# Utah Rules of Juvenile Procedure Committee- Meeting Minutes

February 7, 2014				Noon to 2:00 p.m.			Executive Dining Room		
MEETING DATE		TIME			LOCATION				
MEMBERS:	Presen	t Abse	nt Ex	cused	MEMBERS:	P	resent	Absent	Excused
Judge Elizabeth Lindsley (by phone)			] [		Paul Wake				
Brent Hall			] [		Narda Beas-Nordell				$\boxtimes$
Carol Verdoia			<u> </u>						
Alan Sevison			i i	$\overline{\mathbb{X}}$			Ħ		
Pam Vickrey (by phone)									
Joan Carroll									
Maybell Romero (by phone)									
David Fureigh									
AOC STAFF:	Presen	t Abse	nt		<b>GUESTS:</b>		Preser	nt Abser	it
Katie Gregory					Liza Jones		$\boxtimes$		
Emily Iwasaki									
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AGENDA TOPIC  I. Welcome & Approval of Minutes and Professional Practice Disclosures				CHAIR: CAROL VERDOIA					
	ovided the yearly professi Court Rules of Professiona By: Paul Wake							л by ки	ie 11-
Approval	⊠ Una	animou	JS		Vote: In Favor	Орро	sed		
AGENDA TOPIC					2	CPPO			
II. Rule 47-Reviews a Orders	nd Modi	ificatio	on of		CAROL VERDOIA				
The committee previou was received from Judg required or if a parent waiver as to the parent the procedure for holdi that the next review wi The committee discusse non-appearing/non-res The committee further 47(b)(3). Ultimately, the comment receives	ge Johan never re s' rights ng a pa II be a p ed but o ponding discusse ne comr	nsen. espond s being per revoaper r did not party ed any	His or ls or moo view review adop a nu	question attends dified in pursua w may pt the community of the community	n was as follows: if the sa hearing may the conthe review hearing? In to Rule 47(a)(2) are satisfy the waiver required for the following a proof days to file an object review hearing provises	e moticular end how uirement to the contraction to	on is sume omm inforent.  in the other clude	not file e stipula ittee dis ming p e rule g review ed in Ru	d as ation and scussed arties iving the hearing.

Action Item:	Carol Verdoia and Katie Gregory will present the revised version of Rule 47 to the Supreme Court, together with the comment received and a summary of the committee's recommendations.				
Motion: To leave the rule as drafted despite the comment received.	By: David Fureigh	Second: Brent Hall			
Approval	Unanimous	☐ Vote: In Favor Opposed			

## **AGEI**

NDA TOPIC					
III. Rule 23A-Hearing on co 78A-6-702; bind over to dis		JUDGE LINDSLEY AND PAM VICKREY			
In 2013 the Utah Legislature amended the Serious Youth Offender statute and added additional factors to 78A-6-702(c). Judge Lindsley reviewed the statute and drafted proposed revisions to Rule 23A incorporating the legislative changes. A copy of the proposed revisions is attached to the minutes. The committee discussed grammatical considerations in Rule 23A(c)(3) and the purpose of 23A(d) before ultimately deciding to adopt the revisions.					
Action Item:	Katie Gregory will fo for comment.	orward the revisions to AOC staff to be published			
Motion: To accept the proposed revisions to Rule 23A in the form attached with the addition of a semicolon after subparagraph(c)(3)	By: Paul Wake	Second: Brent Hall			
Approval	× Unanimous	□ Vote: # In Favor # Opposed			

#### **AGENDA TOPIC**

IV. URCP 7(f)-Discussion regarding the impact	CAROL VERDOIA
of Rule 7(f) on juvenile court orders	

Judge Lindsley discussed a concern of the Board of Juvenile Court Judges regarding a complaint received in a case involving the use of "check-off" orders in the courtroom. Pursuant to URCP 7(f), when the prevailing party is to prepare an order, the order is to be circulated to parties with time to object before the judge signs the order. However, check off orders are often circulated to parties and signed by the judge in the courtroom at the conclusion of the hearing. After investigation, it appears practices may vary from courtroom to courtroom. Some judges have parties in the courtroom stipulate and acknowledge that they do not have an objection; other judges instruct the parties to let the court know if there is an objection within 15 days. Because the procedure in the rule is modified by the phrase "unless otherwise directed by the court," the Board determined that the practice of using check off orders was not a continuing concern.

The Board has advised judges statewide to either: 1) have parties stipulate to the order before the judge signs it by asking them to sign off on the order or by reading it into the record, or 2) instructing parties they have a certain number of days to object.

Brent Hall reviewed the practice of filing URCP 7 motions. He also clarified that the language states "unless otherwise directed by the court." This requires the court to provide direction prior to the order being sent out. This would include direction to attorneys in the courtroom to review the order before the judge signs it from the bench.

Carol Verdoia addressed a second issue which relates to electronic filing of orders. Pursuant to URCP 7(f), the attorney should send the order to opposing counsel and then wait 5 days before submitting it to the court for signature. However, orders are being uploaded on the same day they are sent to opposing counsel. This causes problems with the 5 day objection period because the order is available to the judge in CARE prior to the conclusion of the objection period. Judge Lindsley explained the practice of labeling the order "unsigned" until signed by the judge when it is then designated as a "signed order" in CARE. In some districts the orders are being held for the appropriate objection period before making them available to the judge for signing. A short discussion followed on the "growing pains" of moving to eFiling and an electronic record.

## **AGENDA TOPIC**

### V. Old or New Business

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New Business: Carol received a letter from Chief Justice Durrant noting that the URJP does not have a recording secretary other than the staff attorney assigned to the committee. The letter encourages the committee to recruit a recording secretary pursuant to Rule 11-101(8). He further notes that while Supreme Court approval of the committee's selection is not required, he requests the committee notify him of its selection. The committee asked Katie Gregory to review the matter and clarify whether the recording secretary should be a member of the committee. Carol Verdoia and Katie Gregory will investigate the request further and the committee will address it at its next meeting.

The committee set its next meetings on June 6, 2014 and August 1, 2014 from Noon to 2:00 p.m.