

URCrP Committee Meeting

Sept. 20th, 2022

Present	Not Present
Douglas Thompson	William Carlson
Bryson King	Judge Porter
Meredith Mannebach	Judge Kelly – Schaefer
Atty Craig Johnson	Ryan Peters
David Ferguson	Ryan Stack
Janet Reese	
Judge Hruby-Mills	
Lori Seppi	
Amber Stargell	

Welcome from Doug Thompson. A quorum is not present to approve minutes.

Future Meetings

Discussion ensues about conducting meetings in-person, Webex or hybrid of both. There is a proposal to move meetings to the 3rd Wednesday of the month. Doug states that Matheson courthouse is available for in-person meetings. Doug and Bryson will create a doodle pole to determine availabilities and meeting preferences.

Rule 18 – Attorney-conducted Voir Dire

David initiates Rule 18 discussion. Utah does not offer attorney-conducted voir dire. David’s rule proposal would put Utah in a hybrid category for attorney-conducted voir dire – meaning there would be an option for judge and attorney conducted voir dire.

David provides two concerns about the proposed attorney-conduct voir dire: (1) How much time it adds to the process and (2) control. Research show that attorney conducted voir dire has a substantial effect on the fairness of the outcome of the case. Omission of biases are more likely to happen with attorney-conducted voir dire. The Civil Rules of Procedure Committee is considering a similar rule. Attorney-Conduct voir dire must be requested.

David proposes a joint sub-committee for further discussion. Doug agrees with this proposal. Judge Hruby-Mills offered to be a member of the sub-committee. Lori Seppi is interested joining in the sub-committee.

Rule 14 – Appeals from 14(b)

Doug discusses Rule 14(b) and a party’s request for medical records of a complaining witness. The rules of evidence committee seeking to restructure Rule 506 in relation to this issue. The committee is provided with Rule 506 proposal. Doug advocates that parties’ should have access to the records. The question is how the appellate courts would review the challenge of the district court’s in-camera review. David states that the Civil Rules of Procedure has an “attorney-eyes only” in-camera review regarding similar matters, but there is no such option in criminal rules. Discussion ensues about the concerns of victim disclosures in criminal cases.

Update on Rule 21 - Inconsistent verdicts update

Will Carlson was not in attendance to give an update. Update on this matter will be discussed at a later date. Doug states no proposal is ready to date.

Meeting is adjourned.