

IN THE SUPREME COURT OF THE STATE OF UTAH

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In re: Proposed Amendment  
to Rule 11-101(4) of the  
Supreme Court Rules of  
Professional Practice

Case No. 20130605-SC

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**ORDER**

IT IS HEREBY ORDERED that the attached amendment to Rule 11-101(4) of the Supreme Court Rules of Professional Practice is adopted and promulgated effective as of the date of this order pursuant to the expedited rulemaking provisions contained in Rule 11-105(5) of the Supreme Court Rules of Professional Practice.

FOR THE COURT:

Date

7-16-13

  
Matthew B. Durrant  
Chief Justice

## **Rule 11-101. Creation and Composition of Advisory Committees.**

Intent:

To establish advisory committees and procedures to govern those committees.

Applicability:

This rule shall apply to the Supreme Court, the Administrative Office of the Courts, and the Supreme Court advisory committees.

Statement of the Rule:

(1) Establishment of committees. There is hereby established a Supreme Court advisory committee in each of the following areas: civil procedure, criminal procedure, juvenile court procedure, appellate procedure, evidence, and the rules of professional conduct. The Supreme Court shall designate a liaison to each advisory committee and to the Utah State Bar.

(2) Composition of committees. The Supreme Court shall determine the size of each committee based upon the workload of the individual committees. The committees should be broadly representative of the legal community and should include practicing lawyers, academicians, and judges. Members should possess expertise within the committee's jurisdiction.

(3) Application and recruitment of committee members. Vacancies on the committees shall be announced in a manner reasonably calculated to reach members of the Utah State Bar. The notice shall specify the name of the committee which has the vacancy, a brief description of the committee's responsibilities, the method for submitting an application or letter of interest and the application deadline. Members of the committees or the Supreme Court may solicit applications for membership on the committees. Applications and letters of interest shall be submitted to the Supreme Court.

(4) Appointment of committee members and chair. Upon expiration of the application deadline, the Supreme Court shall review the applications and letters of interest and appoint those individuals who are best suited to serve on the committee. Members shall be appointed to serve staggered four-year terms. The Supreme Court shall select a chair from among the committee's members. No lawyer may serve more than two consecutive terms on the committee unless appointed by the Supreme Court as the committee chair or as an institutional or court representative (e.g. an academician, judge, recording secretary, etc.) or when justified by exceptional circumstances. Judges who serve as members of the committees generally shall not be selected as chairs. Committee members shall serve as officers of the court and not as representatives of any client, employer, or other organization or interest group. At the first meeting of a committee in any calendar year, and at every meeting at which a new member of the committee first attends, each committee member shall briefly disclose the general nature of his or her legal practice.

(5) Vacancies. In the event of a vacancy on a committee due to death, incapacity, resignation or removal, the Supreme Court, after consultation with the committee chair, shall appoint a new committee member to serve for the remainder of the unexpired term.

(6) Absences. In the event that a committee member fails to attend three committee meetings during a calendar year, the chair may notify the Supreme Court of those absences and may request that the Supreme Court replace that committee member.

(7) Administrative assistance. The Administrative Office of the Courts shall coordinate staff support to each committee, including the assistance of the Office of General Counsel in research and drafting and the coordination of secretarial support and publication activities.

(8) Recording secretaries. A committee chair may appoint a third-year law student, a member of the Bar in good standing, or a legal secretary to serve as a recording secretary for the committee. The recording secretary, shall attend and take minutes at committee meetings, provide research and drafting assistance to committee members and perform other assignments as requested by the chair.