



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, May 2, 2024
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

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

GUESTS

Alexandra Mareschal
Martha Pierce
Sonia Sweeney
Annie Valdez

1. Action:

Approval of April 2024 Minutes

The committee reviewed the April 2024 minutes and identified a needed correction to the attendee list.

With that correction made, Emily Adams moved to approve the April 2024 minutes (as corrected), as they appeared in the committee's materials. Mary Westby seconded that motion, and it passed without objection by unanimous consent.

Chris Ballard

2. **Action:**
**Amendments to Rules Governing
Child-Welfare Appeals**

Martha Pierce opened the committee’s discussion by referring to materials supporting the Guardian ad Litem’s position with respect to these proposed amendments, stressing that introducing additional delays to child-welfare proceedings cuts against the best interests of the children involved in these appeals. Ms. Pierce referred the committee to a Utah Supreme Court case called *In re B.A.P.*, 2006 UT 28, 148 P.3d 934, which affirmed the constitutionality of the existing framework and safeguards.

Alexandra Mareschal, joined by several colleagues, spoke on behalf of the defense bar, and stressed two points. First, Ms. Mareschal stressed that, in the defense bar’s view, Utah lags behind other states in the protections afforded by child-welfare appellate proceedings. Second, Ms. Mareschal stressed that the proposed amendments do not actually introduce substantial delays into the existing appellate timelines.

The committee discussed and debated the redundancies occasionally associated with the existing petition process and the interests that drove the creation of the existing system.

Following that discussion, Ms. Westby moved for a committee vote on whether the rules governing child-welfare appeals need to change. Judge Michele Christiansen Forster seconded that motion. A majority of committee members (Nathalie Skibine, Emily Adams, Debra Nelson, Michelle Quist, Carol Funk, Clark Sabey, and Stan Purser) voted in favor of that motion.

The committee resolved to move forward with a streamlined process for further consideration of rule changes, with an eye on the potential for a compromise proposal.

Ms. Quist moved to refer that task to a subcommittee, and Judge Orme seconded that motion, which passes without objection by unanimous consent. The subcommittee responsible for that follow-up process will include Ms. Westby, Ms. Adams, Judge Christiansen-Forster, and representatives from the Guardian ad Litem office and the Appellate Defense office.

3. **Action:** **Clark Sabey, Mary Westby, Troy Booher**
Rule 23C and Rule 19

The proposed changes to Rule 23C and Rule 19 are intended to streamline those rules and make them easier to apply. The committee worked at revisions to clarify the materials that may (and must) be included in an addendum. The committee made additional clarifying changes to polish the text of the proposed rule.

Following that discussion, Ms. Adams moved to approve the proposed changes to Rule 23C and Rule 19, as modified and as they appeared on the screen at the committee's meeting. Debra Nelson seconded that motion, and it passed without objection by unanimous consent. The rules will be submitted to the Supreme Court for approval for public comment.

4. **Action:** **Stan Purser**
Rule 8

Recognizing that discussion of Rule 8 would require more time than what remained available at the May 2024 meeting, the committee tabled that discussion until the June 2024 meeting.

5. **Action:** **Clark Sabey, Judge Christiansen Forster, Michelle Quist, Carol Funk**
Rule 42

As with Rule 8, given the lack of adequate time to discuss Rule 42, the committee tabled that discussion until the June 2024 meeting.

6. **Action:** **Clark Sabey**
Rule 29

As with Rules 8 and 42, time constraints required that discussion of Rule 29 be tabled until the June 2024 meeting.

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

Chris Ballard

None.

8. Adjourn

Chris Ballard

Following the business and discussions described above, Ms. Quist moved to adjourn, and Mr. Purser seconded. The committee adjourned. The committee's next meeting will take place in June 2024.