



## 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

In Person and by WebEx Videoconference  
Thursday, June 1, 2023  
12:00 pm to 1:30 pm

#### PRESENT

Emily Adams  
Christopher Ballard—Chair  
Jacqueline Carlton—Guest  
Judge Michele  
Christiansen Forster  
Lisa Collins  
Carol Funk  
Tyler Green  
Amber Griffith—Staff

Michael Judd—Recording  
Secretary  
Stanford Purser  
Michelle Quist  
Clark Sabey  
Nathalie Skibine—  
Vice Chair  
Scarlet Smith  
Nick Stiles—Staff  
Mary Westby

#### EXCUSED

Troy Booher—  
Emeritus Member  
Patrick Burt  
Judge Gregory Orme

#### 1. Action:

**Chris Ballard**

#### Approval of May 2023 Minutes

The committee reviewed the May 2023 minutes. The committee had no changes.

*After that review, Carol Funk moved to approve the May 2023 minutes. Judge Michele Christiansen Forster seconded that motion, and it passed without objection by unanimous consent.*

2. **Action:** **Stan Purser**  
**Rule 27—Two Options**

Stan Purser introduced two options for how to approach Rule 27’s requirements and to simplify caption information. The committee’s goal in fashioning amendments is to ensure that the rules conform with existing practice and that experienced and inexperienced counsel operate on a level playing field. The committee worked to revise lines 99 to 101 (in Option 2) to address a concern about “lodging” briefs.

With respect to the choice between Options 1 and 2, Chris Ballard weighed in in favor of Option 2, because it better promotes accessibility. The committee agreed.

*Following the committee’s discussion, Mr. Purser moved to adopt the proposed changes—Option 2, in particular—as modified during the meeting and as reflected on the screen. Tyler Green seconded that motion, and it passed without objection by unanimous consent.*

3. **Action:** **Scarlet Smith**  
**Michelle Quist**  
**Rule 4(b)**

The proposed changes to Rule 4(b) addressed issues related to notice-of-appeal timing requirements when *multiple* post-judgment motions are filed, each of which could toll the time to file a notice of appeal.

The committee also took up an additional issue. Mary Westby proposed a subparagraph (3) to cut down on drawn-out appeals. That subparagraph would allow the appellate court to dismiss an appeal that had been sitting idle for months and months awaiting resolution of a post-judgment motion. The committee discussed that idea at length.

*Following the committee’s discussion, Ms. Westby moved to refer the new potential subparagraph to a subcommittee. Mr. Green seconded that motion, and it passed without objection by unanimous consent. That subcommittee will include Ms. Westby, Scarlet Smith, Michelle Quist, and Clark Sabey.*

*Ms. Smith then moved to adopt the initial proposed changes to Rule 4(b), as modified during the meeting and as reflected on the screen. Ms. Westby seconded that motion, and it passed without objection by unanimous consent.*

**4. Discussion:  
Rule 5**

**Lisa Collins  
Mary Westby**

Ms. Westby and Ms. Collins reported on discussions from the clerk's offices regarding proposed changes to Rule 5. After that discussion, the offices prefer that the rule remain the same. The committee discussed potential changes to the proposed amendment.

*After discussion, Mr. Purser moved to adopt the proposed changes to Rule 5, as discussed during the meeting and as reflected on the screen. Ms. Funk seconded that motion, and it passed without objection by unanimous consent.*

**5. Discussion:  
Old/New Business**

**Chris Ballard**

The committee thanked Patrick Burt and Tyler Green for their service during the terms that they just completed.

**6. Adjourn**

*Following the business described above, Ms. Funk moved to adjourn, and Ms. Westby seconded. The committee adjourned. The committee's next meeting will take place on September 7, 2023.*