Utah Rules of Juvenile Procedure Committee- Meeting Minutes

June 1, 20		·	Executive Dining Room
MEETING D		EI	LOCATION
MEMBERS:	Present Absent Excused	MEMBERS:	Present Absent Excused
Carol Verdoia		Mikelle Ostler	
Judge Elizabeth Lindsley		Alan Sevison	
Judge Mary Manley		Pam Vickrey	
Kristin Fadel		Chris Yannelli	
David Fureigh		Sophia Moore	
Brent Hall			
Debra Jensen			
Trish Cassell (by telephone)			
AOC STAFF:	Present Excused	GUESTS:	Present Absent
Katie Gregory			
Jean Pierce			
AGENDA TOPIC			
I. Welcome & Approval	of Minutes	CHAIR: CAROL VERDOIA	
progress of revisions to Court on May 30 and we		nd Katie Gregory updated 8. All five rules were disc out for public comment. Second: Judge M	cussed with the Supreme
written.			
Approval] Vote:	
		In Favor Op	pposed
AGENDA TOPIC			
II. Recognition of Mem of Service	bers Completing Terms	CAROL VERDOIA	
Carol Verdoia recognize	d the following members	who are completing thei	r respective terms of
service on the committee	e effective June 30, 201	8: Pam Vickrey (17 years	s); Alan Sevison (15
		pressed her appreciation	
their many years of serv	vice and presented them	with certificates of recog	nition.
AGENDA TOPIC			
III. Rule 53-Appearanc	e and withdrawal of	BRENT HALL	
counsel			
•		ed May 30, 2018 which wa	
		y discussion followed rega	
of the proposed draft, w	which allows counsel to w	vithdraw either in writing	or orally. The

Committee focused on whether or not the draft adequately addressed the situations in which an

attorney withdrew orally during a hearing in which the attorney's client was not present.

Action Item:	ed the motion with the amendment and it passed unanimously. Katie Gregory will prepare revised Rule 53 for review by the
	Supreme Court and request approval for the rule to be sent or public comment.
Motion: to approve revisions to Rule 53 in the form attached hereto as Draft: June 1, 2018	By: Brent Hall Second: Alan Sevison
Approval AGENDA TOPIC IV. Continued Discussion of	× Unanimous
AGENDA TOPIC IV. Continued Discussion of Participation in Juvenile Continued	# In Favor # Opposed of Tribal curt CAROL VERDOIA AND ALAN SEVISON
AGENDA TOPIC IV. Continued Discussion of Participation in Juvenile Continued Discussion in Discuss	# In Favor # Opposed of Tribal CAROL VERDOIA AND ALAN SEVISON ussed the issues involved in crafting a rule to address tribal
AGENDA TOPIC IV. Continued Discussion of Participation in Juvenile Continued Discussion in Discuss	# In Favor # Opposed of Tribal curt CAROL VERDOIA AND ALAN SEVISON
AGENDA TOPIC IV. Continued Discussion of Participation in Juvenile Continued Discussion of Participation in Juvenile Continued Discussion of Participation by non-attorned Action Item:	# In Favor # Opposed of Tribal ourt CAROL VERDOIA AND ALAN SEVISON Ussed the issues involved in crafting a rule to address tribal eys and agreed to continue the discussion at a future meeting. Place on agenda for October 12 meeting. Consider inviting no
AGENDA TOPIC IV. Continued Discussion of Participation in Juvenile Continued Discussion of Participation in Juvenile Continued Discussion of Participation by non-attornation of Participation by non-attornation of Participation Discussion Discuss	# In Favor # Opposed of Tribal ourt CAROL VERDOIA AND ALAN SEVISON ussed the issues involved in crafting a rule to address tribal eys and agreed to continue the discussion at a future meeting. Place on agenda for October 12 meeting. Consider inviting n

Rule 53. Appearance and withdrawal of counsel.

(a) Appearance. An attorney shall appear in proceedings by filing a written notice of appearance with the court or by appearing personally at a court hearing and advising the court that the attorney is representing a party. Once an attorney has entered an appearance in a proceeding, the attorney shall receive copies of all notices served on the parties.

(b) Withdrawal.

- (b)(1) Retained Counsel. Consistent with the Rules of Professional Conduct, a retained attorney may withdraw as counsel of record unless withdrawal: 1) will result in a delay of trial; or 2) a final appealable order has been entered and the time period for a notice of appeal or post-judgment motion on such order has not expired. In such circumstances, a retained attorney may not withdraw except upon motion and order of the court. Retained counsel shall file a notice of withdrawal including the address of the counsel's client.
- (b)(2) Court-appointed counsel. Court-appointed counsel may not withdraw as counsel of record except upon motion and order of the court. If the court grants appointed counsel's motion to withdraw, the court shall consider the appointment of new counsel.
- (c) Motions to Withdraw.
- (c)(1) A motion to withdraw shall be made either in writing or orally before the court at a hearing. The motion shall include the following:
- (c)(1)(i) A certification from counsel that the represented party has been informed of the motion to withdraw and their right to counsel; and
- (c)(1)(ii) A certification from counsel that the represented party has been informed of their rights to appeal, the availability of post judgement motions and motion to stay pending appeal; or
- (c)(1)(iii) The efforts counsel has made to inform the represented party of subsections (c)(1)(ii) and (c)(1)(ii).
- (c)(2) Whenever possible, the court shall inquire of the represented party's knowledge and understanding of the motion to withdraw, right to counsel, right to appeal, availability of post judgment motions and motion to stay pending appeal.

((c)(3) A guardian ad litem may not withdraw except upon order of the court.

(d)Parties must submit a notice of substitution of counsel at least seven days prior to the next scheduled hearing date unless otherwise allowed by the court.