

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

**MEETING MINUTES**

**January 9th, 2024  
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 David Billings Dallas Young Matthew Hansen Ed Havas Tenielle Brown Hon. Vernice Trease Hon. Michael Leavitt Hon. David Williams	Deborah Bulkeley Jennifer Parrish Benjamin Miller Melinda Bowen Nicole Salazar-Hall Adam Alba Hon. Linda Jones Rachel Sykes Hon. Richard McKelvie Tony Graf Ryan McBride	Jacqueline Carlton	Jace Willard Angelica Juarez

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**1. WELCOME AND APPROVAL OF MINUTES**

Chris Hogle welcomed everyone to the meeting.

Once quorum was achieved, Mr. Hogle moved for approval of the November meeting minutes with a slight modification. David Billings seconded. The motion carried.

**2. URE 506 PROPOSED AMENDMENTS WENT BACK TO SC 11/15/23; REPUBLISHED FOR PUBLIC COMMENT 11/16/23; NO COMMENTS RECEIVED.**

No comments received back on Rule 506. Mr. Hogle moved to resend the proposed amendments to Rule 506 up to the Supreme Court for final approval. Sarah Carlquist Seconded. Motion carried.

**3. DRAFT MEMO RE IN-PERSON VS. REMOTE APPEARANCES; URE 1101 REDLINE**

David Billings and subcommittee worked on this.

Ed Havas raised a question regarding line ten stating “any proceedings” in the original rule. Mr.

Havas suggested changing the language to “any” or “the.” Mr. Hogle agreed with “the.” Judge David Williams agreed.

Dallas Young suggested that “proceedings” should be changed from plural to singular. After more input from the group, Mr. Hogle suggested changing to “the proceeding is.” Judge Michael Leavitt added the importance of keeping in mind the next paragraph for consistency purposes. Teneille Brown suggested keeping the language as “proceedings are.” Mr. Young insisted on his position which “proceedings is.” Ms. Carlquist agreed with remaining consistent and keeping “proceedings are.”

After a lively discussion, the group agreed leave the language as is.

Judge Leavitt moved to approve the memo and draft of proposed rule. Mr. Billings seconded. No opposition. Motion carried.

#### **4. DRAFT MEMO RE PROPOSED AMENDMENT TO URE 106**

No edits or suggestions at this time. Mr. Hogle added it is very well written and succinct.

Ms. Carlquist moved to approve the memo, and Mr. Billings seconded. Motion Carried.

**OTHER COMMENTS:** We may want to think about revising our UT rules to conform to the Federal version of Rule 702. Jace Willard will include this in the agenda for the next meeting. The federal rules have changed somewhat, and Professor Brown agreed to lead a discussion on Rule 702 at the next meeting.

#### **ADJOURN:**

Mr. Hogle moved to adjourn.

**With no further items to discuss, Mr. Hogle adjourned the meeting. The next meeting will be February 13th, at 5:15 pm, via Webex video conferencing.**