

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

MEETING MINUTES

**June 10, 2025
5:15 p.m.-6:45 p.m.
Via Webex**

<u>MEMBERS PRESENT</u>	<u>MEMBERS EXCUSED</u>	<u>GUESTS</u>	<u>STAFF</u>
Nicole Salazar-Hall Sarah Carlquist David Billings Teneille Brown Clint Heiner Hon. Linda Jones Scott Lythgoe Ryan McBride Hon. Richard McKelvie Andres Morelli Hon. Coral Sanchez Rachel Sykes Hon. Rick Westmoreland Dallas Young	Tony Graf Adam Merrill Benjamin Miller	Jacqueline Carlton	Jace Willard

1. Welcome and Approval of Minutes

Ms. Salazar-Hall welcomed everyone to the meeting. Mr. Billings moved to approve the April meeting minutes. Professor Brown seconded. The motion carried.

2. Review: Informal Poll of Judges re Need for AI-Related Rules or Amendments; Creation of AI Subcommittee

Ms. Salazar-Hall reviewed the results received from the informal poll taken from judges on the Boards of Appellate Court Judges, District Court Judges, and Juvenile Court Judges regarding the need for AI-related rules or amendments. She noted that a substantial majority of the responding judges indicated they did not object to the Committee awaiting action from the federal rules committee prior to moving forward with our own rules on the topic.

Mr. Young expressed the view that AI changes are occurring so quickly that the Committee

should take a more proactive approach. Mr. Billings noted a recent case from the Court of Appeals (*Garner v. Kadince, Inc.*, 2025 UT App 80) in which an attorney was sanctioned for including AI-hallucinated cases in a court filing. Judge Sanchez felt it would be better to wait on the federal rules committee. Ms. Carlquist shared her own recent experience in which a photo of an alleged victim lacked metadata and, upon further investigation, turned out to be taken from the Internet and was ultimately suppressed, illustrating that the existing rules work to address the issue.

Following further discussion about the best approach, Ms. Salazar-Hall proposed creating a subcommittee on the issue and invited volunteers. The members of the subcommittee are as follows: Ms. Salazar-Hall, Ms. Carlquist, Ms. Sykes, Mr. Young, and Mr. Lythgoe. The subcommittee will review recent action by the federal rules committee and return with recommendations for the Committee.

3. Update: URE 404, 408, 510, 613, and 702

Ms. Salazar-Hall updated the Committee regarding the rule amendment proposals the Committee sent to the Supreme Court in April. With the Court's approval, the proposed amendments to URE 404 and 510 have been published for public comment, as has a modified version of URE 408's proposed committee note. URE 613 was given final approval. The Court also encouraged the Committee to continue to work to revise the text of URE 702 to reflect the practice of blind experts.

4. Formation of URE 702 Subcommittee

Following discussion of proper and improper comments by blind experts, Ms. Salazar-Hall proposed re-forming the URE 702 Subcommittee and invited volunteers. The members of the subcommittee are as follows: Mr. Heiner, Mr. Morelli, Mr. Miller, Mr. Lythgoe, Mr. McBride, and Mr. Young. Ms. Salazar-Hall noted that, given the diversity of opinions among Committee members regarding the acceptable role of blind experts, it is likely that multiple options for potential amendments to URE 702 will be sent to the Supreme Court.

ADJOURN:

With no further items to discuss, Ms. Salazar-Hall adjourned the meeting. The next meeting will be held on October 14, 2025, beginning at 5:15 pm, via Webex Webinar video conferencing.