



Utah Supreme Court's Advisory Committee on the Rules of Juvenile Procedure

Meeting Minutes

Matthew Johnson, Chair

Location: Webex Meeting

Date: August 4, 2023

Time: 12:00 p.m. – 2:00 p.m.

<u>Attendees:</u> Matthew Johnson, Chair William Russell Sophia Moore Arek Butler James Smith Elizabeth Ferrin Adrianna Davis Dawn Hautamaki Judge Debra Jensen Thomas Luchs Judge Paul Dame Michelle Jeffs David Fureigh, Emeritus Member Carol Verdoia, Emeritus Member	<u>Excused Members:</u> Janette White Jordan Putnam
	<u>Guests:</u> Judge Monica Diaz Blake Murdoch Mollie McDonald Jacqueline Carlton Daniel Meza-Rincon
<u>Staff:</u> Raymundo Gallardo Kiley Tilby, Recording Secretary	

1. Welcome and approval of the June 2, 2023 Meeting Minutes: (Matthew Johnson)

Mr. Johnson welcomed everyone to the meeting and introduced the newest members of the committee, Adrianna Davis, Dawn Hautamaki and Elizabeth Ferrin. Mr. Gallardo introduced the guests, Mollie McDonald, Blake Murdoch and Judge Monica Diaz. Mr. Johnson then asked the committee for approval of the June 2, 2023, meeting minutes. Mr. Russell proposed a grammatical change, and the change was made. With the amendment, Mr. Russell moved to approve the minutes. Ms. Moore seconded the motion, and it passed unanimously.

2. Discussion - JJYS Juvenile Referral and Request for Detention Form: (Mollie McDonald; Blake Murdoch)

Mr. Johnson indicated this committee has been working with JJYS regarding a form when a minor is admitted into detention. Ms. McDonald indicated that the proposed form is substantially similar to the form that this committee has already come up with. Ms. McDonald indicated JJYS is on board with the requirement that the officer sign the form which was Judge Beck's concern, and the rest of the changes were related to formatting. Ms. McDonald does not believe JJYS has any problem using the form, but her remaining concern is making sure the form is accessible and appropriately distributed to law enforcement since they are the ones who will be using it.

Mr. Murdoch stated they have not fully explored all the options, but one they have discussed is making a link that law enforcement would have access to so they can fill out the form. The form would then go to the detention center they select, and the detention center would have the ability to fill out their part and send it to the parties who would need the form from that point. This would allow the process to be more streamlined and user friendly for law enforcement and the detention centers. Mr. Murdoch indicated the biggest lift would be the implementation piece and letting all the law enforcement agencies throughout the state, probation teams, and JJYS teams know about this process. Mr. Murdoch anticipates that will take some time to get it all together, but he is confident they can make this something that is user friendly and something the officers would feel comfortable doing.

Ms. McDonald stated another concern that was raised by Judge Beck was the lack of consistency of the forms used, so part of the idea with the distribution was to make everyone use the same form. Ms. McDonald also pointed out that the only substantive thing added to the proposed form was the requirement on the form that if JJYS knows the child needs an interpreter at the detention hearing, that they include that information.

Mr. Russell stated that Ms. McDonald was correct that Judge Beck had a couple of concerns. One of those was that every law enforcement agency did the detention forms differently with levels of detail, descriptions, etc., and Judge Beck made a request for some sort of uniformity. Mr. Russell believes this goes a long way for that. Judge Beck also had a major concern that the document was not made under penalty

or perjury, or under oath. Mr. Russell is not sure there is a clear spot for a signature on the proposed form. Mr. Russell would feel more comfortable if there was a signature there because that is the form of attestation that has been used since the middle ages. Mr. Russell would request JJYS consider that suggestion, and then also include a spot where they spell their name out. Ms. McDonald indicates JJYS would have no problem with adding a signature line.

Ms. Davis stated she did a presentation earlier in the week that was attended by a lot of law enforcement, and she is thrilled to see these changes. Ms. Davis indicated this new form addresses a lot of the things law enforcement was concerned about and thinks having a link online would be wonderful. Ms. Davis is grateful this is the direction the committee is going and believes it will be very useful for law enforcement.

Judge Dame agrees a signature line needs to be added. Judge Dame stated that as far as the language that is used in the declaration portion, he would request that it be more consistent with the form declaration set out in Utah Code 78B-18a-106. Judge Dame expressed appreciation for the work that has gone into this. Judge Dame has some additional suggestions. Judge Dame believes it is helpful to have the statute for the offense. On the offense table, Judge Dame would propose to have a section to prompt the law enforcement officer to include the statute. Judge Dame recognizes law enforcement may not always do it, but he thinks it is helpful. Mr. Russell indicated law enforcement already cites the statute a lot of the time anyway, and Ms. Davis agreed.

Judge Dame proposes that further down on the form, when it references last name, first name and middle name, he would propose it is made clear that that section is referring to the youth or minor. Judge Dame noted that the statute uses the term minor, but the Utah Administrative Rules uses the term youth, so he thinks its okay to use them both. Judge Dame proposed under "Father/Guardian: Father" and "Mother/Guardian: Mother" that it be changed to just state, "Father/Guardian" and "Mother/Guardian." Further down on the form, where it states, "Juvenile living with (If different)," Judge Dame would suggest clarifying what they are asking for. Additionally, under notification, Judge Dame noted there are two different types of notifications and would suggest it be clarified which notification they are talking about.

Judge Dame further noted that he does not know where the requirement came from regarding whether the juvenile was offered two telephone calls. Judge Dame would suggest that if JJYS was concerned about whether the juvenile rights were complied with, that the statute be cited. Ms. McDonald stated she also shares a concern about that requirement because this is supposed to be part of the booking process. Ms. McDonald indicated that it may be that the juvenile was ultimately offered two phone calls, but they also want to allow law enforcement to leave as soon as they have completed that part of the form. Ms. McDonald assumes that Mr. Russell is going to want it to be in there, but she wants to be able to say that law enforcement can leave before the box is checked that two phone calls have been offered. Judge Dame agrees and does not believe that is the responsibility of the officer and does not

feel like that needs to be in there. However, if it is included, Judge Dame would like it to be consistent with the statute.

Judge Dame stated that where the administrative code is cited, he believes the proper citation is Utah Admin. Code r. R547-13 and would suggest that be changed. Judge Dame also indicated he liked that they used the exact language from the statute at the very beginning, and then broke it out further in the individual boxes. Judge Dame would propose putting the boxes in the same order as outlined in the statute. Ms. McDonald stated she had suggested rearranging the order. However, what she was thinking is that law enforcement needs to say why the minor is being booked and provide that information, sign the form, and then JJYS has the responsibility to apply the detention guidelines and decide if the minor can safely be released. Ms. McDonald stated the reason she reordered the statute was to try and state to law enforcement what is their responsibility versus the responsibility of JJYS. However, Ms. McDonald is not sure that she completely understands what JJYS authority is to release under the detention guidelines. Judge Dame believes that is law enforcement's responsibility to do that before they leave, so he would prefer it be kept in the same order as the statute.

Ms. McDonald requested input from the committee regarding the comment that Judge Dame made regarding the two telephone calls and whether it should remain on the form. She also requested input from the committee if they should keep the actual citations to the statute or if it was confusing. Mr. Russell stated he likes the reference to the statute and would vote to keep it. Mr. Russell stated that as a defense attorney, he would like the minor to be offered two phone calls, but he agrees with Judge Dame that it does not necessarily belong on the form. Mr. Johnson stated he does not think law enforcement would even be able to answer that question since it is the booking sheet and does not know if that would be needed as that is more on JJYS and the detention facility to provide those phone calls.

Mr. Gallardo proposed that it could be kept in the form, but in a separate section for JJYS use only. Ms. McDonald stated that since the intention of this form is to meet the requirements for booking, perhaps there should be a separate policy or rule. Ms. McDonald inquired if the committee believes those rights should be outlined in the same form, but that it be made obvious it is a section for JJYS to fill out, or if it should be a separate requirement from the booking sheet. Judge Dame believes it should be separate and is concerned that if they have a sheet with too many boxes to check off, that is all they will look at and will not be as concerned about the statute. Judge Dame stated there are different rights of the minor that JJYS should be complying with that aren't included in the form. Judge Dame does not know where the two phone calls came from, but that the rights of the minor are not limited to two phone calls. Judge Dame does not want to conflate the JJYS responsibilities and what they are trying to accomplish by having a consistent booking sheet.

Mr. Murdoch stated they had discussed having just the officer information in that form, and then a cover sheet that would be filled out by JJYS completely and entirely separate from this form. Mr. Murdoch indicated JJYS would only get law enforcement's part of this form and the notification piece could be part of cover sheet

that would then be sent to probation so they can still have that information. Mr. Murdoch stated that process would be entirely separate from the booking sheet. Judge Dame would prefer they be kept entirely separate, and that he will remain silent on whether JJYS needs their own form as he believes that is more of an administrative thing that JJYS can decide on their own. Mr. Russell agrees with Judge Dame's suggestions and concerns. Ms. McDonald and Mr. Murdoch will make the suggested changes as outlined and will distribute the revised form to the committee members via e-mail so it can be discussed at the next committee meeting.

3. Discussion – Rule 9. Detention hearings; scheduling; hearing procedure: (All)

Mr. Johnson stated Judge Diaz is present and has some comments or suggestions in making a change to Rule 9. Judge Diaz stated that right now, for a youth pre-adjudication in detention, a review of the case is required every seven days. Judge Diaz indicated she has at least ten minors who are either under concurrent jurisdiction of the district and juvenile court or have a criminal information pending in juvenile court that are not going to be released from detention anytime soon. Judge Diaz stated it seems for the small population of youth, a seven-day detention review is overkill and burdensome on probation staff and judicial assistants because every seven days, probation is required to prepare a report and judicial assistants have to enter orders. Judge Diaz's request is that they be reviewed every 14 or 30 days, but if something comes up, they can request an earlier review.

Ms. Jeffs agrees that is a good suggestion. Judge Jensen stated in Second District, they do the reviews via Webex and agrees it is very burdensome when they are going on for months. Judge Jensen agrees with Judge Diaz that this request is needed. Mr. Russell stated he has a youth that has been in detention for a year under an Information filing, so he sees what Judge Diaz is talking about. Mr. Russell agrees that seven days is burdensome and believes a review is only necessary every 30 or 45 days because defense counsel can file a motion for an earlier review. Mr. Butler believes 30 days is appropriate. Ms. Moore asks if anyone on the committee remembers how they came up with seven days. Ms. Jeffs is concerned that 30 days will be set on odd dates for the court. Mr. Johnson proposed the language state that it be reviewed within 30 days to allow the Court discretion on what date they review it. Judge Diaz does not believe it will be a problem because she can always choose to hear it sooner than 30 days. Mr. Russell does not have any suggestions for change as proposed by Judge Diaz. Judge Dame has some soft suggestions as to comma placement. Mr. Russell agrees. Judge Dame otherwise believes the language is clear and he likes the suggestion made. Mr. Russell motions the committee to adopt the recommendation as proposed by Judge Diaz and as amended by the committee. Judge Jensen seconded the motion, and it passed unanimously. Mr. Johnson will place this on the schedule with the Supreme Court for the next meeting.

4. Discussion & Action – Rule 37A. Visual recording of statement or testimony of child in abuse, neglect, and delinquency proceedings – Condition of admissibility: (All)

Mr. Johnson reminded the committee that at the last meeting, they had discussed Rule 37A because there was an issue with substantiation proceedings not being included. Mr. Johnson stated this was sent out for a comment period and there were no comments received. Mr. Gallardo stated what they are seeking to do now is to take this back to the Supreme Court for final publication, probably in November. Mr. Johnson requested the committee make a motion to take this to the Supreme Court for publication. Mr. Luchs made the motion, Ms. Jeffs seconded the motion, and it passed unanimously.

5. Discussion & Action – Rule 10. Bail for non-resident minors: (Judge Dame; Arek Butler)

Mr. Johnson stated Judge Dame and Mr. Butler were working on and discussing the issues with regards to bail for non-resident minors. Mr. Johnson indicated the reference to the statute needed to be updated. Mr. Butler stated that is the only change that needs to be made. Mr. Butler stated in his view, after reviewing it, that 77-20b-101 et seq is no longer applicable. However, Mr. Butler thinks the 77-20-1 et seq is fine, but he does not have a strong feeling about it either way. Mr. Butler believes the best thing to do is that after 77-20-1 et seq is just to leave it and strike the rest of the sentence and not change it to Chapter 20, Parts 4 and 5. The reason Mr. Butler believes that is how it should be worded is because there are definitions in Part 1 that are relevant to Parts 4 and 5, but he does not have a strong objection if the committee wants to leave it how it has been proposed. Judge Dame agreed it should be kept in. Mr. Russell proposed to leave it at Title 77, Chapter 20. Mr. Butler and Judge Dame agreed as he would rather be over inclusive than under inclusive. The change was made during the committee meeting.

Mr. Johnson requested a motion for the committee to send to the Supreme Court for a comment period and publication. Mr. Butler made the motion, Judge Dame seconded the motion, and it passed unanimously.

6. Discussion & Action – Rule 17. The petition: (All)

Mr. Johnston stated changes needed to be made to Rule 17 to update the references to statutes as a result of H.B. 60, which passed this year. Mr. Russell stated he does not have any comments, and it looks good. There was no further discussion. Mr. Johnson requested a motion to send the proposed changes to Rule 17 out for comment. Ms. Moore made the motion, Mr. Russell seconded the motion, and it passed unanimously.

7. Discussion & Action - Rule 56. Expungement: (All; Joseph Rivera De La Vega; Raymundo Gallardo)

Mr. Johnson stated Joseph Rivera De La Vega and Mr. Gallardo worked on this rule. Mr. Gallardo indicated he had a few questions for the committee. Mr. Gallardo stated in section (b), subsection (1), there was an addition made regarding waiver of the hearing. Mr. Gallardo stated H.B. 60, Line 626, mentions that the expungement hearing can be waived, and Mr. Gallardo is interested to know if that addition makes sense for the committee to add. Ms. Moore believes it should be included and there should be an option to have the hearing waived.

Ms. Verdoia stated there are some exceptions in Section 1006.1, line 774-779 dealing with the Division of Child and Family Services. Ms. Verdoia stated occasionally the Division might be notified and want an opportunity to be heard. Ms. Verdoia stated that could happen before the judge decides not to hold a hearing, but the case law requires that the Division be notified and have an opportunity to be heard. Ms. Verdoia asked how that would work. Judge Jensen stated that right now what she has seen is that when they see a Petition for Expungement filed, the court sends a notice to the Division, and they receive a written statement back from the Division. Judge Jensen indicated the Division generally does not attend the hearing. Judge Jensen inquired if that is the process throughout the state, or if that is how the Second District processes those. Ms. Verdoia stated that could be the process throughout the state, likely because there aren't enough attorneys to appear if they do have an objection. Ms. Verdoia indicated that may be the process they would prefer to employ, and she can check on that. Ms. Verdoia stated that if this committee thinks the hearing would be waived after sending notice and waiting for that response from the Division, it can be left the way it is proposed. Judge Dame and Judge Jensen indicated the practice would be to send notice and wait for a response in writing before ruling on it.

Mr. Fureigh clarified that in the First and Second District, he has advised the Division that once they receive notice of the expungement request, they need to file something with the Court in writing and they don't need to appear at the hearing. Mr. Fureigh stated that if the Division wants to object, they should contact him so they can make sure there is an attorney there to appear at the hearing and place the objection on the record. Mr. Russell's only concern would be if there was no response, he does not know how long they would need to wait to get an affirmative position from the Division. Mr. Fureigh stated that is something that would have to change because if the Division does object, they just wait for the hearing and they appear at the hearing with counsel. Judge Dame inquired what the process would be if the Division sits on it and doesn't do anything. Mr. Fureigh stated at that point, the Court could make the findings without input from the Division by default and they will have to live with that decision. Mr. Luchs stated when he was practicing in First District, he would get an e-mail from the court clerk asking for the Division's input. Ms. Verdoia indicated the language that is new in this statute is that they have to stipulate in writing after notice and an opportunity to be heard. Ms. Verdoia expressed that with an agency

this big, it's possible that a notice goes to someone who is out on leave or no backup plan. Ms. Verdoia hopes they have gotten those processes in better shape, but it does require a stipulation in writing.

Judge Dame indicated his preference would be that the Division stipulate, rather than simply stating there is no objection. Judge Dame stated he does not recall any issues with the Division responding. Mr. Luchs suggested that if someone wants to petition for expungement or to seal a record, then they have to serve the AG's office and the AG's office will determine which courtroom the child is in, and they will file a response. Ms. Verdoia stated she has not heard of any problems with their process such that she does not know if they need to worry about this. Ms. Verdoia stated they tried to avoid making this too complicated for the court, which is why this was put into place. Ms. Verdoia understands that notice is sent to one person at the state administrative office so that one person then reaches out to whichever region has the case. Ms. Verdoia does not think that is a big burden on the Division at all. If that is the current process, Ms. Verdoia thinks it is fine, but she wanted to be sure what the Court process is with timing of the waiver of the hearing versus the notice and response back. Ms. Moore shares Ms. Verdoia's concern that if there is not an attorney gathering responses from the appropriate agencies, there could be a lack of compliance with the statute.

Judge Jensen inquired if it would be helpful on the court side to put a date or deadline that the Division must respond by whether they are objecting or not objecting. Judge Jensen stated that they could put in the notice that if no objection is received by that deadline, the hearing may be waived. Ms. Verdoia stated the court could do that, but the stipulation in writing is the piece that is difficult. Mr. Meza-Rincon put in the chat that there is an e-mail address where all notices are sent to. Ms. Verdoia stated that if the court sees any failure to respond so they cannot legitimately rely upon that stipulation in writing, however the court interprets that to be, she can work with the Division on that process.

Ms. Hautamaki stated her district has done that a little differently in that if they were only delinquency charges, the court would not notify the Division or the AG. Ms. Hautamaki indicated they got new direction to start doing that as of October 1st, but their judges had the thought that if the Division did not file a petition, then they did not need to be notified. Judge Dame indicated that under Rule 56(b)(1), it is a requirement that the agency with custody of the records be sent notice. Mr. Fureigh agreed. Ms. Hautamaki indicated they have probably erred there, but the petitioner was the one who was notifying them previously, but now it will be the court. Ms. Verdoia stated that makes sense that if the petitioner for the expungement doesn't list DCFS as an agency that they want to receive an order, that's why the court would not be notifying them. Ms. Verdoia would anticipate the larger jurisdictions see DCFS listed more. Ms. Verdoia indicated that in the past, there used to be a form order that used to say any agency with custody of the records. The petitioner would then take the order to DCFS, and others and they objected to that not being good enough under the case law. Ms. Verdoia stated that as long as the court's internal process doesn't waive the hearing before DCFS is notified and has responded, Ms. Verdoia is comfortable with that.

Mr. Russell stated that as he understands, not getting the written stipulation from DCFS and filing that, is not a bar to the court granting the expungement as to all other agencies. Instead, the expungement or sealing of the records would not have an effect on DCFS and DCFS would not be bound by that order or required to seal anything. Mr. Russell believes that is why it is necessary for the written stipulation to be filed because the court does not have any authority over DCFS by statute unless they're joined and given an opportunity of notice and hearing. Judge Dame and Ms. Verdoia agreed. Mr. Johnson inquired if the court would view it differently if appropriate notice was sent but the Division still had not responded. Judge Dame stated he would not view it differently and would wait for a stipulation in writing. Mr. Russell agreed that in his practice, if he does not have a stipulation from DCFS, he does not get an order that binds them. Ms. Moore agreed, and indicated she has had to go get the stipulation from counsel in the past if she wanted their records expunged. Ms. Verdoia stated she thinks the process will work.

Ms. Moore inquired whether the committee wanted to add language that there needs to be a stipulation from the Division if they want those records expunged. Ms. Verdoia is concerned that the exceptions language in the statute is lengthy, and she does not know all the exceptions should be listed in the rule. Ms. Verdoia stated that it may be that it needs to be clear that all the sections apply to the juvenile rule. Mr. Johnson proposed adding that portion of the statute in subsection (2) and make a direct reference to those exceptions. Ms. Moore expressed concern that those who are not represented may not know that is not automatic that if DCFS does not respond, their records will not be sealed. Mr. Johnson stated if they add reference to the statute 80-6-1006.1, it will at least put them on notice to check the exceptions. The proposed change was made by the committee.

Mr. Gallardo stated he is seeking clarification regarding how H.B. 60 defines juvenile record as all records for all incidents of delinquency involving that individual. Mr. Gallardo pointed out (b)(1), line 9, where it talks about the victim of record on each adjudication and inquired if the language needed to be changed. Judge Dame requested clarification of the concern. Mr. Meza-Rincon stated the language Mr. Gallardo is referring to is the portion that says, "...identified by the petitioner as being subject to expungement." Mr. Meza-Rincon indicated that right now the petitioner has the burden of listing all the agencies that need to be notified and the incidents that are subject to expungement. However, that is changing, and expungements will now be all-encompassing and will cover the entire record. Mr. Meza-Rincon stated the question or conversation proposed to this committee is the sentence referring to each adjudication identified by the petitioner because that will no longer be the burden of the petitioner.

Mr. Russell indicated he believes he understands the concern. Mr. Russell stated they don't identify adjudications but rather seal entire records. When it states each adjudication identified by petitioner, that is never done because the whole case history summary of the youth gets expunged - adjudicated, non-judicial, or not - just so long as there is an adjudication on it under the new law. That language is therefore problematic to Mr. Russell because it is no longer done and is unsure if it ever was

done. Judge Dame inquired if that is modifying the victim and the victim's representative. Mr. Gallardo stated that was his question, whether that language refers simply back to the victim. Judge Dame stated he believes it is just a modifier of the victim or victim's representatives who are supposed to be notified. Mr. Russell stated if it is an adjudicated victim or victim representative, that makes more sense because there could be a reported or alleged victim if there is no filing, or they are found not true. Mr. Russell stated if there is an adjudicated victim that makes more sense, but if it is Judge Dame's explanation that adjudication identified by petitioner refers back to a victim or victim's rep, that kind of makes sense but it is not clear. Mr. Johnson pointed out the language and stated it does refer back to victim or victim's representative on an adjudicated matter. Mr. Russell is more comfortable with that language now that he understands it.

Mr. Gallardo then walked through the additional proposed changes to Rule 56 to make it more consistent with H.B. 60, and the committee discussed those proposed changes. Judge Dame suggested some grammatical changes and those changes were made. The committee expressed appreciation for the work done on this rule.

Mr. Gallardo indicated he had one final question. At the last meeting, the committee had indicated they were not going to include automatic expungements as part of the rule because it is an administrative process. Mr. Gallardo wanted to make a note that the Rules of Criminal Procedure mention automatic expungement, so he wanted to provide an opportunity for this committee to add automatic expungements to this rule as well. Judge Dame stated if it is referenced in the Rules of Criminal Procedure, he would like to include it to be consistent. Mr. Meza-Rincon stated that was his suggestion. If everyone agrees it should be added to Rule 56, Mr. Gallardo and Mr. Meza-Rincon can circle back and add language referencing automatic expungements.

Mr. Johnson stated he does not do much delinquency work as a Guardian ad Litem, but as he looks at the language, it appears the automatic expungement language applies mostly to adult-type expungements. Mr. Johnson inquired if that would even apply to juvenile records. Mr. Meza-Rincon stated it is his understanding there is a new process for automatic expungements for juvenile records. Mr. Russell indicated he at first thought it is not something petitioners do, so there was no reason to include it, but after seeing the adult criminal rule, he thinks there should be something in there to guide the court process. Mr. Russell stated his only reservation is whether this committee needs to tell the court what the law is, since these expungements are *sua sponte*.

Judge Dame indicates he understands what Mr. Russell is saying, but one benefit may be that if one is looking to expunge something that would automatically be expunged, it gives them some guidance they do not have to do a petition because the rule references that it will be done automatically. Judge Dame would propose there be a short reference to the automatic expungement statute. Mr. Williams agreed a short reference to the statute would be best. Judge Jensen found it interesting that the Utah Rules of Criminal Procedure includes that the AOC will look at it once a month. Judge Jensen inquired if there needs to be guidelines for the court on how often the AOC needs to look at it. Judge Dame believes there should be, but they may need to come

back to this issue after getting feedback from the AOC. The committee then discussed what direction the courts have received in regard to this process and additional positions that may be required to assist in implementing that part of the bill.

The committee will place this on the agenda for the next committee meeting for further discussion to get input from the Board of Juvenile Judges and the AOC.

8. Discussion – Rule 52. Appeals: (All)

Mr. Johnson stated there was language added to include restoration of parental rights with regard to the appeals process in Rule 52. Mr. Gallardo indicated this language mirrors 78A-6-359 where it includes restoration of parental rights. Mr. Gallardo stated at the end of the last meeting, the committee lost their quorum, so it was not able to be voted on. Mr. Johnson asked the committee for a motion to send this proposed rule out for comment period and up to the Supreme Court. Mr. Russell made the motion, Mr. Luchs seconded the motion, and it passed unanimously.

9. Old business/new business: (All)

Mr. Johnson asked for input from the committee of any old or new business. Mr. Gallardo stated he had a list of new business that was alerted to him by the appellate rules committee that he will send in an e-mail to the committee members and add to the agenda for next month. Mr. Gallardo stated the Supreme Court, in a recent decision, recommended the appellate rules committee amend one of their rules that may affect one of our rules. The appellate rules committee asked if anyone was willing to join one of their meetings. Mr. Gallardo also stated they are still working on the bilingual notice and there should be an update in September on those.

The meeting adjourned at 2:00 PM. The next meeting will be held on September 1, 2023 at 12:00 PM via Webex.