

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

MEETING MINUTES

**November 12, 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 Teneille Brown Clint Heiner Hon. Linda Jones Nathan Lyon Hon. Richard McKelvie Adam Merrill Benjamin Miller Hon. Coral Sanchez Hon. Rick Westmoreland	Wendy Brown Scott Lythgoe Ryan McBride Andres Morelli Rachel Sykes Dallas Young		Jace Willard

1. Welcome and Approval of Minutes

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

2. Update: URE 107, 404, 408, 510, 702, 1006

Ms. Salazar-Hall noted that, per the Committee's prior recommendations, all of the proposed amendments regarding the above rules will be going to the Supreme Court next week, either for approval to go out for public comment or to be made final.

3. Discussion: URE 804 and 807

Mr. Merrill presented the subcommittee's recommendation that Rule 804 be amended to align with recent changes to the federal rule. He noted that subparagraph (b)(3)(B), as amended, would clarify that courts consider the totality of the circumstances to determine a statement's trustworthiness, not just corroborating circumstances.

Mr. Merrill also presented proposed changes to Rule 807 to mirror the 2019 amendments to the federal rule. The amendment to subparagraph (a) would make clear that “near miss” hearsay (evidence that narrowly fails another exception) can be considered under the residual exception. Changes to subparagraphs (a)(1) through (4) include adopting the “totality of circumstances” test and removing superfluous language.

The Committee discussed caselaw in which the court of appeals concluded that the residual exception does not apply if another exception applies. *State v. Buttars*, 2020 UT App 87, ¶¶ 30-37, 468 P.3d 553 (because business records exception is intended to cover admissibility of bank records, such records should not have been admitted under residual exception absent compelling circumstances showing why business records exception could not be met). The Committee believes the proposed changes are consistent with this caselaw.

Following discussion, Ms. Carlquist moved to adopt the proposed amendments to Rules 804 and 807. Judge Westmoreland seconded. The motion carried.

4. Discussion: New Project Proposal to Simplify Rules of Evidence for Pro Se Parties

Professor Brown proposed a new long-term project to simplify the rules of evidence for self-represented litigants, particularly in debt collection cases, which make up approximately 60% of the civil docket, and where almost all of the defendants are unrepresented. The goal is not to eliminate the rules but to make them more accessible, such as simplifying hearsay rules or allowing a more active role for judges. This may involve a new, specific set of rules for debt collection or small claims calendars. Professor Brown will draft a formal proposal to be discussed at a future meeting.

ADJOURN:

With no further items to discuss, Ms. Salazar-Hall adjourned the meeting. The next meeting will be held on January 13, 2026, beginning at 5:15 pm, via Webex Webinar video conferencing.