

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

**MEETING MINUTES
November 8th, 2022
5:15 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 John Nielsen Hon. Michael Leavitt Ed Havas Jacqueline Carlton Deborah Bulkeley Nicole Salazar-Hall Matthew Hansen Hon. Richard McKelvie Jennifer Parrish Hon. Vernice Trease Ryan McBride Hon. Linda Jones Tony Graf	Minhvan Brimhall Hon. Teresa Welch Dallas Young Hon. David Williams Adam Alba Teneille Brown Melinda Bowen Adam Crayk Sam Knight		Bryson King Angelica Juarez

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

Chris Hogle introduced Ryan McBride as a new member of the group and noted that we'd be sending off John Nielsen. Judge Michael Leavitt moved to approve the minutes. Nicole Salazar-Hall seconded. The motion was carried.

2. URE Rule 506

Sarah Carlquist updated the committee on whether the Appellate Procedure Committee would take the lead on the privileged and concealed records aspect of Rule 506, based on the Appellate Procedure Committee's work on Rule 11. The Appellate Procedure Committee indicated that they would be taking the lead on this.

There was discussion as to when our Committee's work on Rule 11 should be sent up to the Supreme Court for approval, given that the Appellate Procedure Committee is also working on this rule.

Ultimately, Jennifer Parrish moved to send this Committee's report and recommendations to the Supreme Court, along with a note indicating that the Appellate Procedure Committee is dealing with this

rule as it pertains to the record on appeal. The note will also indicate that this Committee suggests publishing any changes by this Committee or the Appellate Procedure Committee together.

Judge Richard McKelvie seconded.

The motion carries.

3. Juvenile Rules Applicability to URE

Judge Leavitt updated the Committee on the Juvenile Rule Committee meeting last Friday. The Juvenile Rule Committee discussed whether our Committee should standardize references to criminal proceedings to include juvenile criminal proceedings.

Judge Leavitt mentioned that Rule 404(c) for example, may be applicable to juvenile proceedings. However, the Juvenile Rule Committee was concerned that not all rules should be applicable to juvenile proceedings. Judge Leavitt suggested leaving that to the Juvenile Committee.

Mr. McBride believes Rule 43 already speaks to this issue. Judge Leavitt mentioned that rules 412 and 416 specifically mention juvenile delinquency proceedings.

After some discussion about whether the constitution or other statutes offer guidance on this issue, Judge Leavitt mentioned he would go back to the Juvenile Committee to see whether additional help from this Committee is needed.

4. Acknowledgement and send off to John Nielsen for Service on Committee

Mr. Hogle thanked and acknowledged John Nielsen's commitment and contribution to the Committee. Mr. Nielsen expressed his gratitude to the Committee and wished everyone well.

Adjourn:

With no further items to discuss, Mr. Hogle adjourned the meeting.