

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

MEETING MINUTES

**April 14, 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 Sarah Carlquist Clint Heiner Hon. Linda Jones Nathan Lyon Scott Lythgoe Hon. Tad May Ryan McBride Benjamin Miller Andres Morelli Nicole Salazar-Hall Hon. Coral Sanchez Rachel Sykes	Teneille Brown Wendy Brown Adam Merrill Hon. Rick Westmoreland Dallas Young	Jacqueline Carlton	Jace Willard

1. Welcome and Approval of Minutes

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

2. Introductions to New Member – Hon. Thaddeus J. May

Ms. Carlquist welcomed Judge Tad May as a new member of the Committee. Judge May introduced himself to the Committee and all other members present introduced themselves.

3. Discussion: Recent Legislative Action – SJR1 (URE 404)

Ms. Carlquist acknowledged the recent passage of SJR1, amending URE 404. She noted the work of the Rapid Response Subcommittee drafting a memo to address the proposed amendments during the legislative session. She indicated that the definition of “sexual assault” in subparagraph (d) is so broad that it potentially makes subdivision (c) superfluous.

Judge Jones said the legislative amendment may be an effort to bring Rule 404 more in line

with FRE 404. She recalled prior instances when similar proposals to amend Rule 404 were made by or to the Committee, but no amendments were ever made. She doubted the Court would want to change a legislative amendment. Ms. Salazar-Hall recalled an instance when the Court did so regarding a privilege issue.

Ms. Carlquist moved to seek guidance from the Court regarding how the issue should be addressed. The Court might send a note to the Legislature pointing out differences between the federal and state rules that may warrant a different approach. Subparagraph (c) could be deleted or the definition of “sexual assault” could be narrowed. Ms. Sykes seconded. The motion carried.

4. Discussion: Recent Legislative Action – HJR26 (URE 707)

Ms. Salazar-Hall noted the recent passage of HJR26, creating URE 707 to address the admissibility of machine-generated evidence. She reminded the Committee that, at the suggestion of most judges we surveyed, the Committee has delayed making new rules or amendments to address AI issues, pending completion of related FRE amendments. Additionally, she noted that the new URE 707 is inconsistent with the Court’s drafting conventions as it largely spells out URE 702.

Ms. Carlquist moved to flag this issue for the Court and seek direction regarding how best to proceed. Mr. Lythgoe seconded. The motion carried.

5. Discussion: URE 807 (back from Court)

Ms. Salazar-Hall noted that the Court did not approve the Committee’s proposal to amend Rule 807 in line with FRE 807. The Court viewed the proposed change as inconsistent with *State v. Buttars*, 2020 UT App 87, ¶¶ 32-36 (disallowing admission of evidence under the residual hearsay exception when another exception covers the evidence type, but recognizing the possibility of exceptions under compelling circumstances). Ms. Salazar-Hall believes the Court’s concerns can be addressed by leaving the “specifically covered by” language in subparagraph (a). She moved to submit this change for the Court’s consideration. Mr. Billings seconded. The motion carried. Ms. Salazar-Hall invited the Rule 807 subcommittee to draft a committee note explaining the change.

6. Update: URE 702 (out for comment)

Ms. Salazar-Hall noted that proposed amendments to Rule 702 have been published for public comment.

7. URE 107 and 1006 (coordination plan approved)

Mr. Willard reported that the Committee’s plan to coordinate with the other rules committees has been approved. He will send out the draft Rule 107 to staff for the other committees.

8. Update: Website Feature re Historical Rules

Mr. Willard reported that the Court has approved the IT Department moving forward with the proposal to add a feature to the Court Rules website that includes historical versions of the rules.

ADJOURN:

With no further items to discuss, Ms. Salazar-Hall adjourned the meeting. The next meeting will be held on May 12, 2026, beginning at 5:15 pm, via Webex Webinar video conferencing.