



## 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

Via WebEx Videoconference  
Thursday, January 6, 2022  
12:00 pm to 1:30 pm

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#### PRESENT

Emily Adams  
Christopher Ballard—Chair  
Troy Booher—  
Emeritus Member  
Lisa Collins  
Carol Funk  
Amber Griffith  
Michael Judd—  
Recording Secretary

Judge Jill Pohlman  
Judge Gregory Orme  
Stanford Purser  
Michelle Quist  
Nathalie Skibine  
Scarlet Smith  
Nick Stiles—Staff  
Mary Westby

#### EXCUSED

Patrick Burt  
Tyler Green  
Clark Sabey

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**1. Action:** **Chris Ballard**  
**Approval of November 2021 Minutes**

The committee reviewed the November 2021 minutes. Judge Orme noted several errors requiring correction in Items 2, 3, and 5. Those errors were corrected.

*With those corrections made, Judge Orme moved to approve the November 2021 minutes as amended. Mary Westby seconded that motion, and it passed without objection by unanimous consent.*

2. **Information:** **Nick Stiles**  
**Welcome and Introductions**

Nick Stiles welcomed Amber Griffith, who will staff this committee and act as an assistant to Nick and to Justice Petersen. Chris Ballard reminded the committee that Rule 11-1(4) requires members of the committee to begin each year by disclosing the nature of their practices. Committee members did so.

3. **Action:** **Mary Westby**  
**Rule 4(f)**

Mary Westby introduced the contemplated changes to Rule 4(f), which relate to time limits on ability to reinstate direct appeal, as well as some general clean-up. The committee devoted time to discussing an appropriate cut-off—specifically, whether it should tie to a PCRA filing, or simply hold to “reasonable time.” The committee discussed and adopted a change to lines 4–5, to strike unnecessary language, and to change the number of days identified in line 9.

*Following that discussion, Ms. Westby moved to approve the rule as amended and as shown on screen at the committee meeting. Michelle Quist seconded that motion, and it passed without objection by unanimous consent.*

4. **Action:** **Emily Adams**  
**Rule 10(d)**

Emily Adams introduced a straightforward change to Rule 10(d), which clarifies the deadline language to state that a filing must be made *on or before* the stated deadline, not *before* that deadline.

*After that discussion, Ms. Westby moved to approve the rule as amended and as shown on screen at the committee meeting. Stan Purser seconded that motion, and it passed without objection by unanimous consent.*

**5. Discussion: Mary Westby**  
**Orders Entered on Weekends**

Ms. Westby led the committee in a discussion of how the rules treat orders entered on the weekends, which may become an increasingly common occurrence. The committee concluded that the concern relates not only to the appellate rules, but also to the civil and criminal rules, and that it may make sense for any changes related to computation of timing be initiated with those committees.

*Following that discussion, Mr. Stiles agreed to draft a proposal to the civil and criminal rules committees to seek clarity on these issues.*

**6. Information: Lisa Collins**  
**Update re: UCJA 4-206**

Lisa Collins and Nick Stiles provided the committee with an update regarding UCJA 4-206. Ms. Collins and Mr. Stiles addressed the policy at a productive management meeting, and there are now indications of sound practice regarding exhibit preservation from district courts. The committee thanked Ms. Collins and Mr. Stiles for their dedicated work on this issue, and believes that no further attention to the policy is needed at this time.

**7. Discussion: Chris Ballard**  
**Old/New Business**

The committee noted several items of new business for attention, including potential amendments to rules 19 and 20 and a potential rule regarding intervention on appeal. Mr. Purser noted another possible item: a provision in Rule 23 regarding a requirement that parties confer before filing a motion. Mr. Purser agreed to draft a proposed amendment adding that requirement.

**8. Adjourn**

*Following its productive meeting, the committee adjourned. The committee's next meeting will take place on February 3, 2022.*