Watt seconded the motion. The motion carried unanimously. Subsequent to this motion, Mr. Haley moved to amend the rule to clarify that any motion for a stay of the remittitur must be filed in the Utah Supreme Court. Julianne Blanch seconded the motion. The motion carried unanimously.

### **III. RULES 11 & 12**

Matty Branch explained that the proposed amendment to Rule 11 was directed toward trial court clerks to ensure that they provide the exhibits when sending up the record. George Haley questioned whether the court wanted the exhibits, or simply a list of the exhibits. Clark Nielsen stated that the list of the exhibits is already sent by the trial court clerks. Matty Branch stated that the courts do not want the physical exhibits. Julianne Blanch stated that she does not always see the log of exhibits being sent up to the Court of Appeals and therefore the amendment is perhaps needed.

Matty Branch explained that the proposed amendment to Rule 12 was necessary because the rule has never contained any language directed toward juvenile court clerks. After brief further discussion, Matty Branch moved to approve the amendments to Rules 11 and 12. George Haley seconded the motion. The motion carried unanimously.

### **IV. ADJOURN**

George Haley moved to adjourn the meeting at 4:25 p.m. The motion carried unanimously. The Committee members agreed to meet on August 15, 2000, changing the meeting time to 4:30 p.m.