



Utah Supreme Court
Advisory Committee on the Utah Rules of Civil Procedure
Meeting Agenda
Rod Andreason, Chair

Location: WebEx Webinar: [Link](#)

Date: January 28, 2026

Time: 4:00 – 6:00 p.m.

Welcome and approval of minutes	Tab 1	Rod Andreason
Legislative Session and Rapid Response Requests – SJR005 , SJR006 , and HJR015 (<i>Informational</i>)		Rod Andreason
Rules back from Public Comment – 10, 26.1, 73, 106, 108, and 109	Tab 2	Rod Andreason
Rule 5 – amendments regarding serving parties in default and recommendation to restructure subparagraph (a)(2)	Tab 3	Laurel Hanks / Judge Scott
Judicial Interviews with Children – new rule update		Judge Conklin
Rule 65C – Postconviction relief workgroup update		Keri Sargent
Rule 86 – Licensed Paralegal Practitioners and court forms	Tab 4	Tonya Wright
Subcommittees (<i>Informational</i>)	Tab 5	

Reminder: Check style guide for conformity before rules are sent to the Supreme Court.

Upcoming Items:

- Subcommittees!

URCP Committee Website: [Link](#)

2026 Meeting Schedule:

Jan 28 • Feb 25 • Mar 25 • April 22 • May 27 • June 24 • Sep 23 • Oct 28 • Nov 18 • Dec 16

Tab 1

**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, <i>Emeritus</i>	X		
James Hunnicutt, <i>Emeritus</i>	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 Poleman.

The Committee first addressed Justice Poleman’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 Poleman 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 Poleman’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.

Tab 2

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

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Posted: October 30, 2025

Utah Courts

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Rules of Civil Procedure – Comment Period Closed December 15, 2025

URCP010. Form of pleadings and other papers. AMEND. – The amendments to this rule clarify in subparagraph (e) that orders electronically filed by attorneys must follow these signature line requirements, as well as include amendments to conform to the style guide for the rules. The Supreme Court has ordered the expedited effectiveness of the amendments to this rule pursuant to Code of Judicial Administration, Rule 11-105.

URCP026.1. Disclosure and discovery in domestic relations actions. AMEND. The proposed amendments to this rule include clarifying language in relation to Rule 26 in subparagraph (b) and a change in terminology in subparagraph (e)(2).

URCP073. Attorney fees. AMEND. The proposed amendments to this rule include increases to the default attorney fee amounts found in subparagraphs (f)(1), (2), and (3) by 35 – 40 percent, as well as some clarifying amendments to conform with the style guide for the rules.

URCP106. Modification of final domestic relations order. AMEND. The proposed amendments to this rule include an

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

- [-Alternate Dispute Resolution](#)
- [-Code of Judicial Administration](#)
- [-Code of Judicial Conduct](#)
- [-Fourth District Court Local Rules](#)
- [-Licensed Paralegal Practitioners Rules of Professional Conduct](#)
- [-Rules Governing Licensed Paralegal Practitioner](#)
- [-Rules Governing the State Bar](#)

update to the statutory references after recodification, as well as, some clarifying language in subparagraph (b).

URCP108. Objection to court commissioner’s recommendation.

AMEND. The proposed amendments to this rule include clarifying the language in subparagraph (c) in regards to evidence presented to the commissioner, as well as, updating the terminology in subparagraph (d)(2) from the order to show cause language to the “motion to enforce order and for sanctions” language.

URCP109. Injunction in certain domestic relations cases.

AMEND. The proposed amendments to this rule include updating the terminology in subparagraph (a) to “paternity.”

This entry was posted in [URCP010](#), [URCP026.01](#), [URCP073](#), [URCP106](#), [URCP108](#), [URCP109](#).

« Rules of Appellate Procedure – Comment Period Closed January 5, 2026

Rules of Appellate Procedure – Comment Period Closed December 15, 2025 »

UTAH COURTS

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6 thoughts on “Rules of Civil Procedure – Comment Period Closed December 15, 2025”

Leslie Slaugh
October 30, 2025 at 2:46 pm

The proposed change to Rule 7(b) would require that “A request for an order related to a subpoena under Rule 45 must follow Rule 37(a).” But Rule 45(g) (45(c) under the proposed amendment) states, “Failure by any person without adequate excuse to obey a subpoena served upon that person is

- [-Rules of Appellate Procedure](#)
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- [-Rules of Criminal Procedure](#)
- [-Rules of Evidence](#)
- [-Rules of Juvenile Procedure](#)
- [-Rules of Professional Conduct](#)
- [-Rules of Professional Practice](#)
- [-Rules of Small Claims Procedure](#)
- [ADR101](#)
- [ADR103](#)
- [Appendix A](#)
- [Appendix B](#)
- [Appendix F](#)
- [CJA 1-101](#)
- [CJA Appendix F](#)
- [CJA01-0201](#)
- [CJA01-0204](#)
- [CJA01-0205](#)
- [CJA01-0205](#)
- [CJA01-0302](#)
- [CJA01-0303](#)
- [CJA01-0304](#)
- [CJA01-0305](#)
- [CJA010-01-0404](#)
- [CJA010-1-020](#)
- [CJA014-0701](#)
- [CJA014-0704](#)
- [CJA014-0705](#)
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- [CJA03-0105](#)

punishable as contempt of court.” A motion seeking a contempt citation falls under Rule 7A. Often the subject of the motion will not be a party to the action, so a Rule 37(a) motion seems inappropriate, especially since Rule 37(a)(8) prohibits a request for sanctions.

Leslie Slaugh
October 30, 2025 at 2:54 pm

Proposed rule 30(b)(C) states: “If timely objections are not resolved prior to the deposition, any party may seek resolution from the court in accordance with Rule 37, or if the notice seeks a deposition of a non-party organization, the non-party organization may seek resolution in accordance with Rule 45.” This is confusing in light of the proposed change to Rule 7 requiring that a request for an order relating to Rule 45 must be brought under Rule 37.

Leslie Slaugh
October 30, 2025 at 3:06 pm

Proposed rule 37(a)(3) permits a non-party or person subject to a subpoena to object to a statement of discovery issues only if that non-party or person previously filed an objection. That limitation should be deleted. Due process requires that anyone affected by the statement of discovery issues be allowed to respond. For example, if a person fails to show for a deposition because that person never received notice, the person would also not have filed an objection. But the person should be allowed to respond to an SDI regarding that failure to show. Why require notice to the person (37(a)(2)(E)) and then deny the right to respond?

Leslie Slaugh
October 30, 2025 at 3:17 pm

I recommend an additional change to Rule 73. Subparagraph (d) states: “The court will enter an order for the claimed amount unless another party objects within seven days after the affidavit and proposed order are filed.” The “will” should be changed to “may” to give the court discretion to reduce the fee if the court sua sponte determines the fee is unreasonable.

- CJA03-0106
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- CJA04-0101
- CJA04-0103
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Alyssa Gentry
December 10, 2025 at 10:48 pm

PUBLIC COMMENT ON PROPOSED AMENDMENTS TO URCP 108

Comment Period Closing December 15, 2025

Submitted by: Alyssa Gentry

To the Advisory Committee on the Utah Rules of Civil Procedure:

Thank you for the opportunity to comment on the proposed amendments to URCP 108. I submit this comment based on my personal observations in family court proceedings and the structural concerns created by the interaction between Rule 108 and Rule 6-401.

I. Commissioners' Authority Under Rule 6-401 Is Narrow and Does Not Permit Final Adjudication

URCP 6-401(a) states:

"A court commissioner shall not make final adjudications and may exercise the powers of a judge only to the extent authorized by the order of reference."

URCP 6-401(b) further limits commissioner authority to specific delegated actions, all of which remain subject to a district judge's oversight. A commissioner's recommendation is therefore, by definition, non-final unless and until adopted by a judge.

II. Rule 108 Has Been the Subject of Committee Attention Across Multiple Years

The Advisory Committee's public agendas and archives show that Rule 108 has been under review across several years:

- Rule 108 was discussed at the November 17, 2010 Committee meeting.
- Rule 108 appeared on meeting agendas in May and October 2011.
- Rule 108 appeared on the February 24, 2021 and June 23, 2021 Committee agendas.

While these materials do not record detailed discussion, they reflect sustained recognition that this rule requires ongoing evaluation.

- CJA04-0110
- CJA04-0201
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- CJA04-0202.01
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- CJA04-0902

III. Misapplication Has Occurred, and the Existing Ambiguity Creates a Continued Reasonable Risk of Repetition

Based on my personal observation of family court proceedings, there have been instances where commissioners have treated their recommendations as immediately enforceable orders notwithstanding a timely objection under Rule 108. These actions have included issuing enforcement directives and threatening contempt before any district judge has conducted de novo review. Such conduct conflicts with Rule 6-401, which prohibits commissioners from making final adjudications and requires judicial review before a recommendation can become an enforceable order.

In addition to these observed occurrences, the current ambiguity in Rule 108 creates a continued reasonable risk that similar misinterpretations will recur. The rule contains the phrase that a commissioner's recommendation "is the order of the court," yet it does not clarify whether a timely objection suspends enforceability nor reconcile this phrase with Rule 6-401's jurisdictional limits. This unresolved tension leaves open the possibility that a non-final recommendation may be mistakenly treated as a binding judicial order.

The combination of actual misapplication and the structural risk of recurrence underscores the need for explicit clarification.

IV. The Ambiguity Threatens Due Process and the Purpose of Rule 108

When a commissioner's recommendation is enforced before a judge reviews it:

- a party's right to meaningful de novo review is compromised;
- a non-final recommendation is treated as a final order;
- litigants may face immediate impacts on custody, residence, or financial obligations without judicial authorization;
- and self-represented litigants face particular disadvantage.

Rule 108 was designed to ensure that a litigant is not bound by a commissioner's recommendation until the district judge adopts it. Its purpose is frustrated when enforcement occurs prematurely.

V. Proposed Clarifying Language to Align Rule 108 With Rule 6-401 and Core Due-Process Protections

To resolve the ambiguity and prevent continued misapplication, I respectfully propose the following amendment, consistent with the structure of the published redline:

New Subparagraph (e): Effect of Objection; Stay of Enforcement

(e) Effect of Objection; Stay of Enforcement.

(1) A commissioner's recommendation is not enforceable, and

- CJA04-0903
- CJA04-0904
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- CJA06-0601
- CJA07-0101
- CJA07-0102
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- CJA09-0302
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- CJA10-1-203
- CJA10-1-602
- CJA11-0101
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- CJA11-0303
- CJA11-0401

no order based on the recommendation may be executed, until either the time to file an objection expires without objection or the district judge enters an order upon de novo review.

*(Authority: URCP 6-401(a)–(b); URCP 108(a))

(2) While an objection is pending, the court may not issue a writ, enforcement order, or any compulsory directive based solely on the commissioner’s recommendation.

(Authority: URCP 6-401(a): “shall not make final adjudications.”)

(3) A commissioner’s recommendation becomes the order of the court only if no objection is filed within the time permitted.

Conforming Edit to URCP 108(d)(2)(B)

Add the following sentence:

Relief under this subparagraph may not be granted while a timely objection is pending unless ordered by the district judge after de novo review.

VI. Conclusion

Because commissioners have, in some instances, treated their recommendations as enforceable orders despite timely objections, and because the text of Rule 108 contains an ambiguity that creates a continued risk of future misapplication, I respectfully ask the Committee to adopt clarifying language ensuring that a commissioner’s recommendation is not enforceable unless and until a judge adopts it following review.

Thank you for your consideration.

Alyssa Gentry
December 12, 2025 at 8:50 am

I have personally observed instances where commissioners treated their recommendations as enforceable orders even when a timely Rule 108 objection was filed. This exceeds the limits of URCP 6-401, which prohibits commissioners from making final adjudications. Because the wording of Rule 108 does not clearly state whether enforcement is suspended during an objection, the ambiguity has created real misapplication and a continued risk that recommendations will be enforced before judicial review. I respectfully urge the Committee to clarify that a commissioner’s recommendation is non-final and non-enforceable unless and until a district judge adopts it after de novo review, consistent with Rule 6-401 and due-process principles.

- [CJA11-0501](#)
- [CJA11-0503](#)
- [CJA11-0510](#)
- [CJA11-0511](#)
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- [CJA14-0515](#)
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- [CJA_Appx_J](#)
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- [CJCApplicability](#)
- [CR1008](#)
- [CR1101](#)
- [CR430](#)
- [CR432](#)
- [Fourth District Local Rule 10-1-407](#)
- [LPP1.00](#)
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Rule 10. Form of pleadings and other papers.

(a) Caption; names of parties; other necessary information.

(1) All pleadings and other papers filed with the court must contain a caption setting forth the name of the court; the title of the action; the case file number, if known; the name of the pleading or other paper; and the name, if known, of the judge (and commissioner if applicable) to whom the case is assigned. A party filing a claim for relief, whether by original claim, counterclaim, cross-claim, or third-party claim, must include in the caption the discovery tier for the case as determined under Rule 26.

(2) In the complaint, the title of the action must include the names of all the parties, but other pleadings and papers need only state the name of the first party on each side with an indication that there are other parties. A party whose name is not known must be designated by any name and the words "whose true name is unknown." In an action in rem, unknown parties must be designated as "all unknown persons who claim any interest in the subject matter of the action."

(3) Every pleading and other paper filed with the court must state in the top left-hand corner of the first page the name; address; email address; telephone number; and, if filed by an attorney, the name and -bar number of the person~~attorney or party~~ filing the paper, and, ~~if filed by an attorney,~~ the party for whom it is filed.

(4) A party filing a claim for relief, whether by original claim, counterclaim, cross-claim, or third-party claim, must also file a completed cover sheet substantially similar in form and content to the cover sheet approved by the Judicial Council. The clerk may destroy the cover sheet after recording the information it contains.

(5) Domestic relations actions, as defined in Rule 26.1, must be captioned as follows:

(i) In petitions for divorce, annulment, separate maintenance, and temporary separation: "In the matter of the marriage of [Party A and Party B]."

(ii) In petitions to establish parentage: “In the matter of the parentage of children of [Party A and Party B].”

(iii) In petitions to otherwise establish custody, parent-time, or child support: “In the matter of the children of [Party A and Party B].”

(iv) If a domestic relations action includes additional interested parties, such as the Office of Recovery Services, they must be listed in the case caption after the text described above.

(b) Paragraphs; separate statements. All statements of claim or defense must be made in numbered paragraphs. Each paragraph must be limited as far as practicable to a single set of circumstances; and a paragraph may be adopted by reference in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence, and each defense other than denials, must be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters ~~set forth~~.

(c) Adoption by reference; exhibits. Statements in a paper may be adopted by reference in a different part of the same or another paper. An exhibit to a paper is a part ~~thereof of~~ that paper for all purposes.

(d) Paper format. All pleadings and other papers, other than exhibits and court-approved forms, must be 8½ inches wide x 11 inches long, on white background, with a right, left, top, and bottom margin of not less than one ~~1~~ inch-. All text or images must be clearly legible; must be double spaced, except for matters customarily single spaced; must be on one side only; and must not be smaller than 12-point size.

(e) Signature line. The name of the person signing must be typed or printed under that person’s signature. If a proposed document ready for signature by a court official is electronically filed by an attorney, the order must not include the official’s signature line and must, at the end of the document, indicate that the signature appears at the top of the first page.

52 **(f) Non-conforming papers.** The clerk of the court may examine the pleadings and other
53 papers filed with the court. If they are not prepared in conformity with paragraphs (a)
54 ~~through-~~ (e), the clerk must accept the filing but may require counsel to substitute
55 properly prepared papers for nonconforming papers. The clerk or the court may waive
56 the requirements of this rule for self-represented parties ~~appearing pro se~~. For good cause
57 shown, the court may relieve any party of any requirement of this rule.

58 **(g) Replacing lost pleadings or papers.** If an original pleading or paper filed in any action
59 or proceeding is lost, the court may, upon motion, with or without notice, authorize a
60 copy ~~thereof~~ of the document to be filed and used ~~in lieu~~ instead of the original.

61 **(h) No improper content.** The court may strike and disregard all or any part of a pleading
62 or other paper that contains redundant, immaterial, impertinent, or scandalous matter.

63 **(i) Electronic papers.**

64 (1) Any reference in these rules to a writing, recording, or image includes the
65 electronic version ~~thereof~~ of the writing, recording, or image.

66 (2) A paper electronically signed and filed is the original.

67 (3) An electronic copy of a paper, recording, or image may be filed as though it were
68 the original. Proof of the original, if necessary, is governed by the Utah Rules of
69 Evidence.

70 (4) An electronic copy of a paper must conform to the format of the original.

71 (5) An electronically ~~-~~filed paper may contain links to other papers filed
72 simultaneously or already on file with the court and to electronically published
73 authority.

74
75 *Effective: ~~Nov. 1, 2023~~*

Rule 26.1. Disclosure and discovery in domestic relations actions.

Effective:

(a) Scope. This rule applies to the following domestic relations actions: divorce; temporary separation; separate maintenance; parentage; custody; child support; and modification. This rule does not apply to adoptions, enforcement of prior orders, cohabitant abuse protective orders, child protective orders, civil stalking injunctions, or grandparent visitation.

(b) Time for disclosure. ~~In addition to the Initial Disclosures required in Rule 26, in all domestic relations actions, the documents required in this rule~~ In all domestic relations actions, the disclosures required by Rule 26 and this rule must be served on the other parties within 14 days after filing of the first answer to the complaint.

(c) Financial declaration. Each party must serve on all other parties a fully completed Financial Declaration, using the court-approved form, and attachments. Each party must attach to the Financial Declaration the following:

(1) For every item and amount listed in the Financial Declaration, excluding monthly expenses, copies of statements verifying the amounts listed on the Financial Declaration that are reasonably available to the party.

(2) For the two tax years before the petition was filed, complete federal and state income tax returns, including Form W-2 and supporting tax schedules and attachments, filed by or on behalf of that party or by or on behalf of any entity in which the party has a majority or controlling interest, including, but not limited to, Form 1099 and Form K-1 with respect to that party.

(3) Pay stubs and other evidence of all earned and un-earned income for the 12 months before the petition was filed.

(4) All loan applications and financial statements prepared or used by the party within the 12 months before the petition was filed.

(5) Documents verifying the value of all real estate in which the party has an interest, including, but not limited to, the most recent appraisal, tax valuation, and refinance documents.

(6) All statements for the 3 months before the petition was filed for all financial accounts, including, but not limited to checking, savings, money market funds, certificates of deposit, brokerage, investment, retirement, regardless of whether the account has been closed including those held in that party's name, jointly with another person or entity, or as a trustee or guardian, or in someone else's name on that party's behalf.

(7) If the foregoing documents are not reasonably available or are in the possession of the other party, the party disclosing the Financial Declaration must estimate the amounts entered on the Financial Declaration, the basis for the estimation and an explanation why the documents are not available.

(d) Certificate of service. Each party must file a Certificate of Service with the court certifying that he or she has provided the Financial Declaration and attachments to the other party.

(e) Exemptions.

(1) Agencies of the State of Utah are not subject to these disclosure requirements.

(2) In cases where assets are not at issue, such as ~~paternity~~parentage, modification, and grandparents' rights, a party must only serve:

(A) the party's last three current paystubs and the previous year tax return;

(B) six months of bank and profit and loss statements if the party is self-employed;
and

(C) proof of any other assets or income relevant to the determination of a child support award.

The court may require the parties to complete a full Financial Declaration for purposes of determining an attorney fee award or for any other reason. Any party may by motion or through the discovery process also request completion of a full Financial Declaration.

(f) Sanctions. Failure to fully disclose all assets and income in the Financial Declaration and attachments may subject the non-disclosing party to sanctions under Rule [37](#) including an award of non-disclosed assets to the other party, attorney's fees, or other sanctions deemed appropriate by the court.

(g) Failure to comply. Failure of a party to comply with this rule does not preclude any other party from obtaining a default judgment, proceeding with the case, or seeking other relief from the court.

(h) Notice of requirements. Notice of the requirements of this rule must be served on the other party and all joined parties with the initial petition.

~~Effective November 1, 2021~~

Rule 73. Attorney fees.

Effective: 5/1/2019

(a) **Time in which to claim.** Attorney fees ~~may~~^{must} be claimed by filing a motion for attorney fees no later than 14 days after the judgment is entered, except as provided in paragraph ~~-(f)-of this rule~~, or in accordance with Utah Code ~~section~~[§] 75-3-718, ~~when and~~ no objection to the fee has been made.

(b) **Content of motion.** The motion must:

~~(b)~~(1) specify the statute, rule, contract, judgment, or other basis entitling the party to the award;

~~(b)~~(2) disclose, if the court orders, the terms of any agreement about fees for the services for which the claim is made;

~~(b)~~(3) specify factors showing the reasonableness of the fees, if applicable;

~~(b)~~(4) specify the amount of attorney fees claimed and any amount previously awarded; and

~~(b)~~(5) disclose if the attorney fees are for services rendered to an assignee or a debt collector, the terms of any agreement for sharing the fee, and a statement that the attorney will not share the fee in violation of Rule 5.4 of the Utah Rules of Professional Conduct ~~5.4~~.

(c) **Supporting affidavit.** The motion must be supported by an affidavit or declaration that ~~(1)~~ reasonably describes the time spent and work performed, including for each item of work the name, position (such as attorney, paralegal, administrative assistant, etc.), and hourly rate of the persons who performed the work, and ~~(2)~~ establishes that the claimed fee is reasonable.

(d) **Liability for fees.** The court may decide issues of liability for fees before receiving submissions on the value of services. If the court has already determined ~~established~~ liability for fees, the party claiming them may file an affidavit as provided in paragraph

(c) and a proposed order. The court will enter an order for the claimed amount unless another party objects within seven⁷ days after the affidavit and proposed order are filed.

(e) **Fees claimed in complaint.** If a party claims attorney fees under paragraph (f), the complaint must state the basis for attorney fees, cite the law or attach a copy of the contract authorizing the award, and state that the attorney will not share the fee in violation of Rule 5.4 of the Utah Rules of Professional Conduct~~Rule of Professional Conduct 5.4.~~

(f) **Fees.** Attorney fees awarded under this rule may be augmented upon submission of a motion and supporting affidavit meeting the requirements of paragraphs (b) and (c) within a reasonable time after the fees were incurred, except as provided in this paragraphs ~~(f)(1), (f)(2) and (f)(3)~~, and only where the augmented fees sought exceed those fees that were already awarded.

~~(f)~~(1) **Fees upon entry of uncontested judgment.** When a party seeks a judgment, the responding party does not contest entry of judgment by presenting either evidence or argument at a hearing ~~either evidence or argument~~, and the party seeking the judgment has complied with paragraph (e) ~~of this rule~~, then the request for judgment may include a request for attorney fees, ~~and~~ The clerk or the court will~~shall~~ allow any amount requested up to ~~\$350.00~~\$475.00 for ~~such~~ those attorney fees without a supporting affidavit.

~~(f)~~(2) **Fees upon entry of judgment after contested proceeding.** When a party seeks a judgment, the responding party contests the judgment by presenting either evidence or argument at a hearing ~~either evidence or argument~~, and the party seeking the judgment has established its right to attorney fees, then the request for judgment may include a request for attorney fees, ~~and~~ The clerk or the court ~~shall~~ will allow any amount requested up to \$1,020.00~~\$750~~ for ~~such~~ those attorney fees without a supporting affidavit.

~~(f)(3)~~ **Post-judgment Collections.** When a party has established ~~its~~ an entitlement to attorney fees under any paragraph of this rule, and subsequently:

~~(f)(3)~~(A) applies for any writ ~~pursuant to~~ under Rules 64, 64A, 64B, 64C, 64D, or 64E; or

~~(f)(3)~~(B) files a motion ~~pursuant to~~ under Rules 64(c)(2) or 58C or ~~pursuant to~~ under Utah Code section § -35A-4-314,

then the party may request as part of ~~its~~ the application for a writ or ~~its~~ in the motion that the party's judgment be augmented according to the following schedule, ~~and~~ The clerk or the court ~~shall~~ will allow ~~such~~ that augmented attorney fees request without a supporting affidavit if it approves the writ or motion.

Action	Attorney Fees Allowed
Application for any writ under Rules <u>64</u> , <u>64A</u> , <u>64B</u> , <u>64C</u> , or <u>64E</u> , and first application for a writ under <u>Rule 64D</u> to any particular garnishee;	<u>\$105.00</u> \$75.00
Any subsequent application for a writ under <u>Rule 64D</u> to the same garnishee;	<u>\$35.00</u> \$25.00
Any motion filed with the court under <u>Rule 64</u> (c)(2), Utah Code <u>section</u> <u>§</u> 35A-4-314, or <u>Rule 58C</u> ;	<u>\$105.00</u> \$75.00
Any subsequent motion under <u>Rule 64</u> (c)(2), Utah Code <u>section</u> <u>§</u> -35A-4-314, or <u>Rule 58C</u> filed within 6 months of the previous motion.	<u>\$35.00</u> \$25.00

~~(f)(4)~~ **Fees in excess of the schedule.** If a party seeks attorney fees in excess of the amounts set forth in this paragraph ~~s~~ ~~(f)(1)~~, ~~(f)(2)~~, or ~~(f)(3)~~, then the party ~~shall~~ must comply with paragraphs (a) through (c) ~~of this rule~~.

(5) **Objections.** Nothing in this paragraph ~~shall be deemed to eliminate~~ any right a party may have to object to any claimed attorney fees.

Advisory Committee Notes:

2018 Amendments

An overwhelming number of cases filed in the courts, especially debt collection cases, result in the entry of an uncontested judgment. The work required in most cases to obtain an uncontested judgment does not typically depend on the amount at issue. As such, the prior schedule of fees based on the amount of damages has been eliminated, and instead replaced by a single fee upon entry of an uncontested judgment that is intended to approximate the work required in the typical case. A second amount is provided where the case is contested and fees are allowed, again in an effort to estimate the typical cost of litigating such cases. Where additional work is required to collect on the judgment, the revised rule provides a default amount for writs and certain motions and eliminates the “considerable additional efforts” limitation of the prior rule. It also recognizes that defendants often change jobs, and thus provides for such default amounts to vary depending on whether a new garnishee is required to collect on the outstanding amount of the judgment. Thus, the amended rule attempts to match the scheduled amounts to the work required of attorneys, rather than tying the scheduled amounts solely to the damages claimed. But the rule remains flexible so that when attorney fees exceed the scheduled amounts, a party remains free to file an affidavit requesting appropriate fees in accordance with the rule.

2019 Amendments

Rule 73 has been amended in response to *McQuarrie v. McQuarrie*, 2017 UT App 209, and *Chaparro v. Torero*, 2018 UT App 181, to clarify that the rule applies to all motions for attorney fees, not just post-judgment motions.

Prior rule amendments and committee discussions

93 For more information on prior rule amendments, please
94 visit <https://legacy.utcourts.gov/utc/rules-approved/>. Prior versions of the court rules
95 and pre-2004 court rule amendments are also available at the State Law
96 Library: <https://legacy.utcourts.gov/lawlibrary/>.

97 For discussion materials on rule amendments, please visit the web blog of the Advisory
98 Committee on the Utah Rules of Civil Procedure
99 at <https://legacy.utcourts.gov/utc/civproc/>.

100

Rule 106. Modification of final domestic relations order.

Effective: ~~11/1/2021~~

(a) Commencement; service; answer. Except as provided in Utah Code ~~S~~section ~~30-3-3781-9-209~~, proceedings to modify a divorce decree or other final domestic relations order must be commenced by filing a petition to modify. Service of the petition, or motion under ~~S~~section ~~30-3-3781-9-209~~, and summons upon the other party must be in accordance with [Rule 4](#). The responding party must serve the answer within the time permitted by [Rule 12](#).

(b) Temporary orders.

(1) The judgment, order, or decree sought to be modified remains in effect ~~while~~during the ~~pendency of the~~ petition ~~is pending~~. The court may make the modification retroactive to the date on which the petition was served. ~~While~~ During the ~~pendency of a~~ petition to modify ~~is pending~~, the court:

(A) may order a temporary modification of child support as part of a temporary modification of custody or parent-time; and

(B) may order a temporary modification of custody or parent-time to address an immediate and irreparable harm or to ratify changes made by the parties, provided that the modification serves the best interests of the child.

(2) Nothing in this rule limits the court's authority to enter temporary orders under Utah Code ~~S~~section ~~30-3-381-1-203~~.

Rule 108. Objection to court commissioner's recommendation.

Effective: 11/1/2023

(a) A recommendation of a court commissioner is the order of the court until modified by the court. A party may file a written objection to the recommendation within 14 days after the recommendation is made in open court or, if the court commissioner takes the matter under advisement, within 14 days after the minute entry of the recommendation is served. A judge's counter-signature on the commissioner's recommendation does not affect the review of an objection.

(b) The objection must identify succinctly and with particularity the findings of fact, the conclusions of law, or the part of the recommendation to which the objection is made and state the relief sought. The memorandum in support of the objection must explain succinctly and with particularity why the findings, conclusions, or recommendation are incorrect. The time for filing, length and content of memoranda, affidavits, and request to submit for decision are as stated for motions in [Rule 7](#).

(c) If there has been a substantial change of circumstances since the commissioner's recommendation, the judge may, in the interests of judicial economy, consider new evidence. Otherwise, any evidence [that was not presented to the commissioner](#), whether by proffer, testimony, or exhibit, ~~not presented to the commissioner shall~~ [may](#) not be presented to the judge.

~~(d)~~(1) The judge may hold a hearing on any objection.

~~(d)~~(2) If the hearing before the commissioner was held under Utah Code ~~t~~[Title](#) 26B, ~~c~~[Chapter](#) 5, ~~p~~[Part](#) 3, Utah State Hospital and Other Mental Health Facilities; ~~U~~[Utah](#) Code ~~t~~[Title](#) 78B, ~~c~~[Chapter](#) 7, Protective Orders, or on ~~an order to show cause for the enforcement of a judgment~~ [a motion to enforce order and for sanctions](#), any party has the right, upon request, to present testimony and other evidence on genuine issues of material fact.

~~(d)~~(3) If the hearing before the commissioner was in a domestic relations matter other than a cohabitant abuse protective order, any party has the right, upon request:

~~(d)~~(3)(A) to present testimony and other evidence on genuine issues of material fact relevant to custody; and

~~(d)~~(3)(B) to a hearing at which the judge may require testimony or proffers of testimony on genuine issues of material fact relevant to issues other than custody.

(e) If a party does not request a hearing, the judge may hold a hearing or review the record of evidence, whether by proffer, testimony or exhibit, before the commissioner.

(f) The judge will make independent findings of fact and conclusions of law based on the evidence, whether by proffer, testimony or exhibit, presented to the judge, or, if there was no hearing before the judge, based on the evidence presented to the commissioner.

Rule 109. Injunction in certain domestic relations cases.

Effective: ~~1/1/0021~~

(a) **Actions in which a domestic injunction enters.** Unless the court orders otherwise, in an action for divorce, annulment, temporary separation, custody, parent time, support, or ~~paternity~~parentage, the court will enter an injunction when the initial petition is filed. Only the injunction's applicable provisions will govern the parties to the action.

(b) General provisions.

(1) If the action concerns the division of property then neither party may transfer, encumber, conceal, or dispose of any property of either party without the written consent of the other party or an order of the court, except in the usual course of business or to provide for the necessities of life.

(2) Neither party may, through electronic or other means, disturb the peace of, harass, or intimidate the other party.

(3) Neither party may commit domestic violence or abuse against the other party or a child.

(4) Neither party may use the other party's name, likeness, image, or identification to obtain credit, open an account for service, or obtain a service.

(5) Neither party may cancel or interfere with telephone, utility, or other services used by the other party.

(6) Neither party may cancel, modify, terminate, change the beneficiary, or allow to lapse for voluntary nonpayment of premiums, any policy of health insurance, homeowner's or renter's insurance, automobile insurance, or life insurance without the written consent of the other party or pursuant to further order of the court.

(c) **Provisions regarding a minor child.** The following provisions apply when a minor child is a subject of the petition.

(1) Neither party may engage in non-routine travel with the child without the written consent of the other party or an order of the court unless the following information has been provided to the other party:

(A) an itinerary of travel dates and destinations;

(B) how to contact the child or traveling party; and

(C) the name and telephone number of an available third person who will know the child's location.

(2) Neither party may do the following in the presence or hearing of the child:

(A) demean or disparage the other party;

(B) attempt to influence a child's preference regarding custody or parent time; or

(C) say or do anything that would tend to diminish the love and affection of the child for the other party, or involve the child in the issues of the petition.

(3) Neither party may make parent time arrangements through the child.

(4) When the child is under the party's care, the party has a duty to use best efforts to prevent third parties from doing what the parties are prohibited from doing under this order or the party must remove the child from those third parties.

(d) **Service.** The court will serve the injunction on the petitioner at the time the petition is filed. The petitioner must provide the respondent with a copy of the injunction as entered by the court through any means reasonably calculated to give notice.

(e) **When the injunction is binding.** The injunction is binding

(1) on the petitioner upon filing the initial petition; and

(2) on the respondent after filing of the initial petition and upon receipt of a copy of the injunction as entered by the court.

(f) **When the injunction terminates.** The injunction remains in effect until the final decree is entered, the petition is dismissed, the parties otherwise agree in a writing signed by all parties, or further order of the court.

(g) **Modifying or dissolving the injunction.** A party may move to modify or dissolve the injunction.

(1) Prior to a responsive pleading being filed, the court ~~will~~shall determine a motion to modify or dissolve the injunction as expeditiously as possible. The moving party must serve the nonmoving party at least 48 hours before a hearing.

(2) After a responsive pleading is filed, a motion to modify or to dissolve the injunction is governed by [Rule 7](#) or [Rule 101](#), as applicable.

(h) **Separate conflicting order.** Any separate order governing the parties or their minor children will control over conflicting provisions of this injunction.

(i) **Applicability.** This rule applies to all parties other than the Office of Recovery Services.

Tab 3

1 Rule 5. Service and filing of pleadings and other documents.

2 (a) When service is required.

3 (1) **Documents that must be served.** Unless otherwise permitted by statute, rule, or
4 court order, every document filed with the court after the original complaint must
5 be served by the party filing it on every party to the case. Ex parte motions may be
6 filed without serving if permitted under [Rule 7](#).

7 (2) **Serving parties in default.** No service is required on a party ~~against whom~~ is in
8 default judgment has been entered, except that a party in default must be served:

9 ~~(A) a party in default must be served as ordered by the court;~~

10 ~~(B) a party in default for any reason other than for failure to file and serve a~~
11 ~~responsive pleading or otherwise appear must be served as provided in paragraph~~
12 ~~(a)(1);~~

13 ~~(A)(C) a party in default for any reason must be served~~ with notice of any hearing
14 to determine the amount of damages to be entered against the defaulting party;

15 ~~(B)(D) a party in default for any reason must be served~~ with notice of entry of
16 judgment as provided in [Rule 58A](#); ~~and~~

17 ~~(C)(E) a party in default for any reason must be served~~ as provided in [Rule 4](#) with
18 pleadings asserting new or additional claims for relief against the party or
19 motions to modify or augment the default judgment; and;

20 (D) if represented by an attorney known to the party seeking default judgment,
21 with notice to the attorney, even if that attorney has not formally appeared in the
22 action.

23 (3) **Service in actions begun by seizing property.** If an action is begun by seizing
24 property and no person is named or needs to be named as defendant, any service
25 required before the filing of an answer, claim, or appearance must be made upon the
26 person who had custody or possession of the property when it was seized.

Commented [JP1]: I suggest the following restructuring to maintain the distinction between parties in default and parties against whom default judgment has been entered.

I also thought it might be better to have what was (D) set off on its own – rather than as part of the list – to avoid confusion about whether service on the party *and* the attorney is necessary. I think the intent is to have the attorney rather than the party served if the party is represented. But then I wasn't entirely sure why this rule mentions Rule 4 in two specific circumstances. I was wondering if, in those instances, the party should be served personally and so what was (D) might not apply? But I may be misunderstanding the invocation of Rule 4 here.

Here is my proposed revision, but I'm not sure what I've suggested in my new paragraph (C) is exactly right.

(2) Serving parties in or after default.

A) No service is required on a party who is in default except that such a party must be served:

- (i) with notice of any hearing to determine the amount of damages to be entered against the defaulting party; and
- (ii) as provided in Rule 4 with pleadings asserting new or additional claims for relief against the defaulting party.

B) No service is required on a party against whom default judgment has been entered except that such a party must be served:

- (i) with notice of entry of judgment as provided in Rule 58A; and
- (ii) as provided in Rule 4 with motions to modify or augment the default judgment

C) If service is required under paragraph (A)(i) or (B)(i), the party seeking or having obtained default judgment must serve the attorney representing the defaulting party if the attorney and the attorney's contact information is known to the serving party. This rule applies even if the attorney has not formally appeared in the action.

(b) How service is made.

(1) Whom to serve. If a party is self-represented, service must be made upon the self-represented party. If a party is represented by an attorney, a document served under this rule must be served upon the attorney unless the court orders service upon the party. Service must be made upon the attorney and the party if:

(A) an attorney has filed a Notice of Limited Appearance as provided in [Rule 75](#) and the documents being served relate to a matter within the scope of the Notice; or

(B) a final judgment has been entered in the action and more than 90 days has elapsed from the date a document was last served on the attorney.

(2) When to serve. If a hearing is scheduled seven days or less from the date of service, a party must serve a document related to the hearing by the method most likely to be promptly received. Otherwise, a document that is filed with the court must be served before or on the same day that it is filed.

(3) Methods of service. A document is served under this rule by:

(A) **Electronic filing.** Except in the juvenile court, a document is served by submitting it for electronic filing, or the court submitting it to the electronic filing service provider, if the person being served has an electronic filing account.

(B) **Email.** If the party serving or being served a document does not have an electronic filing account, emailing it to:

(i) the most recent email address the person being served has provided to the court as provided in [Rule 10](#) or [Rule 76](#); or

(ii) if service is to an attorney licensed in Utah, to the email address on the attorney's most recent filing or on file with the Utah State Bar; or

(iii) if service is to an attorney not licensed in Utah, to the email address on the attorney's most recent filing or on file with the attorney licensing entity in the state where the attorney is licensed.

(C) **Mail and other methods.** If the party serving or being served with a document does not have an electronic filing account or email, a document may be served under this paragraph by:

(i) mailing it to the most recent address the person being served has provided to the court as provided in [Rule 10](#) or [Rule 76](#); or, if none, the person's last known address;

(ii) handing it to the person;

(iii) leaving it at the person's office with a person in charge or, if no one is in charge, leaving it in a receptacle intended for receiving deliveries or in a conspicuous place;

(iv) leaving it at the person's dwelling house or usual place of abode with a person of suitable age and discretion who resides there; or

(v) any other method agreed to in writing by the parties.

(4) When service is effective. Service by mail or electronic means is complete upon sending.

(5) Who serves. Unless otherwise directed by the court or these rules:

(A) every document required to be served must be served by the party preparing it, including subsequently signed orders and judgments; and

(B) every document initially prepared by the court must be served by the court;

(C) every document signed by the court that was initially prepared and filed by a party or attorney must be served on the other parties by the party or attorney who prepared it; and

(D) service under this rule does not alter the effectiveness of the document.

77 **(c) Serving numerous defendants.** If an action involves an unusually large number of
78 defendants, the court, upon motion or its own initiative, may order that:

79 (1) a defendant's pleadings and replies to those pleadings do not need to be served on
80 the other defendants;

81 (2) any cross-claim, counterclaim avoidance, or affirmative defense in a defendant's
82 pleadings and replies to them are deemed denied or avoided by all other parties;

83 (3) filing a defendant's pleadings and serving them on the plaintiff constitutes notice
84 of them to all other parties; and

85 (4) a copy of the order must be served upon the parties.

86 **(d) Certificate of service.** No certificate of service is required when a document is served
87 through an electronic filing account under paragraph (b)(3)(A). When a document that
88 is required to be served is served by email, mail, or other methods of service:

89 (1) if the document is filed with the court, a certificate of service showing the date
90 and method of service, including the email or mailing address used, unless
91 safeguarded, must be filed with it or within a reasonable time after service; and

92 (2) if the document is not filed with the court, a certificate of service need not be filed
93 unless filing is required by rule or court order.

94 **(e) Filing.** Except as provided in [Rule 7](#) and [Rule 26](#), all documents after the complaint
95 that are required to be served must be filed with the court. Attorneys with an electronic
96 filing account must file a document electronically. A self-represented party who is not an
97 attorney may file a document with the court using any of the following methods:

98 (1) email;

99 (2) mail;

100 (3) the court's MyCase interface, where applicable; or

101 (4) in person.

Filing is complete upon the earliest of acceptance by the electronic filing system or by the court.

(f) Filing an affidavit or declaration. If a person files an affidavit or declaration, the filer may:

(1) electronically file the original affidavit with a notary acknowledgment as provided by Utah Code section ~~46-1-16~~ [46-1-16](#);

(2) electronically file a scanned image of the affidavit or declaration;

(3) electronically file the affidavit or declaration with a conformed signature; or

(4) if the filer does not have an electronic filing account, present the original affidavit or declaration to the court clerk, and the clerk will electronically file a scanned image and return the original to the filer.

The filer must keep an original affidavit or declaration of anyone other than the filer safe and available for inspection upon request until the action is concluded, including any appeal or until the time in which to appeal has expired.

Effective ~~November 1, 2024~~

Advisory Committee Notes

Under paragraph (b)(3)(A), electronically filing a document has the effect of serving the document on parties who have an e-filing account. (Attorneys representing parties in the district court are required to have an account and electronically file documents. Code of Judicial Administration [Rule 4-503](#).) The 2015 amendment excepts from this provision documents electronically filed in juvenile court.

Although electronic filing in the juvenile court presents to the parties the documents that have been filed, the juvenile court e-filing application (CARE), unlike that in the district court, does not deliver an email alerting the party to that fact. The Board of Juvenile Court Judges and the Advisory Committee on the Rules of Juvenile Procedure believe this difference renders electronic filing alone insufficient notice of a document having been

128 filed. So in the juvenile court, a party electronically filing a document must serve that
129 document by one of the other permitted methods.

130 *Note adopted 2015*

Tab 4

Request to Amend Rule 86
Tonya Wright

In 2023, [CJA 14-802](#) was amended to include the wording in (c)(1)(C):

(C) completing forms **approved by the Judicial Council or preparing documents that are consistent with the relevant portions of the Judicial Council-approved forms;**

The change was intended to address the problems associated with the court forms and lack of availability. (ie. OCAP is going away, mycase doesn't address this need for LPPs)

I therefore recommend a quick change to Rule 86 in paragraph (a) to include “the document is consistent with the relevant portions of the Judicial Council approved forms... .”

Rule 86. Licensed paralegal practitioners.

Effective: 12/19/2019

(a) **Application of the Rules of Civil Procedure to licensed paralegal practitioners.** To the extent consistent with their limited license, licensed paralegal practitioners must be treated in the same manner as attorneys for purposes of interpreting and implementing these rules. If a rule permits or requires an attorney to sign or file a document, a licensed paralegal practitioner may do so only if there is an applicable court-approved form available [or the document is consistent with the relevant portions of the Judicial Council approved forms](#) and the practice is consistent with the scope of the licensed paralegal practitioner's license.

(b) **Terms "attorney" and "counsel."** Throughout these rules, where the terms "attorney," "lawyer," and "counsel" are used, they refer to legal professionals. Legal professionals include licensed paralegal practitioners in the practice areas for which licensed paralegal practitioners are authorized to practice. Those practice areas are set forth in [Utah Special Practice Rule 14-802](#) unless specifically carved out in this rule.

(c) **Disclosures under Rules 26, 26.1, and 26.3.** Licensed paralegal practitioners are permitted to prepare and serve initial, supplemental, and pretrial disclosures under [Rules 26, 26.1, and 26.3](#).

(d) **Licensed paralegal practitioner fees.** Where these rules refer to attorney fees, they also mean licensed paralegal practitioner fees. Under [Rule 73](#), licensed paralegal practitioners may recover fees with a supporting affidavit. Rule 73(f)(1)-(3) does not apply to licensed paralegal practitioners.

(e) **Appearances.**

(e)(1) Under [Rule 75](#), a licensed paralegal practitioner whose agreement with a party is limited to the preparation, but not the filing, of a pleading or other paper is not required to enter an appearance.

27 (e)(2)A licensed paralegal practitioner who has entered a general appearance is
28 obligated to inform the client of any papers filed, regardless of whether the paper falls
29 within the scope of the licensed paralegal practitioner's representation.

30

Tab 5

Subcommittee/Subject	Members	Rules	Subcommittee Chair	Progress
ACTIVE:				
Probate	Judge Scott, <i>Allison Barger, Brant Christiansen, David Parkinson, Judge Kelly, Kathie Brown Roberts, Keri Sargent, Russ Mitchell, Shonna Thomas, Sarah Box</i>	New rules	Judge Scott	Ongoing work on new set of probate procedural rules
Plain language/Terminology	Ash McMurray, Loni Page, Heather Lester	104 14, 18, 19, 20, 22, 23, 26.1, 38, 46, 49, 53, 67	Ash McMurray	Subcommittee continues to review rules as they come up.
Rule 3(a)(2)	Keri Sargeant, Tonya Wright; Heather Lester; Judge Cornish; Meagan Rudd	3	Judge Cornish	Rule went to Justices with questions.
Eviction Expungements	Tonya Wright, Heather Lester; Keri Sargent	?	Heather Lester	Subcommittee pulling history together to determine status of request.
MSJ Deadline	Michael Stahler, Tonya Wright, Keri Sargent, Rachel Sykes, Tyler Lindley, Michael Young	56, 26, 26.2	Michael Stahler	Subcommittee received feedback from the Court on Rule 26. Rules 56 and 26.2 are on hold until the Rule 26 questions are reviewed. Perhaps an email to Justice Pohlman is needed – the comments were extensive.
Affidavit/Declaration	Ash McMurray, Joshua Jewkes	4, 5, 6, 7A, 7B, 11, 23A, 27, 26.1, 26.2, 43, 45, 47, 54, 55, 56, 58A, 58C, 59, 62, 63, 64, 64A, 64D, 64E, 65A, 65C, 69A, 69C, 73, 83, 101, 102, 104, 105, 108	Ash McMurray	Rule 88 was reviewed and sent back from Justice Pohlman with edits and comments.

Rule 62 (COA opinion)	Jim Hunnicutt, Judge Conklin, Laurel Hanks	62	Judge Conklin	Rule 62 approved by Justices to go out for public comment
Standard POs	<i>Judge Oliver</i> , Justin Toth, Rachel Sykes, Brett Chambers, Judge Cornish	26(g)	Justin Toth	Justin gathered this group on 12/11/25 and has a plan.
Rule 5(a)(2) and (b)(3)	Judge Cornish, Judge Conklin, Judge Scott, Michael Stahler, Laurel Hanks	5	Laurel Hanks	Rule 5 returned from Justices with additional comment
Rule 74	Michael Stahler, Rachel Sykes, Keri Sargent, Heather Lester, Loni Page	74, 76	Michael Stahler	Rules 74 and 76 approved by Justices to go out for public comment
Rule 4	Rachel Sykes, Ash McMurray, Tonya Wright	4	Rachel Sykes	Subcommittee continues to work on this rule.
New rules 65D & E	Michael Stahler, Loni Page, Brett Chambers, Bret Randall	New	Michael Stahler	Subcommittee continues to work on this rule.
Rule 65C	Loni Page; Keri Sargent; Joshua Jewkes	65C	Keri Sargent	Subcommittee meeting set for Feb with stakeholders
Rule 73	Tonya Wright, Heather Lester	73	Tonya Wright	Rule returning from public comment.
Child Protective Order Procedures	Jim Hunnicutt, Laurel Hanks, Judge Conklin	URCP & URJP	Jim Hunnicutt / Judge Conklin	Subcommittee meeting set for Feb. after meeting with stakeholders and URJP
Rule 35	Rachel Sykes, Michael Stahler, Michael Young, Brett Chambers, Judge Scott	35	Rachel Sykes	Subcommittee continues to work on this issue. Rachel has been emailing with group and stakeholders.
Rule 102	Justin Toth, Meagan Rudd, Commissioner Ito	102	Justin Toth	Rule ready for SC Conference to be finalized with effective date of May 1, 2026
AI	Meagan Rudd, Joshua Jewkes, Jonas Anderson, Ash McMurray, Judge Conklin	TBD	Jonas Anderson	Subcommittee has met once and is reviewing materials

Business and Chancery Court	Judge Cornish; Meagan Rudd; Keri Sargent	TBD	Judge Cornish	Rapid Response in finishing a new rule.
Judicial Interview of Children	Judge Conklin, Commissioner Ito, Rachel Sykes, Laurel Hanks, Jim Hunnicutt	New	Judge Conklin	Reaching out to stakeholders in review of the proposed rule drafts