

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

**MEETING MINUTES
November 9, 2021
5:15 p.m.-7:15 p.m.
Via Webex**

<u>MEMBERS PRESENT</u>	<u>MEMBERS EXCUSED</u>	<u>GUESTS</u>	<u>STAFF</u>
Teneille Brown Sarah Carlquist Tony Graf Ed Havas Hon. Linda Jones Jennifer Parrish Nicole Salazar-Hall Hon. Vernice Trease Hon. Teresa Welch Hon. David Williams Adam Alba Melinda Bowen Matthew Hansen Hon. Richard McKelvie John Nielsen Dallas Young	Deborah Bulkeley Chris Hogle	Bethany Warr Debbie Hill Keri Sargent AOC Mathew Morrise Annie Taliaferro Jacqueline Carlton	Keisa Williams Gage Hansen Angelica Juarez

1. WELCOME AND APPROVAL OF MINUTES:

Ms. Salazar-Hall filled in for Chris Hogle, who was unable to attend. Ms. Salazar-Hall asked for any corrections to the September 14, 2021 meeting. ***Upon no objections to the minutes, John Neilson moved to approve the minutes. Dallas Young seconded the motion and it passed unanimously.***

2. New staff introduction:

Ms. Salazar-Hall introduced Angelica Juarez and Gage Hansen. Ms. Juarez will be the Committee's recording secretary. Mr. Hansen will be replacing Keisa Williams. Ms. Salazar-Hall expressed appreciation for Keisa's dedication and service to the committee.

3. URE 506 rule draft:

Ms. Carlquist and Mr. Nielsen introduced guest speakers from the crime victim's legal clinic and

several defense attorneys who provided more perspective on the ramifications of our rule changes. The speakers were Matthew Morrise, Debbie Hill, Annie Taliaferro, and Susanne Gustin, and Bethany Warr.

After a lively discussion, Ms. Salazar-Hall expressed appreciation of everyone's views and indicated that neither of the two options presented will be chosen. Ms. Salazar-Hall moved for the Rule 506 Subcommittee revise the rule in light of the discussion and consider reaching out to the criminal procedure rules committee. Mr. Young seconded the motion, which passed unanimously.

4. URE 504 rule draft:

Ms. Parish shared the two new approaches for the committee to consider, both of which were set forth under Tab 3 of the Agenda.

Ms. Carlquist and Ms. Salazar-Hall favored the first approach and complimented the subcommittee.

Mr. Young raised the concern from attorneys who don't want to be lumped in the same category as other legal service providers. Mr. Havas similarly raised concerns over comments that the pride of lawyer terminology is watered down by including others. Mr. Havas suggested that perhaps the title could be changed to legal service provider-client privilege.

Ms. Carlquist suggested that the first approach may help address that concern.

Judge Williams expressed his preference to approach number one.

Ms. Salazar-Hall expressed hesitance towards changing the title to "Legal Service Provider."

Mr. Nielson expressed his preference to approach number one.

Ms. Parrish expressed her preference to approach number 1, which keeps the emphasis on the lawyer-client privilege that is just being extended in some contexts.

Ms. Salazar-Hall disagreed with changing the title to legal service provider and expressed concern that it would absolutely raise some lawyer's hackle in a massive way.

Ms. Carlquist moved to send the first option to the Supreme Court. Judge Williams seconded the motion. There was a unanimous vote in its favor. Approach one will be sent to the Supreme Court as drafted.

Adjourn:

With no further items for discussion, Ms. Salazar-Hall moved to adjourn the meeting. The next meeting will be January 11, 2022 at 5:15 pm, via Webex video conferencing.