

# Agenda

## Advisory Committee on Rules of Civil Procedure

April 28, 2004  
4:00 to 6:00 p.m.

Administrative Office of the Courts  
Scott M. Matheson Courthouse  
450 South State Street  
Council Room, Suite N31

Approval of minutes.	Fran Wikstrom
Rule 51. Instructions to jury; objections.	Tim Shea
Rule 26. Standards of Professionalism and Civility.	Fran Wikstrom
Rule 73. Attorney fees. Fee splitting.	Tim Shea
Rule 65B. Extraordinary relief. Request by Clifton Panos.	Tim Shea
Rule 72. Property bonds. Request by Walt Merrill.	Tim Shea
Presumption of delivery	Fran Wikstrom

### Meeting Schedule

May 26  
September 22  
October 27  
November 17 (3<sup>rd</sup> Wednesday)

# MINUTES

## UTAH SUPREME COURT ADVISORY COMMITTEE ON THE RULES OF CIVIL PROCEDURE

Wednesday, March 24, 2004  
Administrative Office of the Courts

Francis M. Wikstrom, Presiding

PRESENT: Francis M. Wikstrom, David W. Scofield, Francis J. Carney, Glenn C. Hanni, Cullen Battle, Janet H. Smith, R. Scott Waterfall, Terrie T. McIntosh, Paula Carr, Thomas R. Lee, Todd M. Shaughnessy, Virginia S. Smith, James T. Blanch, Honorable Anthony W. Schofield, Honorable Anthony B. Quinn, Honorable Lyle R. Anderson, Honorable David Nuffer

STAFF: Tim Shea, Judith Wolferts

EXCUSED: Thomas R. Karrenberg, Leslie W. Slaugh, Debora Threedy

GUESTS: Matty Branch  
Bob Goodman

### I. APPROVAL OF MINUTES.

Committee Chairman Francis M. Wikstrom called the meeting to order at 4:00 p.m. The minutes of the February 26, 2004 meeting were reviewed and R. Scott Waterfall moved that they be approved as written. The Motion was seconded by James Blanch, and approved unanimously.

### II. RULE 47. COMMUNICATION WITH JURORS.

The Committee discussed proposed amendments to Rule 47. Mr. Waterfall raised the issue of the meaning of "challenge" in subsection (c), in the context of challenging an entire venire. Referring to the rule, Judge Lyle Anderson commented that judges have discretion to allow additional challenges when there are multiple defendants with adverse interests. Other members pointed out that there may potentially be ambiguity in subsection (e) regarding peremptory challenges.

After discussion, it was agreed that further work on this rule is needed. Frank Carney agreed to review case law and then work on the rule in light of those cases. The Committee then will discuss Rule 47 again at a later date.

























































