

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

MEETING MINUTES

**October 14, 2025
5:15 p.m.-7:15 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 Wendy Brown Clint Heiner Hon. Linda Jones Nathan Lyon Scott Lythgoe Ryan McBride Hon. Richard McKelvie Adam Merrill Benjamin Miller Hon. Coral Sanchez Rachel Sykes Hon. Rick Westmoreland Dallas Young	Teneille Brown Andres Morelli		Jace Willard

1. Welcome and Approval of Minutes

Ms. Salazar-Hall welcomed everyone to the meeting. The June meeting minutes were approved.

2. Welcome to New Members

Ms. Salazar-Hall welcomed new members, Wendy Brown and Nathan Lyon. They and all other members present introduced themselves.

3. Discussion: Public Comments to URE 404, 408, 510

Ms. Salazar-Hall noted that the proposed amendments to Rules 404, 408, and 510 are back from public comment. No comments were received regarding Rules 408 and 510, which will go

back to the Supreme Court for final approval as-is. The two comments received as to Rule 404 both suggested amending the new proposed Committee note to highlight that, per *State v. Cuttler*, 2015 UT 95, ¶ 20, 367 P.3d 981, the overmastering hostility factor should not be considered in a rule 403 analysis. Judge Jones proposed adding language to that effect to the comment. Concerns were expressed that language about Rule 403 could be confusing in a Rule 404 comment. Mr. Billings suggested expanding the paragraphs referenced in the *Cuttler* decision and adding a reference to *State v. Fredrick*, 2019 UT App 152, ¶¶ 40-46, 450 P.3d 1154, to explain the interplay between the two rules. Following discussion, Mr. Lyon moved to approve the comment with the changes proposed and send the rule back to the Supreme Court for final approval. Ms. Carlquist seconded. The motion carried.

4. Discussion: URE 1006 and 107

Judge Jones presented proposed amendments to Rule 1006 that correspond with the proposed new Rule 107, previously approved by the Committee. The Committee agreed to seek Supreme Court approval to publish the proposed amendments for public comment. Mr. Willard suggested that formatting changes to Rule 107 be made to reflect that the entire rule is new. The Committee agreed, provided that the deviations from the federal version are highlighted for the Supreme Court. Ms. Salazar-Hall, Ms. Carlquist, and Mr. Willard will ensure this is done.

5. Updates: AI Subcommittee and Rules 804 and 807 Subcommittee

Ms. Salazar-Hall noted that the AI Subcommittee is still monitoring progress of the federal rules committee regarding proposed AI amendments, and awaiting further development of the federal rules, prior to proposing amendments to the Utah rules to address AI.

Mr. Merrill indicated he will be forwarding materials to the other members of the Rules 804 and 807 Subcommittee promptly and they will continue their work.

6. Discussion: URE 702

Mr. McBride presented four versions of proposed amendments to Rule 702 to address the issue of blind experts. The versions differ in their inclusion or exclusion of language as to “specific” facts and “general” principles. Ms. Salazar-Hall expressed concern about the modifying language, “specific” and “general.” Ms. Carlquist agreed and expressed a preference for version 2.1, omitting that language. Mr. Lythgoe and Judge Sanchez agreed. Following discussion, Mr. Heiner moved to send version 2.1 to the Supreme Court for approval to be published for public comment.

ADJOURN:

With no further items to discuss, Ms. Salazar-Hall adjourned the meeting. The next meeting will be held on November 12, 2025, beginning at 5:15 pm, via Webex Webinar video conferencing.