

Chapter 20

Judicial Rules Review Committee

36-20-1 Definitions.

As used in this chapter:

- (1) "Advisory committee" means the committee which proposes rules or changes in rules to the Supreme Court on civil procedure, criminal procedure, juvenile procedure, appellate procedure, evidence, and professional conduct.
- (2) "Committee" means the Judicial Rules Review Committee created in Section 36-20-2.
- (3) "Court rules" means any of the following:
 - (a) rules of procedure, evidence, and practice for use of the courts of this state;
 - (b) rules governing and managing the appellate process adopted by the Supreme Court;
 - (c) rules adopted by the Judicial Council for the administration of the courts of the state.
- (4) "Judicial Council" means the administrative body of the courts as established in Article VIII, Sec. 12, Utah Constitution and Section 78A-2-104.
- (5) "Proposal for court rule" means the proposed language in a court rule that is submitted to the Judicial Council, the advisory committee, or the Supreme Court.
- (6) "Report" means a copy of the committee's findings and recommendations, any actions taken by the Supreme Court or Judicial Council in response, and any recommendation for legislation for Supreme Court or Judicial Council rulemaking action as provided in Subsection 36-20-6(3).

Amended by Chapter 3, 2008 General Session

36-20-2 Judicial Rules Review Committee.

- (1) There is created a six member Judicial Rules Review Committee.
- (2)
 - (a) The committee shall be composed of three members of the Senate, at least one from each political party, appointed by the president of the Senate, and three members of the House, at least one from each political party, appointed by the speaker of the House of Representatives.
 - (b) Members shall serve for two-year terms or until their successors are appointed.
 - (c) A vacancy exists whenever a committee member ceases to be a member of the Legislature or when a member resigns from the committee. Vacancies shall be filled by the appointing authority, and the replacement shall serve out the unexpired term.
 - (d) The members may meet as needed to review or recommend:
 - (i) court rules or proposals for court rules;
 - (ii) any conflicts between court rules or proposals for court rules and statute or state constitution; and
 - (iii) proposed legislative action relating to Subsections (2)(d)(i) and (ii).

Amended by Chapter 324, 2010 General Session

36-20-3 Submission of court rules or proposals for court rules.

- (1) Each court rule or proposal for court rule and any other information the Supreme Court or Judicial Council considers relevant and helpful shall be submitted to the committee and the governor at each stage when:
 - (a) the court rule or proposal for court rule is submitted to:
 - (i) the Judicial Council for consideration or approval for public comment; or

- (ii) the Supreme Court from the advisory committee after its consideration or approval; and
 - (b) the approved court rule or approved proposal for court rule is made available to members of the bar and the public for public comment.
- (2) At the time of submission under Subsection (1), the Supreme Court or Judicial Council shall provide the committee with the name and telephone number of a Supreme Court advisory committee or Judicial Council employee who may be contacted about the submission.

Enacted by Chapter 282, 1993 General Session

36-20-4 Review of rules -- Criteria.

The committee shall review and evaluate submissions of court rules or proposals for court rules and may review existing court rules, based on the following criteria:

- (1) whether or not they are authorized by the state constitution or by statute;
- (2) whether or not those authorized by statute comply with legislative intent;
- (3) whether or not they are in conflict with existing statute or govern the same policy as articulated in statute;
- (4) whether or not they are primarily substantive or procedural in nature;
- (5) whether or not they infringe upon the powers of the executive or legislative branch of government;
- (6) their impact on affected persons;
- (7) their purpose or the reason for the change;
- (8) the anticipated cost or savings to:
 - (a) the state budget;
 - (b) local governments; and
 - (c) individuals; and
- (9) the compliance cost for affected persons.

Enacted by Chapter 282, 1993 General Session

36-20-5 Committee review -- Fiscal analyst -- Powers of committee.

- (1) To carry out its duties, the committee may examine any other issues that it considers necessary.
- (2) The committee may request the Office of the Legislative Fiscal Analyst to prepare a fiscal note on any court rule or proposal for court rule.
- (3) In order to accomplish its functions, the committee has all the powers granted to legislative interim committees as set forth in Section 36-12-11.

Enacted by Chapter 282, 1993 General Session

36-20-6 Findings -- Report -- Distribution of copies.

- (1) The committee may take action that includes:
 - (a) an informal recommendation about a court rule or proposal for court rule; or
 - (b) written findings of its review of each court rule or proposal for court rule and recommendations, if any, for legislative action or any Supreme Court or Judicial Council rulemaking action where significant issues have been identified.
- (2) If any findings are made under Subsection (1), the committee shall provide to the Supreme Court or the Judicial Council:
 - (a) a copy of its findings; and

- (b) a request that the court or Judicial Council notify the committee of its response.
- (3) The committee may prepare a report that includes:
 - (a) the findings and recommendations made by the committee based on the criteria in Section 36-20-4;
 - (b) any action taken by the Supreme Court or Judicial Council in response to committee recommendations; and
 - (c) any recommendations by the committee for legislation or Supreme Court or Judicial Council rulemaking action.
- (4) If a report is prepared, the committee shall provide a copy of the report to the presiding officers of both the House and the Senate, the Senate and House chairs of the Judiciary Interim Committee, Judiciary Standing Committees, the governor, the Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee, the Judicial Council, and the Supreme Court.

Amended by Chapter 36, 1996 General Session

36-20-7 Court rules or proposals for court rules -- Publication in bulletin.

When the Supreme Court or Judicial Council submits any court rule or proposal for court rule for public comment, it shall also submit the court rule or proposal for court rule to publication houses which publish court rules, proposals to court rules, case law or other relevant information for persons engaged in the legal profession.

Enacted by Chapter 282, 1993 General Session

36-20-8 Duties of staff.

The Office of Legislative Research and General Counsel shall, when practicable, attend meetings of the advisory committees of the Supreme Court.

Enacted by Chapter 282, 1993 General Session