

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

**Summary Minutes – Jan. 28, 2026  
via Webex**

**THIS MEETING WAS CONDUCTED ELECTRONICALLY VIA WEBEX**

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

**(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 November 19, 2025 meeting 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. Commissioner Marian Ito seconded the motion. The motion to approve the minutes passed unanimously with all members voting in favor.

**(3) LEGISLATIVE SESSION AND RAPID RESPONSE REQUESTS**

Mr. Andreason provided an informational update regarding the current legislative session, noting that the "Rapid Response" team has been active. He highlighted three specific items: SJR005, SJR006, and HJR015. Regarding SJR005, which proposes amending Rule 42 to facilitate transfers to the Business and Chancery Court, Mr. Andreason noted the Committee's position is that such transfers should be governed by statute rather than procedural rule. Ms. Stacy Haacke clarified that the Supreme Court made the Committee's previously recommended amendments to Rule 42 effective as of January 28, 2026, ensuring the Legislature has the current rule text.

Regarding SJR006, Ms. Rachel Sykes explained that the bill aims to bifurcate medical malpractice trials into separate liability and damages proceedings, likely involving two juries. Ms. Sykes noted the consensus of the rapid response group was that this proposal is inefficient and expensive.

Finally, Mr. Andreason briefly addressed HJR015, a resolution proposing a constitutional amendment allowing the Legislature to revive expired civil causes of action by a two-thirds vote.

**(4) RULES BACK FROM PUBLIC COMMENT – RULES 10, 26.1, 73, 106, 108, 109**

Mr. Andreason led the discussion on rules returned from the public comment period. Mr. Andreason noted that comments submitted by Mr. Leslie Slaugh regarding Rules 7, 30, and 37 related to rules already finalized and could not be considered in this cycle.

**Rule 73 (Attorney Fees):** A comment was submitted by Mr. Slaugh suggesting that Rule 73(d) be amended to state the court “may” enter an order for claimed fees rather than “will,” preserving judicial discretion. Judge Conklin and Judge Ronald Russell agreed. Judge Russell moved to recommend the amendment to Rule 73(d) changing “will” to “may” regarding the entry of attorney fee orders. Mr. Joshua Jewkes seconded the motion. The motion passed unanimously.

Mr. Andreason requested a motion to submit the amended Rule 73 for an expedited public comment period due to the substantive change. The Committee voted by show of hands. The motion passed unanimously. Ms. Haacke will prepare Rule 73 for an expedited public comment period in time to potentially meet a May 1st effective date.

**Rules 10, 26.1, 106, 108, 109:** The Committee addressed a comment on Rule 108 regarding commissioners, which Mr. James Hunnicutt and Ms. Meagan Rudd advised against adopting, as it would fundamentally alter the authority of court commissioners. The Committee agreed to take no action on the comment.

Judge Conklin moved to recommend that Rules 10, 26.1, 106, 108, and 109 be finalized and sent to the Supreme Court with an effective date of May 1. Judge Rita M. Cornish seconded the motion. The motion passed unanimously.

**(5) RULE 5 - AMENDMENTS REGARDING SERVING PARTIES IN DEFAULT**

Judge Laura Scott presented on behalf of the subcommittee regarding Rule 5 amendments. She reported that the subcommittee met recently and expressed confusion regarding the redlines and changes made by Justice Jill Pohlman. Judge Scott noted that there appeared to be some disconnect in communication, indicating that the subcommittee's legislative intent may not have been fully conveyed to the Court.

Judge Scott proposed tabling the discussion to allow for a direct meeting with Justice Pohlman to clarify the objectives of the rule changes regarding service on defaulting parties. The Committee was supportive of this proposal and tabled the discussion.

**(6) JUDICIAL INTERVIEWS WITH CHILDREN – NEW RULE UPDATE**

Judge Conklin provided an update on the proposed rule for judicial interviews of children. The subcommittee met in early January and decided to pause on selecting between "Alternative A" and "Alternative B" until they could gather more information. Judge Conklin indicated the subcommittee intends to add a section to the rule providing guidance on *when* a child should be interviewed to ensure the rule does not inadvertently pressure judges to conduct interviews that may not be in a child's best interest. The subcommittee is currently consulting with therapists and custody evaluators and plans to meet again on February 18, with the goal of presenting a final recommendation at the District Court Conference in Moab in March.

**(7) RULE 65C – POSTCONVICTION RELIEF WORKGROUP UPDATE**

Ms. Keri Sargent provided an update on the Rule 65C Workgroup. She noted that the group currently includes Mr. Joshua Jewkes and Ms. Loni Page but requires additional judicial perspective given the changes being proposed. She requested volunteers from the Committee. Mr. Andreason solicited volunteers, and Judge Patrick Corum and Mr. Ash McMurray agreed to join the workgroup. Ms. Sargent also confirmed that the Attorney

General's office had requested representation on the group and that she would ensure they, along with defense counsel and other stakeholders, are included to ensure all sides are heard. Ms. Sargent will send invitations and materials for the February workgroup meeting to the new members.

**(8) RULE 86 – LICENSED PARALEGAL PRACTITIONERS AND COURT FORMS**

Ms. Tonya Wright presented a proposal to amend Rule 86 to align it with recent changes to Utah Code of Judicial Administration Rule 14-802. The amendment addresses the issue of Licensed Paralegal Practitioners (LPPs) needing to prepare documents when specific court-approved forms, such as those previously on OCAP, are unavailable or insufficient. Ms. Wright proposed adding language allowing LPPs to prepare documents if they are consistent with judicial council-approved forms. Ms. Rudd suggested refining the language to read: “or the document is prepared consistent with the relevant portions of the judicial council approved forms.” Ms. Wright agreed that this phrasing accurately reflected the intent to avoid the term "drafting" while ensuring necessary information is provided to the court.

Mr. J. Brett Chambers moved to adopt the amendment to Rule 86, incorporating the language: “or the document is prepared consistent with the relevant portions of the judicial council approved forms.” Mr. Jonas Anderson seconded the motion. The motion passed unanimously.

**(9) SUBCOMMITTEES**

Mr. Andreason invited updates from other subcommittees. Ms. Heather Lester requested a status update regarding the Eviction Expungements request, noting she wanted to ensure the request was clearly defined. Ms. Haacke agreed to review her emails and forward the relevant information to Ms. Lester.

Mr. Andreason concluded the meeting by proposing that the Committee attempt to hold a hybrid in-person meeting in the coming months to facilitate better connection among members.

**(10) ADJOURNMENT**

The meeting was adjourned at 5:02 p.m. The next meeting will be February 25, 2026, at 4:00 p.m.