

**UTAH SUPREME COURT ADVISORY COMMITTEE
ON RULES OF CIVIL PROCEDURE**

**Summary Minutes – Sept. 24, 2025
via Webex**

THIS MEETING WAS CONDUCTED ELECTRONICALLY VIA WEBEX

Committee members	Present	Excused	Guests/Staff Present
Rod N. Andreason, Chair	X		Stacy Haacke, Staff
Justin T. Toth, Vice Chair		X	Keri Sargent
Ash McMurray	X		
Michael Stahler	X		
Loni Page		X	
Joshua Jewkes	X		
Meagan Rudd	X		
Laurel Hanks	X		
Tonya Wright	X		
Judge Rita Cornish	X		
Judge Catherine Conklin	X		
Jonas Anderson	X		
Heather Lester		X	
Brett Chambers	X		
Judge Blaine Rawson	X		
Judge Ronald Russell		X	
Judge Patrick Corum	X		
Rachel Sykes		X	
Michael Young		X	
Tyler Lindley	X		
Commissioner Marian Ito	X		
Judge Laura Scott, <i>Emeritus</i>	X		
James Hunnicutt, <i>Emeritus</i>	X		

(1) INTRODUCTIONS

The meeting began at 4:08 p.m. after forming a quorum. Mr. Rod Andreason welcomed the returning Committee Members and new Committee Members.

(2) APPROVAL OF MINUTES

Mr. Andreason acknowledged proposed edits to the minutes by Jim Hunnicutt that had been circulated via email. Judge Rita M. Cornish moved to approve the minutes subject to Jim Hunnicutt's proposed revisions. Judge Catherine Conklin seconded the motion. The motion to approve the minutes passed unanimously with all members voting in favor.

(3) COMMITTEE MEMBER INTRODUCTIONS

Mr. Andreason facilitated introductions, noting the importance of building rapport among members who collaborate monthly in the full committee and in subcommittees. Members introduced themselves, stating their name, place of work, practice area, and background on the committee. New members were welcomed, including Commissioner Marian Ito (domestic law commissioner in the 4th District), Joshua Jewkes (attorney at Gordon Law Group with 23 years practice), and Meagan Rudd (partner at Rudd Cooper, civil litigation and family law). Mr. Andreason acknowledged the strength derived from the committee's diverse viewpoints and backgrounds.

(4) RULES UPDATE

Mr. Andreason led the discussion, providing an overview of the process for amending Supreme Court procedural rules, detailing the sequence summarized in Tab 3. He explained that rule amendments typically begin with a request that ideally includes an explanation and a redline of the proposed changes. The committee may then decide to reject the request, approve it for submission, or send it to a subcommittee for further analysis, which is often the preferred route for in-depth discussion. Mr. Andreason reminded the committee that all rules must be checked for conformity with the Style Guide. He emphasized that the Supreme Court does not "rubber stamp" the committee's recommendations; rather, they conduct a very thorough review, with Justices often dissecting proposed changes. Once approved by the committee, the rule is submitted to the Supreme Court for review and eventual discussion at a Court Conference for approval for public comment. Following the 45-day public comment period, the committee reviews feedback before submitting the rule for final approval and requesting an effective date, usually May or November. Stacy Haacke informed the committee that during the recent hiatus, twelve rules were sent to the Justices, resulting in six rules being finalized and three sent out for public comment.

(5) RULE 73 – INCREASE TO ATTORNEYS FEES

Ms. Tonya Wright presented the subcommittee's proposal to increase the scheduled attorney fees in Rule 73, which primarily applies to debt collection actions. Ms. Wright explained that the initial request from Mark Olson, who represents plaintiffs, was reviewed against current inflation and rising costs. The subcommittee recommended maintaining consistency by proposing increases in the 35%–40% range, avoiding some initial proposals that suggested increases up to 66%. The key proposed changes included raising the fee for uncontested judgments from **\$350.00 to \$475.00** and fees following contested proceedings from \$750 to \$1020.

Mark Olson (Guest) agreed with the subcommittee's revisions. Chip Shaner (Guest) explained that the initial higher garnishment request reflected the significant staff time now required for locating employers and complex legal entity research necessary for collection actions. Laurel Hanks expressed concern regarding the substantial percentage jump, especially for pro se defendants who lack the ability to negotiate fees. Judge Rita M. Cornish provided crucial context, noting that if the scheduled fees are too low relative to market costs, lawyers are incentivized to file detailed fee affidavits seeking much higher awards (e.g., \$2000), increasing the burden on judges and resulting in higher costs for defendants. Judge Blaine Rawson confirmed this phenomenon, stating he has been reviewing numerous fee affidavits since the previous scheduled fee amounts became obsolete.

Judge Patrick Corum and Joshua Jewkes suggested the committee investigate implementing an index system to tie fees to inflation, ensuring they remain equitable and avoid dramatic, infrequent increases. Mr. Andreason agreed to make a note for future review. Ms. Wright moved to approve the proposed amendments to Rule 73, that the committee schedule a review of the rule every two years, and that the committee request an expedited effective date. Judge Rita M. Cornish seconded the motion. The motion passed unanimously.

(6) RULE 102 – MOTION AND ORDER FOR PAYMENT OF COSTS AND FEES

Ms. Haacke led the discussion on Rule 102 amendments, which originated from a need to update statutory references. Concerns were raised by Justice Pohlman regarding the coherence of paragraphs (b) (conditions for granting the motion) and (c) (denial or limited award). Judge Cornish argued that the current text of (c) is redundant because Rule 102(b) is permissive ("may grant")—meaning denial is already implied if the required findings are absent. Judge Catherine Conklin clarified that the intent of (c) was to allow commissioners flexibility to deny or limit fees under "general equitable principles" even if the four criteria in (b) were technically met. Mr. Hunnicutt supported the deletion of section (c), stating that he had not seen that section used in practice, as motions are typically denied for failure to satisfy the requirements of (b). Further discussion revolved around the term "will order" in Rule 102(d), which Judge Cornish noted contradicted the permissive nature of Rule 102(b),

suggesting "will" should revert to "may" or similar permissive language. The Committee agreed that the rule required further work to incorporate the concept of "limited payment of costs and fees" clearly and resolve the semantic inconsistencies. A subcommittee was formed to review the amendments, which included Justin Toth, Meagan Rudd, and Commissioner Ito.

(7) RULE 10 – JUDGE’S SIGNATURE ON ELECTRONICALLY FILED DOCUMENTS

Ms. Keri Sargent presented the proposed amendments to Rule 10(e) concerning the placement of a judicial officer's signature on electronically filed documents. This change is necessitated by the rollout of the "My Case" project, which enables self-represented parties to e-file using standardized forms. Current Rule 10(e) requires the judicial officer's signature to appear at the top of the first page for e-filed orders. Ms. Sargent explained that because the new forms are designed for both electronic and manual filing, adapting them to force the signature line to the top is resource-intensive and often counterintuitive for self-represented users. The proposal restricts the top-page signature requirement only to documents that are electronically filed by an attorney. Ms. Sargent confirmed that the definition of "attorney" typically includes Licensed Paralegal Practitioners (LPPs) through Rule 86. Judge Cornish moved to approve the proposed revision to Rule 10(e) and requested an expedited effective date due to the ongoing system implementation. Judge Corum seconded the motion. The motion passed unanimously.

(8) SUBCOMMITTEES AND NEW BUSINESS

Mr. Andreason led a review of the current subcommittee list (Tab 7) to address vacancies left by departing members and to organize new topics identified during the meeting. Ms. Sargent agreed to chair the Rule 65C (Post Conviction Relief) subcommittee, with Joshua Jewkes joining as a member. Judge Cornish volunteered to assume the chair position for the Rule 3(a)(2) subcommittee, with Meagan Rudd joining as a member, despite the rule currently being on hiatus while awaiting Supreme Court feedback. Ash McMurray requested additional support for the extensive "Affidavit/Declaration" subcommittee work. Mr. Jewkes volunteered to join Ash McMurray as a member. Ms. Wright requested a status update on the Eviction Expungements subcommittee, which had stalled.

Judge Laura Scott introduced new business concerning the challenges courts face with artificial intelligence (AI) generating fake case citations in briefs. Judge Laura Scott suggested creating a subcommittee to consider rule changes requiring attorneys to certify verification of cited cases. Commissioner Marian Ito and Jim Hunnicutt noted that Rule 11 (requiring certification that filings are true) might already address this, but agreed that a rule drafted specifically for AI use would be beneficial, particularly considering the simultaneous rollout of e-filing for pro se litigants. The Committee agreed to form a new AI Issues

subcommittee. Jonas Anderson volunteered to chair this committee, with Ms. Rudd, Mr. Jewkes, and Ash McMurray joining as members.

Judge Cornish proposed a second new subcommittee to create a clear process for transferring cases between the district court and the newly established Business and Chancery Court, noting that relying on Rule 42 (venue change) is insufficient. Judge Cornish will chair this new subcommittee, with Ms. Rudd and Ms. Sargent joining.

(9) ADJOURNMENT

The meeting was adjourned at 5:55 p.m. The next meeting will be October 22, 2025, at 4:00 p.m.