

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

MEETING MINUTES

**October 11th, 2022
5:00 p.m.-7:00 p.m.
Via Webex**

<u>MEMBERS PRESENT</u>	<u>MEMBERS EXCUSED</u>	<u>GUESTS</u>	<u>STAFF</u>
Chris Hogle Sarah Carlquist Hon. David Williams John Nielsen Hon. Michael Leavitt Adam Alba Teneille Brown Tony Graf Melinda Bowen Ed Havas Nicole Salazar-Hall Matthew Hansen Dallas Young Hon. Richard McKelvie Adam Crayk Jennifer Parrish Sam Knight	Minhvan Brimhall Deborah Bulkeley Hon. Linda Jones Hon. Vernice Trease Hon. Teresa Welch Jacqueline Carlton		Bryson King Angelica Juarez

1. WELCOME, INTRODUCTION OF NEW MEMBER, AND APPROVAL OF MINUTES:

Chris Hogle welcomed everyone to the meeting. After a few minor changes to the minutes from April, Mr. Hogle moved to approve the minutes. Adam Crayk second the motion. The motion was approved.

2. Report on Rule 506 and review to approve

Sarah Carlquist reported on Rule 506 noting that part d(2) was cleaned up during the last meeting and was approved. Ms. Carlquist highlighted a change and indicated that the amendment was intended to address the concerns the Supreme Court raised in *State v. Bell*. This language was included in an advisory note rather than the body of the rule.

The group then provided input on the new language in Rule 506(e)(3). There was a discussion

regarding the right to intervene as a limited-purpose party when sealed records are at issue. The group balanced the need for explicit language supporting the right to be heard versus whether the rule was sufficiently clear as is. The discussion centered around whether anything beyond the first sentence of the rule was needed.

Judge Michael Leavitt moved to approve the committee note and hold off until someone can talk to the Appellate Rules Committee about the additional language in the rest of Rule 506(e)(3), before simply deleting the rest of the language in the rule.

Judge Richard McKelvie seconded the motion.

Mr. Hogle agreed. Judge David Williams agreed the language should stay, at least until someone reaches out to the Appellate Committee.

Mr. Hogle formally moved to table it until the next meeting pending a report from Ms. Carlquist on what the Appellate Committee thinks about it.

Ms. Carlquist Seconded.

No one opposed.

The motion carried.

3. Update on Juvenile Court Proceedings

Judge Leavitt said he spoke with a presiding judge in the Fourth District about an amendment to Rule 412. Judge Leavitt has put together a five-judge team work to help gain input on relevant issues. Much of what Judge Leavitt has been focusing on centers around whether the Rules of Criminal Procedure should apply to juvenile court proceedings, as there is currently no guidance.

Judge Leavitt had no further updates but will present on the Juvenile Committee's findings at the next meeting.

4. 2023 Committee Meeting Schedule

The meeting schedule for next year was laid out in the agenda. The schedule follows the same format as previous years, with meetings occurring on the second Tuesday of the Month. Mr. Hogle noted that the meeting on February 14th would fall on Valentine's Day. Mr. Hogle then asked the group for input on the schedule.

Dallas Young suggested changing the February 14th day. Nicole Salazar-Hall agreed. The group

agreed to move the February meeting to February 21st.

5. Law Student Rule Comment Review and Additional Matters Coming up in near Future

Mr. Hogle noted that the Supreme Court adopted Rules 412 and 504 and congratulated the group for their efforts. Additionally, there are still some other rules under consideration.

Bryson King indicated that the Green Phase Working Group has a working draft of a report which will provide recommendations on how the Courts should be operating. The report from the Green Phase Working Group and the AOC may also have suggestions for this group and potential Rules of Evidence to evaluate.

Ms. Salazar-Hall also mentioned the legislative session coming up.

Adjourn:

Tony Graf motioned to adjourn. Judge Leavitt seconded. Judge Williams Third.

With no further items for discussion, the meeting was adjourned. The next meeting will be on November 8th, at 5:00 pm, via Webex video conferencing.