

APPROVED MINUTES

MINUTES

Supreme Court's Advisory Committee on the Rules of Criminal Procedure

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

January 23, 2007 - 5:15 p.m.

ATTENDEES

Patrick Corum
Laura Dupaix
Julie George
Judge Bruce Lubeck
Craig Ludwig
Erik Luna
Steven Major
Vincent Meister
John O'Connell
Michael Wims

EXCUSED

Judge Sheila McCleve
Judge Brendan McCullagh

GUEST

Aric Cramer

STAFF

Brent Johnson

I. WELCOME AND APPROVAL OF MINUTES

Michael Wims welcomed the committee members to the meeting. The minutes from the previous meeting were approved. Staff noted that Michael Wims will be retiring as of February 28, 2007. The committee members thanked Mr. Wims for his service to the committee. There will be a reception for Mr. Wims on February 23, 2007 from 2:00p.m. to 4:00 p.m. at 5272 South College Drive.

II. RULE 8

Aric Cramer presented a proposal to the committee to tighten-up the requirements for capital attorneys. Mr. Cramer noted that the current law does not even require an attorney to have to seen a capital case. Judge Lubeck noted that there has not been a capital case tried in Salt Lake County for perhaps 20 years. Mr. Cramer suggested that there at least be some work on a capital case, noting that even if a capital case does not go to verdict, it is still a different type of case. The attorney should have at least prepared for trial in a capital case.

Ms. Dupaix noted that the pool of available attorneys is even smaller in post-conviction cases. After brief discussion, the committee formed a subcommittee of Patrick Corum, Vincent

Meister and Steven Major to review the proposals and make a recommendation. Laura Dupaix noted that there are many capable attorneys who would not qualify under the current rule and it might be best to look at ways to make them qualified.

III. RULE 18

Michael Wims presented a proposal to change Rule 18 to incorporate the Witherspoon standard on a juror's views on capital punishment. The committee members agreed with the suggestion. The committee unanimously approved the proposal.

IV. RULE 15.5

Patrick Corum noted that the Evidence Committee is not interested in revisiting Rule 15.5. Mr. Corum stated that it is their position that they have reviewed the proposal and rejected it. Mr. Wims noted that the Supreme Court had directed the two committees to review the issue and there should at least be a meeting put together of the subcommittee to address the proposal and come-up with a formal recommendation. Staff will make certain that Matty Branch gets involved so that the subcommittee understands the Supreme Court's directive.

V. OTHER BUSINESS

Professor Erik Luna noted that the Criminal Justice Center will be sponsoring its first lecture on March 1, 2007 at 7:00 p.m. The lecture will be on juvenile justice and will be in the Sutherland Moot Courtroom. All of the committee members are invited.

The committee scheduled its next meeting for April 10, 2007 at 5:15 p.m. There being no further business, the committee adjourned at 6:15 p.m.