UTAH SUPREME COURT ADVISORY COMMITTEE
ON RULES OF CIVIL PROCEDURE

Summary Minutes – Nov. 19, 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		Sonia Sweeney
Ash McMurray	X		Keri Sargent
Michael Stahler	X		Justice Michael Wilkins
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	
J. 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, *Emeritus*	X		
James Hunnicutt, *Emeritus*	X		

(1) INTRODUCTIONS

The meeting began at 4:05 p.m. after forming a quorum. Mr. Rod Andreason welcomed the Committee Members.

(2) APPROVAL OF MINUTES

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

(3) UNIFORM JUDICIAL INTERVIEW OF CHILDREN ACT (UJICA) DRAFT PROPOSALS

Mr. Rod Andreason welcomed former Justice Michael Wilkins, the Chair of the Utah Uniform Law Commission (ULC), as a special guest to present materials related to proposed judicial rules. Justice Wilkins provided context regarding the ULC, explaining that it is composed of appointed attorneys, legislators, and judicial staff who work toward creating uniform state laws where uniformity is desirable and practical.

Justice Wilkins noted that the proposed Uniform Judicial Interview of Children Act (UJICA) was recently approved nationally, but he preferred that it be adopted in Utah as a rule of judicial procedure rather than a legislative act, given its focus on internal court process. He confirmed that the proposed rule intentionally excludes juvenile court proceedings. Justice Wilkins explained that the ULC circulated two alternative rule drafts which primarily differ in the level of access parties have to the child's interview record: Alternative A restricts access, while Alternative B allows parties or their counsel to observe remotely and submit questions to the judicial officer.

Judge Conklin supported the move toward uniform standards for judicial interviews but raised concerns about the lack of mandated training for judges in conducting child interviews, citing fears of causing harm to the child. Justice Wilkins noted that the UJICA does not mandate interviews but provides a procedural framework if a judicial officer chooses to conduct one, and suggested inquiring with the National College of Juvenile and Family Court Judges regarding potential training resources. Commissioner Marian Ito and Judge Conklin discussed the underlying policy tension, noting that while there is no absolute state policy, the goal is primarily to protect children from the stress of litigation, preventing them from becoming "pin cushions" in custody disputes. The Committee agreed that this comprehensive proposal required further review, and Mr. Andreason proposed forming a subcommittee to delve deeper into the alternatives and associated issues.

The Committee established a subcommittee to review the UJICA proposals. Judge Conklin was appointed to serve as the Chair of the UJICA Subcommittee. Commissioner Ito, Ms. Rachel Sykes, and Ms. Laurel Hanks will also serve on the subcommittee to review the UJICA proposed rules, analyze the two alternatives, address concerns related to judicial training, and formulate recommendations for the full Committee. Ms. Stacy Haacke will check with Mr. Hunnicutt to confirm his availability and desire to also serve on the UJICA Subcommittee.

(4) RULES BACK FROM PUBLIC COMMENT – RULES 5, 42, 103

Mr. Andreason led the discussion on rules returned from the public comment period.

Rule 5 (Service and filing of pleadings and other documents): Mr. Andreason initiated discussion on Rule 5. The current discussion focused on the policy implications of providing notice to defaulting parties, particularly regarding motions to augment judgments for additional damages. Judge Cornish addressed a public comment that questioned the rule's notice requirements. Judge Cornish affirmed that requiring formal, personal service consistent with Rule 4 for defaulting parties receiving a motion to augment a judgment is appropriate, noting that large augmentations, often thousands of dollars, particularly in eviction cases, may drastically change a defendant's initial calculus to default. Judge Laura Scott echoed this, highlighting the significant disconnect between initial complaint requests and final augmented judgments in eviction matters. Ms. Meagan Rudd inquired whether a party that previously secured a grant for alternative service could rely on that method for service of the subsequent motion to augment. Judge Cornish and Judge Scott concluded that relying on a previous alternative service method, such as posting on the door in an eviction action, is inappropriate for a future, augmented judgment when the party is known to have vacated the premises. The consensus was that the need to ensure due process and proper notice for such significant financial impacts outweighed the increased collection costs or difficulties associated with re-serving parties.

Judge Cornish moved to approve Rule 5 and forward it to the Supreme Court for final approval, with a proposed effective date of May 1. Mr. Tyler Lindley seconded the motion. The motion passed unanimously.

Rule 42 (Consolidation; separate trials; venue transfer): Mr. Andreason noted that Rule 42 had been previously addressed. As a result, the Committee did not discuss this rule.

Rule 103 (Child protective orders): Mr. Andreason clarified that the Committee would postpone consideration of Rule 103 until the Advisory Committee on the Rules of Juvenile Procedure provided input.

(5) RULE 74 AND 76: MOTIONS TO WITHDRAW AS COUNSEL

Mr. Michael Stahler presented the proposed amendments to Rule 74 and 76 for final Committee review before sending them for public comment, noting that several minor edits had been incorporated based on feedback from Justice Jill Pohlman.

The Committee first addressed Justice Pohlman's query regarding the requirement in proposed Rule 74(A) to "describe the requirements under any existing court orders or rules." Mr. Andreason, Mr. J. Brett Chambers, and Mr. Hunnicutt voiced concerns about the potential burden and professional liability placed on the withdrawing attorney to interpret and summarize all active court orders and rules in complex or prolonged cases. Mr. Hunnicutt explained that it would require the attorney to decipher overlapping orders which could be quite time consuming. Ms. Rudd argued this requirement was redundant, as attorneys are already ethically bound under the Utah Rules of Professional Conduct (UCJA Rule 1.16) to protect a client's interest upon termination. Mr. Chambers moved to strike the phrase in line 17 of Rule 74, beginning with "describe" and ending with "rules." Mr. Joshua Jewkes seconded the motion. The motion passed unanimously.

Next, the Committee addressed two outstanding substantive issues: the path for clients whose counsel becomes unavailable and preventing attorneys from withdrawing before fulfilling court-ordered obligations.

Ms. Rudd proposed adding language to Rule 74(A) to address the latter concern, stating that an attorney may withdraw without motion if certain conditions are met, including that "there are no outstanding court ordered obligations for the withdrawing attorney." Mr. Stahler supported this change, acknowledging it addressed a common concern raised by judges. Judge Conklin moved to send Rules 74 and 76 out for public comment, incorporating all approved amendments, including the new language proposed by Ms. Rudd in Rule 74(A). Mr. Chambers seconded the motion. The motion passed unanimously.

(6) Rule 62: Stay Proceedings to Enforce a Judgment or Order

Mr. Hunnicutt provided context for the Rule 62 revisions, explaining that they were prompted by a request from the Court of Appeals, noted in a footnote of *Rothwell v. Rothwell*, to address the difficulties in implementing stays for divorce judgments during appeal. He noted that Justice Pohlman had substantially recrafted Subsection (j) to provide a clearer framework for judges in domestic relations appeals, preventing the non-appealing party's life from stagnating. The Committee accepted Justice Pohlman's first comment to add "Except as provided in paragraph (j)" to line 6. The discussion focused on stylistic clarification for the judicial remedies listed in the redrafted Subsection (j). Mr. Jewkes suggested restructuring the introductory clause to clarify that the court could employ multiple remedies simultaneously. The Committee agreed to adopt the model used in Rule 37(A)(7).

Mr. Jewkes moved to send Rule 62 out for public comment as amended, including the new language in Subsection (j) to permit the court to "do one or more of the following." Mr. Ash McMurray seconded the motion. The motion passed unanimously.

(7) ADJOURNMENT

The meeting was adjourned at 6:00 p.m. The next meeting will be December 17, 2025, at 4:00 p.m.