



1
2
3
4
5
6
7
8
9
10
11
12
13
14

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

Meeting Minutes

William Russell, Vice-Chair

Location: Webex Meeting
Date: September 6, 2024
Time: 12:00 p.m. – 2:00 p.m.

<u>Attendees:</u> Matthew Johnson, Chair William Russell, Vice Chair Adrianna Davis David Fureigh, Emeritus Member Dawn Hautamaki Jordan Putnam Janette White Judge David Johnson Michelle Jeffs Sophia Moore	<u>Excused Members:</u> Arek Butler Elizabeth Ferrin James Smith Judge Debra Jensen Thomas Luchs
	<u>Guests:</u> Daniel Meza-Rincon Judge Michael Leavitt
<u>Staff:</u> Lisa McQuarrie, Juvenile Law Clerk Tyler Herrera, Juvenile Law Clerk Raymundo Gallardo	

15 **1. Welcome and approval of the August 2, 2024 Meeting Minutes.** (William Russell)

16
17 Vice-chair William Russell facilitated the September 6, 2024, meeting. Mr. Russell
18 welcomed everyone to the meeting, including guest presenter Judge Michael Leavitt
19 and the newest AOC juvenile court law clerk, Tyler Herrera.

20
21 Mr. Russell asked the committee for approval of the August 2, 2024, meeting minutes.
22 Ms. Davis moved to approve the minutes as presented. Judge Johnson seconded the
23 motion, and it passed unanimously.

24
25 **2. Discussion & Action: Rule 16. Transfer of delinquency case.** (Judge Michael Leavitt)

26
27 Judge Leavitt began by thanking the Committee for their ongoing efforts to clarify
28 and improve the Utah Juvenile Rules of Procedure. As a member of and on behalf of
29 the Board of Juvenile Court Judges, Judge Leavitt proposed amendments to Rule 16
30 and Rule 29 that promote the best practice of assigning a “home judge” to a case. In
31 cases where a minor may have committed offenses outside of their county of
32 residence, the best practice is often to transfer a case to the county of occurrence for
33 adjudicatory proceedings, and then transfer the case back to the county of residence
34 for disposition. Rule 16, however, is permissive and there are differing views across
35 the state as to when exactly a case is transferred from a “home judge” to the county of
36 occurrence and then back to the “home judge.”

37
38 The Committee agrees that this practice should be standardized but echoed the
39 differing opinions regarding the timing of the transfer from a “home judge” to the
40 county of occurrence. That is, Does the case get transferred after denials are entered
41 at an arraignment hearing, or only when the case cannot be resolved without going to
42 trial?

43
44 The Committee also raised concerns over prosecuting offices’ ability to communicate
45 effectively with victims and with ensuring victim representation at hearings. Another
46 concern raised was effective communication with the referring law enforcement
47 agency. One final concern was the proper handling of pretrial motions. Brief
48 discussion ensued regarding two motions: suppression and competency. Members
49 seemed to agree that suppression motions should be handled by the trial judge, but
50 competency motions are best suited for the “home judge.”

51
52 Because there are several issues to consider when standardizing this best practice, it
53 was agreed that a workgroup should be formed to further amend Rule 16 outside of
54 the regularly scheduled committee meeting. Judge David Johnson, Janette White,
55 Michelle Jeffs, and William Russell volunteered to make-up the workgroup. The
56 workgroup will then present drafts of Rule 16 and Rule 29 for further discussion at
57 the October meeting.

58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94

3. Discussion & Action: Rule 29. Multiple County Offenses. (Judge Michael Leavitt)

Judge Leavitt proposed amending Rule 29 in light of his proposed amendments to Rule 16 as Rule 29 deals with similar issues. The workgroup identified to amend Rule 16 will also amend Rule 29.

4. Discussion: Manner of Appearance Rules (All)

The Supreme Court asked the criminal rules, civil rules, and juvenile rules committees to discuss one particular public comment made to the recently approved Rule 87 of the Utah Rules of Civil Procedure regarding manner of appearance. The comment expresses concern over recruitment of pro bono counsel should courts decide not to allow pro bono counsel to appear remotely. The comment suggests adding pro bono counsel as an additional factor courts should consider when setting a hearing format. The Supreme Court would like this Committee to consider if pro bono counsel should be added to Rule 61 of the Utah Rules of Juvenile Procedure. After some discussion, the Committee agreed this was not an issue experienced in the juvenile court. Furthermore, current factors in Rule 61(b)(1) and (b)(4) already address participant preference and time and economic impacts on any particular participant. As a result, the Committee discussed the comment but decided to take no action.

5. Old business/new business: (All)

Mr. Gallardo reminded the Committee that the October 4, 2024, meeting is scheduled to be an in-person meeting at the Matheson Courthouse, but a remote option will be available. Lunch will be provided. Mr. Gallardo reviewed a list of rules currently in the rule amendment process. Rule 61 is now effective. As a result, Rules 29B and 37B are now repealed. Revisions to Rules 5, 13A, 15, 19C, and 22 will become effective November 1, 2024. Rule 31 will be repealed effective November 1st. Rule 14 is currently out for public comment.

No additional old or new business was discussed.

The meeting adjourned at 1:05 PM. The next meeting will be held on October 4, 2024, at the Matheson Courthouse and via Webex.