

1 **Rule 11-103. Rulemaking Procedures.**

2 Intent:

3 To establish procedures for disseminating proposed rules to the Utah State Bar, Judiciary,
4 interested groups, and members of the public.

5 Applicability:

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

8 Statement of the Rule:

9 (1) Submission of final rules recommendations. Each advisory committee shall vote upon
10 and finalize its recommendations and any proposed committee notes for public comment and
11 submit them to the Supreme Court to be approved for public comment. If approved by the
12 Supreme Court, the committee shall submit the rules to the Administrative Office of the Courts
13 for publication and distribution.

14 (2) Publication. The Administrative Office of the Courts shall publish the final committee
15 recommendations and any proposed committee notes for a 45-day comment period. The purpose
16 of the comment period shall be to solicit written comment concerning the committees'
17 recommendations.

18 (3) Distribution. Copies of proposed rules and any advisory committee notes shall be
19 distributed as provided in Rule 11-106.

20 (4) Comment. Written comment shall be submitted to the Administrative Office of the
21 Courts.

22 (5) Committee review. Upon the expiration of the comment period, the Administrative
23 Office of the Courts shall compile all of the written comment received and forward it to the
24 appropriate committee chair. The chair shall convene a meeting of the committee for the purpose
25 of reviewing the public comment and discussing and voting upon appropriate modifications to
26 the rules. If after receiving public comment, a committee makes substantial modifications to the
27 proposed rule, the committee ~~may~~ shall submit the rule to the Supreme Court to be approved for
28 public comment. If approved by the Supreme Court, the committee shall submit the modified
29 rule to the Administrative Office of the Courts for re-publication and further public comment.

30 (6) Transmittal. Once the committee has reviewed the public comment and voted upon
31 the final modifications to the proposed rules and committee notes, it shall submit a letter of

32 transmittal to the Supreme Court with a copy of the committee's final proposals, a summary of
33 the public comment and the committee's recommendations in response to the comment.

34 (7) Expedited Procedures. The Supreme Court may shorten the public comment period if
35 it determines that the administration of justice requires a proposed rule change to be expedited
36 and that appropriate notice to the public can still be provided and public comment obtained. The
37 Supreme Court may also eliminate public notice and comment for a technical or conforming
38 amendment if the Court determines that they are unnecessary.