

# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

## AGENDA

Daniel J. Becker  
State Court Administrator  
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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

May 19, 2004

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| 3. | RULE 19                         | Clark Sabey        |
| 4. | RULE 29                         | Judge Gregory Orme |
| 5. | MISCELLANEOUS RULE PROPOSALS    | Matty Branch       |
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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

## APPROVED 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

May 19, 2004

#### ATTENDEES

Matty Branch  
Marian Decker  
Larry Jenkins  
Margaret Lindsay  
Judge Gregory Orme  
Bryan Pattison  
Karra Porter  
Clark Sabey  
Kate Toomey  
Todd Utzinger  
Fred Voros

#### EXCUSED

David Lewis  
Clark Nielsen  
Joan Watt

#### STAFF

Brent Johnson

### I. WELCOME AND APPROVAL OF MINUTES

Todd Utzinger welcomed the Committee members to the meeting. Karra Porter moved to approve the minutes of the April meeting. Fred Voros seconded the motion. The motion carried unanimously.

### II. RULE 8A

Fred Voros distributed the latest version of proposed Rule 8A. Mr. Voros stated that since the last meeting, he had simplified paragraph (a) and separated the provisions in paragraph (b)(5). Mr. Voros stated that he had also included language about page limits.

Karra Porter questioned whether the language discussing service on the Attorney General's Office should be a separate provision. After brief discussion, the Committee members agreed that it should be a separate section, paragraph (c). The other sections will be revised accordingly. Fred Voros then moved to approve the rule as proposed and amended. Matty Branch seconded the motion. The motion carried unanimously.

### **III. RULE 19**

Clark Sabey distributed the latest version of proposed Rule 19. Mr. Sabey stated that the main concern expressed at the last meeting was action by a single judge. Fred Voros questioned whether the rule would now be consistent with Rule 23(e). Mr. Voros also discussed whether the rule would be consistent with the new 8A. After brief discussion, Fred Voros decided that Rule 8A should be redrafted, to be consistent with Rule 19. The Committee therefore rescinded its previous action on Rule 8A and Mr. Voros will present a new version at the next meeting.

Judge Orme suggested adding the language “upon its own motion” to the last line in paragraph (d), which would then allow the court to review a denial of a petition by a single judge upon its own motion or request of a party. The Committee members agreed with this suggestion.

Fred Voros then moved to approve Rule 19 as proposed and amended. Matty Branch seconded the motion. The motion carried unanimously.

### **IV. RULE 29**

Judge Orme had previously distributed proposed amendments to Rule 29. The amendments clarify the order of argument and limit the appellant’s reply argument to the points made by appellee in appellee’s oral argument. Judge Orme had presented two alternatives, and the Committee members felt that the second alternative reflected the clearest statement of the Committee’s intent. Matty Branch moved to approve the second alternative.

Fred Voros also suggested eliminating the last sentence of paragraph (c). Mr. Voros stated that it appeared as if this language was more in the nature of a practice pointer and should be removed from the rule. The Committee members agreed with the suggestion. Judge Orme suggested including in the motion the elimination of the phrase “and content” from the title of the paragraph, and eliminating the last sentence of paragraph (c). Matty Branch accepted Judge Orme’s amendment as a part of her motion. Fred Voros seconded the motion. The motion carried unanimously.

### **V. OTHER BUSINESS**

Matty Branch had previously distributed an e-mail with various rule proposals. Included was a proposal to amend the rules on petitions for a writ of certiorari to require only the same number of copies as required for briefs under Rule 26. The Committee members agreed with this suggestion.

The Committee members began to discuss the other items in the e-mail, but the Committee ran out of time and decided to postpone the other discussions until the next meeting. The next meeting was scheduled for June 16, 2004 at noon. The meeting adjourned at 1:05 p.m.