



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, November 2, 2023
12:00 pm to 1:30 pm

PRESENT

Emily Adams
Christopher Ballard—Chair
Troy Booher—
Emeritus Member
Lisa Collins
Amber Griffith—Staff
Michael Judd—Recording
Secretary
Alexandra Mareschal—
Guest

Debra Nelson
Judge Gregory Orme
Tera Peterson
Stanford Purser
Clark Sabey
Nathalie Skibine—
Vice Chair
Scarlet Smith
Nick Stiles—Staff
Carol Verdoia—Guest
Mary Westby

EXCUSED

Judge Michele
Christiansen Forster
Carol Funk
Michelle Quist

1. Action:

Approval of October 2023 Minutes

Nathalie Skibine

The committee reviewed the October 2023 minutes. No changes were noted.

After that review, Debra Nelson moved to approve the October 2023 minutes as they appeared in the committee's materials. Tera Peterson seconded that motion, and it passed without objection by unanimous consent.

**2. Action:
Rule 52**

Nathalie Skibine

The committee’s discussion has focused on the nature of the deadline applicable to motions to reinstate the time for an appeal. Mary Westby expressed comfort with the current proposal. Alexandra Mareschal cautioned that adjudications may present more complicated circumstances and expressed skepticism that any parent participating in an adjudication would deliberately delay in an effort to “game the system.” Ms. Westby pointed out that the proposed change from 15 days to 45 days already provides additional flexibility for parents in that situation.

After further discussion regarding how this rule change would apply to adjudication proceedings, the committee resolved to address the remainder of the proposed rule, while setting aside further discussion regarding how these changes would apply to adjudication decisions.

Following that discussion, Ms. Westby moved to approve the amendments as they appeared on the screen at the committee’s meeting. Lisa Collins seconded that motion, and it passed without objection by unanimous consent. In presenting the approved amendment to the Supreme Court, Chris Ballard will convey that while the committee has resolved the issue the court asked it to address, a lurking issue related to adjudications remains unaddressed.

**3. Action:
Rule 11**

Nathalie Skibine

Ms. Skibine introduced proposed language. Ms. Westby observed that the term “sealed” is often misused—parties often mean “protected” or “private”—and noted the proposed language risks tying the courts’ hands with respect to how to handle mischaracterized documents under those circumstances. The committee discussed proposed language, including sharpening language and considering additional revisions.

Following that discussion, Ms. Skibine moved to approve the amendments as they appeared on the screen at the committee’s meeting. Ms. Nelson seconded that motion, and it passed without objection by unanimous consent.

4. **Action:** **Tera Peterson**
Rule 22
- The committee discussed clarifying language for the rule and discussed, more broadly, the practice of seeking and granting extensions in Utah’s appellate courts. The committee also considered and refined an amendment to the Advisory Committee Note to square that note with the proposed amended rule.
- Following that discussion, Ms. Westby moved to approve the amendments (both to the rule and the note) as they appeared on the screen at the committee’s meeting. Stan Purser seconded that motion, and it passed without objection by unanimous consent.*
5. **Action:** **Mary Westby**
Rule 10
- With the month’s time exhausted, the committee resolved to table the proposed amendments to Rule 10 until the committee’s next meeting.
6. **Update:** **Lisa Collins**
Bail Order
- The committee also resolved to table discussion regarding bail orders until the committee’s next meeting.
7. **Discussion:** **Nathalie Skibine**
Old/New Business
- The committee noted that it will likely cancel the January, July, and August 2024 meetings, in accordance with past practice.
8. **Adjourn** **Nathalie Skibine**
- Following the business described above, Emily Adams moved to adjourn, and Ms. Nelson seconded. The committee adjourned. The committee’s next meeting will take place on December 7, 2023.*