

# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, 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

October 25, 2006 - 12:00 p.m.

1. WELCOME AND APPROVAL OF MINUTES  
Joan Watt
2. CHILD WELFARE RULES  
Margaret Lindsay  
Larry Jenkins
3. OTHER BUSINESS
4. 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

October 25, 2006

**ATTENDING**

Matty Branch  
Paul Burke  
Marian Decker  
Larry Jenkins  
Judge Gregory Orme  
Bryan Pattison  
Clark Sabey  
Kate Toomey  
Joan Watt

**EXCUSED**

Margaret Lindsay  
Karra Porter  
Fred Voros

**STAFF**

Brent Johnson

**I. WELCOME AND APPROVAL OF MINUTES**

Joan Watt welcomed the Committee members to the meeting. The minutes from the last meeting were approved.

**II. CHILD WELFARE RULES**

Larry Jenkins had distributed proposed amendments to the Child Welfare Appellate Rules which would make the rules applicable to adoptions. Mr. Jenkins stated that he does a lot of adoptions and he believes that these cases should also be expedited. Mr. Jenkins had also proposed changes to deal with interlocutory appeals in these types of cases.

Judge Orme noted that the court rarely sees interlocutory appeals in these cases, and when the court receives such an appeal, the case usually involves problematic legal issues. Mr. Jenkins noted that the court could still request full briefing. Judge Orme noted that this may actually delay the proceedings because additional briefing would almost certainly be requested. Mr. Jenkins noted that the Adoption Council agrees that the rules should apply to adoption proceedings.

Matty Branch suggested that it might be a good idea to have the Child and Family Law

Committee and others review the proposals before the Committee proceeds further. The Committee members agreed with this proposal and staff was instructed to send the proposal to interested groups.

### **III. RULE 55**

Margaret Lindsay had submitted proposed changes to Rule 55. Matty Branch noted that the proposal simply includes the provisions from Rule 24 to Rule 55. Matty Branch then moved to approve the proposal. Paul Burke seconded the motion. The motion carried unanimously.

### **IV. OTHER BUSINESS**

Bryan Pattison noted that Rule 51, on certiorari, refers back to Rule 24, but some things do not fit, such as showing that the issue was preserved at trial. After some discussion, the Committee agreed that the rules needed to be reviewed to determine which provisions from Rule 24 should apply to certiorari cases. Bryan Pattison agreed that he would look at the rules.

The Committee scheduled its next meeting for January 17, 2006. The meeting adjourned at 12:55 p.m.

**MINUTES**

**APPROVED MINUTES**

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