

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

MEETING MINUTES

**October 10th, 2023
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 Nicole Salazar-Hall Sarah Carlquist David Billings Adam Alba Benjamin Miller Dallas Young Hon. Michael Leavitt Hon. Linda Jones Rachel Sykes Hon. Richard McKelvie Matthew Hansen Hon. David Williams Melinda Bowen Ryan McBride Tony Graf Hon. Vernice Trease	Deborah Bulkeley Jennifer Parrish Ed Havas Tenielle Brown	Jacqueline Carlton	Jace Willard Angelica Juarez

1. WELCOME AND APPROVAL OF MINUTES

Chris Hogle welcomed everyone to the meeting. Nicole Salazar-Hall moved to approve the April minutes. Sarah Carlquist seconded. The motion carried.

2. WELCOME NEW COMMITTEE MEMBERS

Mr. Hogle welcomed the three new members: David Billings, Benjamin Miller, and Rachel Sykes. The new members introduced themselves to the committee, and the preexisting members introduced themselves to the new members. Mr. Hogle explained the process in which the committee considers suggestions for new or amended evidence rules.

3. UPDATE URE 101, 412, 615, AND 1101 PROPOSED AMENDMENTS APPROVED BY SC FOR PUBLIC COMMENT ON 5/17/23; WENT OUT AND NO COMMENTS RECEIVED.

All the rules were approved, and no comments were received. The next step is to report to the Supreme Court. November 1st is when new rules become effective. Mr. Willard said we can seek the Supreme Court's approval to make this final.

Mr. Young moved to send the rules that had previously gone for public comment (Rules 101, 412, 615, and 1101) up to the Supreme Court to be made final. Mr. Alba seconded. The motion carried.

4. PUBLIC COMMENTS TO URE 506 PROPOSED AMENDMENTS

Ms. Carlquist gave some background on Rule 506. In a footnote in *State v. Bell*, the Supreme Court called upon the committee review the Rule, which relates to the patient/doctor privilege. Ms. Carlquist explained the approaches and drafts up to the most recent draft attached to the agenda.

Ms. Carlquist ask for input on using the term "matter" rather than "case" as it relates to the new sections. Judge Jones said that use of the term "matter" was intended to indicate that the rule applied in criminal matters arising before a criminal case, such as in situations in which search warrants were issued for patients' medical records.

The group had a lively discussion regarding the use of the word "matter" or "case." Ultimately, Judge Leavitt moved to add the language "criminal case or matter" to the rule. That motion was voted on by the group, and the motion carried.

Ms. Carlquist moved to send the updated language to the Supreme Court for adoption. Judge Leavitt seconded. The motion carried.

5. SUPREME COURT LETTER RE IN-PERSON VS REMOTE APPEARANCES (URE 615)

Mr. Hogle suggested following typical procedure and forming a subcommittee to look at Rules 615, and maybe 611 and 612, to determine if any amendments might be appropriate considering the modern approach to remote hearings.

David Billings volunteered to take the lead on this subcommittee. Rachel Sykes and Adam Alba will also join subcommittee. The subcommittee will report during November 14th meeting.

ADJOURN:

Mr. Young moved to adjourn. Ryan McBride seconded. The motion carried.

With no further items to discuss, Mr. Hogle adjourned the meeting. The next meeting will be November 14th, at 5:15 pm, via Webex video conferencing.