

1 Rule 11-105. Supreme Court Action on Rule Modifications.

2 Intent:

3 To establish procedures for the review and adoption of rule change  
4 recommendations.

5 Applicability:

6 This rule shall apply to the Supreme Court and the Administrative Office of the  
7 Courts.

8 ~~(6)(B)-(1)~~ Advisory ~~rules~~-committee proposals. The Supreme Court shall consider  
9 committee proposals and adopt, modify or reject those proposals. The Supreme Court  
10 shall notify committee chairs and the Administrative Office of the Courts as to which  
11 proposals were adopted, modified, or rejected.

12 ~~(6)(C)-(2)~~ Petitions concerning rules or procedures pertaining to the practice of law.  
13 The Supreme Court shall consider petitions and petitioners' memoranda and adopt,  
14 modify, or reject the proposals made and enter an appropriate order.

15 ~~(6)(D)-(3)~~ Court-initiated rules.

16 (3)(A) In its discretion, the Supreme Court may adopt rules of procedure or  
17 evidence, rules regulating judges pro tempore and retired judges, and rules governing  
18 the practice of law, or modify or repeal those rules upon its own initiative and without  
19 proposals by the advisory committees or the Utah State Bar. ~~Court initiated rules shall~~  
20 ~~be published for a 45-day public comment period in accordance with Paragraph (3).~~

21 (3)(B) The Supreme Court shall distribute a copy of the proposed rule as provided in  
22 Rule 11-106.

23 (3)(C) The Administrative Office of the Courts shall publish the rule for a 45-day  
24 comment period and submit any comments received during that period to the Supreme  
25 Court for consideration. The Supreme Court may then adopt, or amend and adopt, or  
26 decline to adopt the rule.

27 ~~(6)(E)-(4)~~ Effective date. Rules shall become effective 60 days after adoption by the  
28 Supreme Court unless otherwise ordered.

29 ~~(6)(F)-(5)~~ Expedited rulemaking.

30 (5)(A) Notwithstanding the other provisions contained in these rules, if the Supreme  
31 Court determines ~~by an affirmative vote of the members of the Supreme Court~~ that it is

32 in the best interest of the Judiciary to suspend the rulemaking procedures, the Supreme  
33 Court may ~~take final action on a committee or Court-initiated proposal, approve the~~  
34 ~~proposal and provide for an immediate effective date~~ adopt any rule and provide a date  
35 for the rule to become effective.

36 (5)(B)The Supreme Court shall ~~transmit~~ distribute a copy of the approved rule as  
37 provided in Rule 11-106~~or committee note to each committee chair and the~~  
38 ~~Administrative Office of the Courts~~. The Administrative Office of the Courts shall publish  
39 the rule for a 45-day comment period and submit any comments received during that  
40 period to the Supreme Court for consideration. The Supreme Court may then ratify,  
41 amend or repeal the rule.

42 (6)(G) Publication. All rules adopted by the Supreme Court shall be published in the  
43 official publication for Supreme Court Rules.

44