

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

MEETING MINUTES

**February 10, 2026
5:15 p.m.-7:15 p.m.
Via Webex**

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

1. Welcome and Approval of Minutes

Ms. Carlquist welcomed everyone to the meeting. The January meeting minutes were approved.

2. Discussion: URE 702

Ms. Carlquist invited the Rule 702 Subcommittee to discuss the Committee Note drafted for the proposed rule amendments in response to the Supreme Court's request. Mr. McBride reviewed the report he prepared on behalf of the subcommittee. The subcommittee has submitted language for two alternative proposed Committee notes, but that neither includes language explaining why certain language in the Original Advisory Committee Note (lines 69-70 of the redline) is no longer accurate. Mr. Billings suggested general language acknowledging that

certain aspects of that note may no longer be valid.

Regarding the two alternative notes presented by the subcommittee, Ms. Carlquist preferred the second. She recalled that during the discussion of amending the rule, strong feelings had been expressed both in favor of and against the use of blind experts. The Committee's intent is to make the language of the Rule conform with practice regarding the use of blind experts, not to substantively change that practice. She is concerned that the first option makes the amendment sound like a more substantive change. During further discussion, Mr. Young expressed the view that the revision does make a significant change regarding that practice.

The Committee considered alternative terms indicating that the language was amended to "acknowledge" the practice of blind experts. Mr. McBride observed that the note to the federal rule uses the word "recognize." Following further discussion, Professor Brown moved to adopt a new note indicating that the language of paragraph (b)(3) has been amended "to recognize existing caselaw allowing the use of so-called 'blind experts,'" and that the portion of the original note specifying that "Section (b) adopts the three general categories of inquiry for expert testimony contained in the federal rule" "may no longer be accurate." Mr. McBride seconded. The motion carried. The draft Rule 702 amendments and draft committee note will go to the Supreme Court next month for approval that they be published for public comment.

3. Update: URE 107 and 1006

Mr. Willard updated the Committee that the proposed draft Rule 107 and the accompanying draft Committee Note regarding other implicated rules are pending coordination with the other rules committees. These documents have been emailed to Nick Stiles. Mr. Willard will provide further information when it is available.

4. Update: Historical Rules on Court Website

Mr. Willard noted that the IT Department has developed a rough prototype for a website feature that would permit more convenient access to historical versions of court rules. They will be presenting information regarding that feature to the Supreme Court later this month. Mr. Willard will provide further information when it is available.

5. Update: URE 804 and 807

Per the Committee's prior recommendations, proposed amendments for the above rules will be going to the Supreme Court later this month for approval to go out for public comment.

ADJOURN:

With no further items to discuss, Ms. Carlquist adjourned the meeting. The next meeting will be held on March 10, 2026, beginning at 5:15 pm, via Webex Webinar video conferencing.