

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.

(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. A committee may also have up to two nonvoting emeritus members. An emeritus member has the same authority and duties as other committee members, except that such member shall have no authority to vote. An emeritus member may serve two terms in addition to the terms served as a member.

(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. In the event of a mid-term vacancy the Supreme Court shall appoint a new member to serve for the remainder of the term. The Supreme Court shall select a chair from among the committee's members. No lawyer member may serve more than two full consecutive terms on the committee unless appointed by the Supreme Court as the committee chair or when justified by special circumstances, such as an academician or court staff

attorney. A member appointed as chair may serve up to four terms as a member and chair. 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) 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.

(6) 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.

(7) 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.