



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, December 7, 2023
12:00 pm to 1:30 pm

PRESENT

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

Marina Kelaidis—Guest
Debra Nelson
Judge Gregory Orme
Tera Peterson
Stanford Purser
Michelle Quist
Clark Sabey
Nathalie Skibine—
Vice Chair
Nick Stiles—Staff
Mary Westby

EXCUSED

Scarlet Smith

1. Action:

Chris Ballard

Approval of November 2023 Minutes

The committee reviewed the November minutes. No changes were noted.

After that review, Mary Westby moved to approve the November 2023 minutes as they appeared in the committee's materials. Nathalie Skibine seconded that motion, and it passed without objection by unanimous consent.

Chris Ballard

2. Action:

Final Approval of Rules 4, 27

The committee reviewed public comments, including a helpful comment to Rule 27 related to setting the trigger for the five-day window to correct a non-conforming brief. Emily Adams proposed language to incorporate that comment.

Following that discussion, Carol Funk moved to approve that amendment to Rule 27, and that motion was seconded. The motion passed without objection by unanimous consent.

Tera Peterson voiced concerns about the burden allocated to the prosecutor under the proposed amended rule to show that a delay was unreasonable. The committee recognized that those concerns had been voiced by public comment before, but also recognizes that burden is part of the compromise struck to put these Rule 27 amendments into place.

Following that discussion, Judge Gregory Orme moved to submit Rule 4 to the Supreme Court for final approval, as the rule and its amendments, as they appeared on the screen at the committee's meeting. Michelle Quist seconded that motion, and it passed without objection by unanimous consent. The committee elected to hold back the amendments to Rule 27, which is now in a tentatively final state, in advance of anticipated additional changes to technical components of the rule, including the rules related to e-filing.

3. Action:

E-filing Rule Amendments

**Nick Stiles, Lisa Collins,
Nicole Gray, Marina Kelaidis**

The committee discussed exciting news related to the anticipated launch of the appellate courts' e-filing system. The committee discussed the plan for parallel filing options: e-filing and email. In its discussions, the committee centered the goal to prepare these rules for expedited approval and adoption, in advance of a potential early 2024 launch.

The committee worked through Rules 5, 14, 21, 26, and 27, making changes for clarity and consistency. The committee resolved to review additional clean-up changes by email in the weeks following the December 2023 meeting, in order to ensure orderly amendment. (In the weeks that followed, the com-

mittee did just that.) The committee also made minor changes to the rules related to certifying service, binding, filing fees, other technical aspects of these updates.

Following that discussion, Ms. Funk moved to approve the amendments in Tab 3 as they appeared on the screen at the committee's meeting, subject to further amendments to update the filing-fee provisions. Ms. Adams seconded that motion, and it passed without objection by unanimous consent.

**4. Action:
Rule 10**

Mary Westby

With the month's time exhausted, the committee resolved to table the proposed amendments to Rule 10 until the committee's next meeting.

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

Chris Ballard

None.

6. Adjourn

Nathalie Skibine

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 in February 2024.