

**UTAH SUPREME COURT ADVISORY COMMITTEE  
ON THE RULES OF EVIDENCE**

**MEETING MINUTES**

**Tuesday – February 21, 2017  
5:15 p.m.  
Council Room**

***Mr. John Lund, Presiding***

**MEMBERS PRESENT**

Ms. Teresa Welch  
Hon. Matthew D. Bates  
Ms. Deborah Bulkeley  
Ms. Linda M. Jones  
Hon. Keith A. Kelly  
Mr. John R. Lund  
Mr. Terence Rooney  
Hon. David Mortensen  
Ms. Jacey Skinner  
Mr. Adam Alba  
Ms. Michalyn Steele  
Hon. Vernice Trease  
Mr. Matthew Hansen

**GUESTS PRESENT**

Kristin Zimmerman  
Craig Johnson  
Heather Stewart  
Insurance Commission

**STAFF PRESENT**

Ms. Nancy Merrill  
Mr. Richard Schwermer

**MEMBERS EXCUSED**

Ed Havas  
Teneille Brown  
Lacey Singleton  
Chris Hogle

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**1. WELCOME AND APPROVAL OF MINUTES: (Mr. John Lund)**

Mr. Lund welcomed everyone to the meeting.

***Motion: Ms. Linda Jones moved to approve the minutes from the Evidence Advisory meeting on November 29, 2016. The motion was seconded the motion. The motion carried unanimously.***

## **2. Insurance Commission Amendments to Rule 511 (*attached*) (Insurance Commission)**

Insurance Commissioner Kiser reviewed the proposed amendments to Rule 511 with the Committee. The proposal is to amend Rule 511 in order to broaden the protection of the privilege to additional documents beyond those covered in the amendment made last year. The Committee discussed the language in the proposed amendment. They noted that the Committee is not able to recommend the amended rule to the Supreme Court until the statute implicating the change is passed.

***Motion:*** Judge Keith Kelly made a motion to recommend the insurance commission amendment to Rule 511 per the language edits discussed by the Committee, contingent upon the legislation passing and the governor signing the bill. The Committee requested that Mr. Schwermer be responsible to draft a 2017 Advisory Committee note. Mr. Adam Alba seconded the motion. The motion passed unanimously.

## **3. Proposed Amendment to Rule 1102 (*attached*) (Kristin Zimmerman, et al.)**

Ms. Zimmerman reviewed the impetus for the change being proposed to Rule 1102. The group is proposing to change the language in a section of the rule that relates to the timing of disclosure of sexual abuse by a child. The guests reviewed history of this issue. The Committee had further discussion about the topic.

The Committee discussed the presentation by the speakers and recommended processing the information internally within the Committee. They would like to invite the defense bar and SWAP to attend the next Evidence Advisory Committee meeting to hear their perspective on the proposal.

## **4. Particular Circumstances Sub Committee: (Linda Jones, et al.)**

Ms. Jones reported on the work that the eye-witness subcommittee has completed so far. The Committee distributed two options for the Committee to review.

- a broad proposed rule on particular circumstance
- a more specific rule

The Committee discussed the two options. They agreed to ask prosecution, defense and law enforcement representatives to provide input on the proposals.

## **5. Rule 504 (*attached*) (Mr. John Lund)**

The Committee will address Rule 504 at the next meeting.

## **6. Other Business (Mr. John Lund)**

**Next Meeting:**

March 21, 2017  
5:15 p.m. at the AOC