

Administrative Office of the Courts

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

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

AGENDA

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

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| 1. | WELCOME AND APPROVAL OF MINUTES | Joan Watt |
| 2. | PRECEDENTIAL VALUE OF OPINIONS | Fred Voros |
| 3. | ELECTRONIC TRANSCRIPTS | Fred Voros |
| 4. | PROPOSAL ON SINGLE JUDGE REVIEW | Joan Watt |
| 5. | OTHER BUSINESS | |
| 6. | 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

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

August 17, 2005 - 12:00 pm

ATTENDEES

Matty Branch
Marian Decker
Larry Jenkins
David Lewis
Judge Gregory Orme
Bryan Pattison
Clark Sabey
Kate Toomey
Fred Voros
Joan Watt

EXCUSED

Margaret Lindsay

STAFF

Brent Johnson

I. WELCOME AND APPROVAL OF MINUTES

Joan Watt welcomed the Committee members to the meeting. Matty Branch moved to approve the minutes from the May meeting. Kate Toomey seconded the motion. The motion carried unanimously.

Matty Branch informed the Committee members that Todd Utzinger did not seek another term on the Committee, and that Joan Watt had been appointed as chair. The Committee members congratulated Ms. Watt on her appointment.

II. ELECTRONIC TRANSCRIPTS

Fred Voros had previously distributed a comment from an attorney in his office suggesting a rule change requiring reporters to file an electronic copy of transcripts that are prepared. Matty Branch stated that it might be a good idea, but the Committee needed to obtain feedback from court reporters. Kate Toomey noted that some transcribers charge more than others for this service. Judge Orme stated that, from the court's standpoint, there might be little use of digital

transcripts. Judge Orme stated that the proposal has more to do with what is beneficial to the attorneys and parties.

Bryan Pattison suggested that a digital copy is more beneficial to an attorney or a party. Mr. Pattison stated that the attorneys and parties currently have the opportunity to obtain such a copy. Mr. Pattison suggested that a rule change is therefore not necessary. Judge Orme suggested that if the cost is minimal then a rule change might be warranted, but if there is an unjustified burden or cost, then the status quo should be maintained. Staff was instructed to receive input from the managing court reporters on the proposed change.

III. SINGLE JUDGE OR JUSTICE REVIEW

Staff reminded the Committee members that Brent Burnett had submitted a comment asking the Committee to review the rules on review by a single judge or justice. Mr. Burnett had suggested that there may be some confusion or inconsistency between the rules, particularly as to whether review of a single judge's decision is permissive or mandatory, and if permissive, how a party may seek such review. Clark Sabey explained the current procedures followed by the court. Joan Watt questioned whether the courts would want to establish a mechanism for permissive review. Ms. Watt stated that the current rules would allow someone to request such a review. Judge Orme suggested that the current rules may be adequate and that if a mechanism is established, people will feel like they have to use that process. Clark Sabey agreed to review the rules to see whether there are any inconsistencies and whether a change should be proposed.

IV. OTHER BUSINESS

Staff informed the Committee members that the proposal on compressed formats had been defeated though the action slip vote. The Committee members could raise the idea again if they wanted to discuss it.

The Committee members set their next meeting for Wednesday October 19, 2005. There being not further business, the Committee adjourned.