

UTAH SUPREME COURT ADVISORY COMMITTEE  
ON RULES OF CIVIL PROCEDURE

Summary Minutes – Feb. 25, 2026  
via Webex

**THIS MEETING WAS CONDUCTED ELECTRONICALLY VIA WEBEX**

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<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>		Stephen Whiting
Loni Page	<b>X</b>		Michael Samantha Starks
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 4:17 p.m. after forming a quorum. Mr. Rod Andreason welcomed the Committee Members.

**(2) APPROVAL OF MINUTES**

Mr. Andreason acknowledged proposed edits to the January 28, 2026 meeting minutes by Mr. Jim Hunnicutt that had been circulated via email. Judge Cornish moved to approve the minutes subject to Mr. Hunnicutt's proposed revisions. Justin Toth seconded the motion. The motion to approve the minutes passed unanimously with all members voting in favor.

**(3) RULE 7 – RESPONDING TO OBJECTIONS TO PROPOSED ORDERS**

Guest, Mr. Stephen Whiting, apologized and asked to withdraw his request to discuss Rule 7 - Responding to Objection to Proposed Order. He realized this issue is already provided for in the rule. The Committee did not think there was any confusion regarding the language in the rule. No action was taken by the Committee.

**(4) RULE 64(C)(2) - SUPPLEMENTAL HEARINGS BEING CONDUCTED OUT OF THE PRESENCE OF THE COURT**

Mr. Whiting introduced a request to clarify the term “hearing” within Rule 64(c)(2) regarding post-judgment supplemental proceedings. Judge Laura Scott provided historical context, explaining that even prior to the COVID-19 pandemic, district courts lacked the resources to actively monitor these proceedings, which function more like depositions than traditional hearings. Mr. Andreason observed that Rule 64(c)(2) contains broad language allowing for discovery and subpoenas outside of a formal court hearing. Mr. Joshua Jewkes expressed concern regarding the lack of a judge, noting that without judicial presence, there is little incentive for a debtor to be truthful under oath. Ms. Laurel Hanks indicated that self-represented parties find the current out-of-court process highly confusing and argued that formalizing the practice would provide much-needed clarity. Ultimately, Judge Scott suggested postponing major rule revisions, pointing out that pending legislation regarding debt collection and the potential creation of a separate debt collection court could soon alter the landscape entirely.

The committee decided to form a subcommittee to draft proposed language that clarifies the unwritten supplemental hearing practice for unrepresented parties without adding administrative burdens to district court judges. The subcommittee will be comprised of Ms. Hanks, Judge Scott, Ms. Loni Page, and Mr. Jewkes.

**(5) RULE 45 – SUBPOENAS SUBJECT TO DISCOVERY LIMITATIONS**

Mr. Whiting requested clarification on whether subpoenas are subject to fact discovery limitations, noting conflicting rulings from various judges when parties attempt to serve subpoenas after discovery limits have expired. Mr. Andreason addressed the inquiry by referencing Rule 26(c)(1), which explicitly defines “subpoenas other than for a court hearing or trial” as a method of discovery, thereby subjecting them to the limits outlined in Rule 26(c)(5). Ms. Meagan Rudd initially questioned if this limitation negatively impacted family law cases where updated financial documents are routinely subpoenaed near the time of trial but subsequently agreed that the rule's specific exception for trial subpoenas resolves that concern. Judge Rita Cornish noted she has previously ruled that subpoenas are indeed part of discovery in the Business and Chancery Court. The committee achieved consensus that the existing rules adequately address the issue without requiring further amendment.

The committee decided that no amendments to Rule 45 are necessary at this time because Rule 26 already governs the scope and limitations of discovery subpoenas.

**(6) NEW RULE 103 – CHILD PROTECTIVE ORDERS TRANSFERRED TO DISTRICT COURT**

Ms. Haacke provided an update on proposed Rule 103 following a public comment period that generated significant feedback, primarily from Children's Justice Center (CJC) directors. She detailed a January meeting involving CJC directors, prosecutors, Assistant Attorney General David Fureigh, and members of the juvenile rules committee aimed at addressing concerns regarding the recording of child statements and the requirement for forensic interviewers to testify. Ms. Haacke informed the committee that the proposed rule directly mirrors the existing juvenile court procedural rule and acts as a necessary stopgap for cases transferred to the district court. She reported that the stakeholders were afforded time to be heard and after being provided more explanation, ultimately, understood that their broader systemic concerns could not be resolved within this specific civil rule. Judge Catherine Conklin highly commended Ms. Haacke's efforts in managing the stakeholder concern, noting that the communication successfully de-escalated the situation.

Judge Conklin moved to send the proposed Rule 103 to the Supreme Court for final approval. Commissioner Marian Ito seconded the motion. The motion passed unanimously.

**(7) RULE 65A – TEMPORARY RESTRAINING ORDERS THAT ALLOW USE OF FORCE BY LAW ENFORCEMENT**

Ms. Hanks presented a proposal to amend Rule 65A(b) to require that temporary restraining orders allowing the use of force be served by a law enforcement officer, aiming to align the procedural rule with Utah Code 78B-8-302(5). Commissioner Ito raised practical

concerns about unintended consequences and the potential burden on police, questioning what constitutes the “use of force” in varied civil scenarios. Mr. Andreason pointed out that Rule 5(b) governs service generally and questioned if the cited statute pertained more to the initial service of process rather than subsequent orders. Mr. Hunnicutt advised against duplicating statutory requirements within the rules of civil procedure to prevent unnecessary clutter and ambiguity. Ms. Hanks conceded the points raised and agreed to monitor the issue further before pushing for a formal rule amendment.

**(8) RULE 105 – REQUEST TO REPEAL**

Ms. Hanks introduced a request from the Self-Help Center to repeal Rule 105, operating under the assumption that it was outdated as the underlying family law statute had been repealed. Mr. Hunnicutt clarified that the replacement statute, Utah Code 81-4-402, still explicitly mandates a 30-day waiting period unless the court finds extraordinary circumstances. Judge Cornish and Judge Conklin emphasized the rule's ongoing necessity, noting that the required affidavit provides the evidentiary basis for the court to legally waive the waiting period. Recognizing the rule's relevance but acknowledging its outdated terminology, Mr. Andreason proposed amending the text to replace “A motion for a hearing” with “A request to enter a decree of divorce.” This change reflects the modern practice of submitting stipulated proposed findings rather than holding actual hearings. Mr. Andreason also suggested changing “setting forth” to “stating,” as a plain language improvement. Mr. Ash McMurray also suggested updating the word “shall” to “must” to comply with current plain language drafting standards.

Judge Cornish moved to forward the amended rule to the Supreme Court for consideration. Mr. Justin Toth and Mr. Michael Stahler seconded the motion. The motion passed unanimously.

**(9) RULES 7 AND 37 – WORD AND PAGE LIMITS**

Mr. Andreason presented a proposal on behalf of Ms. Tonya Wright to reconcile an inconsistency between Rule 7(q) and Rule 37(a)(2). Rule 7(q) allows a Statement of Discovery Issues to be “4 pages or 1500 words,” while the specific text of Rule 37(a)(2) only states “four pages.” The committee debated whether to streamline the text by referring entirely back to Rule 7 or to explicitly add the word count to Rule 37. Mr. Hunnicutt advocated for keeping the strict page limit explicit in Rule 37 to prevent attorneys from assuming they are entitled to the standard 15 pages for motions. Mr. Stahler agreed that the rule's underlying intent is to promote efficiency and limit length. The committee ultimately favored explicitly adding “or 1500 words” to Rule 37(a)(2) while retaining the existing language regarding permitted attachments to avoid any confusion among practitioners.

Mr. Stahler moved to amend Rule 37(a)(2) by inserting the phrase “or 1500 words” immediately after the phrase “four pages.” Judge Conklin seconded the motion. The motion

passed unanimously, with Ash McMurray noting an abstention. Stacy Haacke is the person responsible for this task. The deadline for completion is immediate.

**(10) SJR05 – AMENDMENTS TO RULES 1, 42, 63, AND 63A FINALIZED BY CONSTITUTIONAL TWO-THIRDS VOTE**

Mr. Andreason provided an informational update regarding Senate Joint Resolution 005 (SJR05), detailing how the Utah Legislature utilized its constitutional two-thirds majority power to directly amend Utah Rules of Civil Procedure 1, 42, 63, and 63A. He explained that these substantial legislative changes relate to the transfer of legal actions to the newly created Business and Chancery Court and establish procedures for convening three-judge district court panels upon notice from the Attorney General, Governor, or Legislature. The committee briefly discussed the resulting changes, recognizing that while the committee continues its standard role of proposing rules to the Supreme Court, the judicial branch must now operate within the framework of these legislatively mandated procedural amendments.

**(11) OLD/NEW BUSINESS**

Mr. Andreason concluded the meeting by thanking the committee and subcommittees for their ongoing dedication and work between sessions. He suggested scheduling an upcoming meeting as an in-person or hybrid event to foster better interpersonal connection among the members, proposing the May 27th meeting date as a suitable option. Mr. Toth supported the idea of an in-person gathering. The committee agreed to explore holding a hybrid in-person meeting for the May session. Ms. Haacke offered to survey the members to finalize the logistics and ensure virtual options remain available for those outside the Salt Lake area.

**(12) ADJOURNMENT**

The meeting was adjourned at 5:02 p.m. The next meeting will be March 18, 2026, at 4:00 p.m.