

UTAH SUPREME COURT ADVISORY COMMITTEE
ON RULES OF CIVIL PROCEDURE

Summary Minutes – April 22, 2026
via Webex

THIS MEETING WAS CONDUCTED ELECTRONICALLY VIA WEBEX

Committee members	Present	Excused	Guests/Staff Present
Rod N. Andreason, Chair	X		Sonia Sweeney, Staff
Justin T. Toth, Vice Chair	X		Nick Stiles
Ash McMurray	X		Paige Nelson, OLRGC
Michael Stahler	X		Chase Everton
Loni Page	X		Eric Schuller
Joshua Jewkes	X		Ryan Andrus
Meagan Rudd	X		Chip Shaner
Laurel Hanks	X		Tracy Bullock
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 4:07 p.m. after a quorum formed. Mr. Rod Andreason welcomed the Committee Members.

(2) APPROVAL OF MINUTES

Mr. Andreason called for approval of the March 18, 2026 meeting minutes that had been circulated via email. Mr. Michael Stahler moved to approve the minutes. Mr. Justin Toth seconded the motion. The motion to approve the minutes passed unanimously with all members voting in favor.

(3) H.B. 280 THIRD PARTY LITIGATION FUNDING AMENDMENTS

Mr. Nick Stiles introduced the topic of H.B. 280 Third Party Litigation Funding Amendments, a bill that arose during the 2026 legislative session. Mr. Stiles explained that the bill's sponsors agreed to pull out specific language regarding disclosure requirements for third-party litigation funding with the understanding that the Supreme Court's advisory committee would review those provisions instead. Guest, Mr. Eric Schuller, provided an overview of the differences between commercial litigation financing (funding case expenses) and consumer maintenance funding (funding household needs). Ms. Rachel Sykes and guest, Mr. Ryan Andrus, shared perspectives from the plaintiffs' bar, noting the complexities of requiring law firms to disclose commercial banking arrangements. The committee determined that given the intricacies of third-party litigation financing, a subcommittee should be formed to evaluate the disclosure provisions removed from the legislation and determine if any procedural rules need to be amended or drafted. The committee decided to form a subcommittee to thoroughly review the third-party litigation funding disclosure concepts that were removed from H.B. 280. Mr. Stahler will chair the subcommittee, which will also consist of Ms. Sykes, Ms. Tonya Wright, and Judge Rita Cornish.

(4) RULES 64 AND 64E

Ms. Wright and guest, Mr. Chip Shaner, presented proposed amendments to Rules 64 and 64E, prompted by the passage of S.B. 156. The new legislation permits constables to establish periodic payment schedules with judgment debtors in lieu of seizing their property. The proposed rule amendments add language explicitly requiring writs to reflect this option. Ms. Meagan Rudd suggested verifying whether the word “defendant” should be singular or plural in the new text, and the committee agreed to keep it singular to align with the rest of the rule. Ms. Laurel Hanks questioned whether the language should be restricted to Rule 64E, Writs of Execution, rather than Rule 64, Writs in General.

Judge Cornish and Mr. Shaner clarified that the modifications to Rule 64 must be maintained; because Rule 64E lacks a dedicated content section, Rule 64 remains the governing rule that prescribes the contents for all writs. Finally, Mr. Ash McMurray and Mr. Tyler Lindley successfully suggested removing unnecessary commas in the drafted text of Rule 64E(a) for grammatical clarity.

Mr. Stahler moved that the proposed changes to Rules 64 and 64E be approved by the committee and forwarded to the Supreme Court to request approval for public comment. Ms. Rudd seconded the motion. The motion passed unanimously.

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

Judge Laura Scott presented on behalf of the Rule 5 subcommittee, seeking to clarify service requirements for defaulting parties. The primary goal is to ensure that parties against whom a default certificate has been entered, but not a final default judgment, are properly served with proposed judgments and supporting fee affidavits, preventing situations where a small initial complaint unexpectedly balloons into a massive judgment without notice. A debate emerged regarding a provision requiring service upon a known attorney who has not formally entered an appearance. Judge Cornish, Mr. Joshua Jewkes, and Mr. McMurray expressed concern that placing this requirement in the default section was confusing and could inadvertently create new grounds for setting aside judgments.

The committee ultimately reached a consensus that the attorney-service requirement should likely be moved to Rule 5(b)(1) as a general standard, rather than being buried in the specific default judgment clauses. The committee decided to temporarily table the Rule 5 amendments so Judge Cornish, Ms. Rudd, and Judge Scott can rework the language, specifically moving the mandate regarding service on known attorneys into Rule 5(b)(1).

(6) NEW RULE 110 – JUDICIAL INTERVIEW OF A MINOR CHILD

Judge Catherine Conklin presented proposed new Rule 110 following its pre-conference review by the Supreme Court. Justice Jill Pohlman had provided several stylistic suggestions and posed a critical policy question regarding whether the rule should strictly forbid parties and their attorneys from attending a child's judicial interview, or if attendance might be permitted under exceptional circumstances. The committee strongly favored keeping parents and attorneys out of the interviews. After debate over the appropriate legal standard to express this high bar, the committee agreed upon the phrasing: "Absent extraordinarily unusual circumstances and only if necessary to prevent manifest injustice, the court will not permit a party or a party's attorney to attend the judicial interview." The committee also agreed to accept all of Justice Pohlman's stylistic edits and to draft an Advisory Committee Note explaining the rule's derivation from the Uniform

Act. Additionally, Judge Conklin noted she is actively working with the Administrative Office of the Courts to develop the mandated judicial training courses.

Mr. Stahler moved to request the Supreme Court's permission to send Rule 110 out for public comment with the agreed-upon changes. Judge Blaine Rawson seconded the motion. The motion passed unanimously. Judge Conklin will draft the requested Advisory Committee Note, and submit the package to the Supreme Court to request permission for public comment.

(7) RULE 26 – GENERAL PROVISIONS GOVERNING DISCLOSURE AND DISCOVERY

Mr. Stahler presented minor amendments to Rule 26, which clarify the deadline for dispositive motions when expert discovery does not run its full course. He explained that while the substantive changes had already been vetted by the committee, Justice Pohlman requested a structural change to break out the specific provision regarding “Determining the Close of all Discovery” into its own separate standalone subsection, paragraph (a)(4)(F), so that it stands out to practitioners. During the review, Mr. McMurray identified a grammatical issue where the word “either” was improperly used to introduce three options. The committee agreed to replace “either” with “any of the following occurs:” and to remove an errant “if” in the third bracketed option to ensure proper grammatical flow.

Mr. Jewkes moved to approve the changes as proposed and amended during the meeting, and to request that they be submitted to the Supreme Court for approval for public comment. Mr. McMurray seconded the motion. The motion passed unanimously.

(8) RULE 29 – STIPULATIONS REGARDING DISCLOSURE AND DISCOVERY PROCEDURE

Mr. Andreason presented a brief administrative amendment to Rule 29, brought forward by court staff. The rule currently contains a typographical error, incorrectly citing to Rule 26(b)(2) instead of Rule 26(b)(3) regarding proportionality standards. The committee recognized this as a simple clean-up edit resulting from prior renumbering of the rules and unanimously agreed it needed to be corrected. Mr. Andreason also requested that staff conduct a global search of the rules whenever a subsection is renumbered to prevent similar cross-referencing errors in the future. Mr. Stahler moved to accept the changes and request they be submitted to the Supreme Court for approval for public comment. Ms. Wright seconded the motion. The motion passed unanimously.

(9) SJR06: RULE 42 AMENDMENTS FINALIZED BY CONSTITUTIONAL TWO-THIRDS VOTE

Mr. Andreason presented this agenda item for the committee's informational awareness. He explained that the Utah Legislature utilized its constitutional authority to directly amend Rule 42 via a two-thirds majority vote in SJR06. Mr. Stahler noted the specific substantive changes imposed by the legislature, which include a mandate to bifurcate medical malpractice trials, requiring liability to be determined prior to admitting

evidence of losses, and new procedures for transferring actions to a district court panel. The committee acknowledged these changes as a finalized legislative action requiring no drafting or review by the advisory committee.

(10) NEW RULE 88 - AFFIDAVITS VS DECLARATIONS

New Rule 88 will be addressed at the next committee meeting.

(11) MAY MEETING

Mr. Andreason and Ms. Sonia Sweeney reminded the committee members that the upcoming May meeting will be conducted in a hybrid format to encourage in-person attendance and collaboration. Ms. Sweeney confirmed that the physical meeting will be held in the Judicial Council room on the third floor of the Matheson courthouse. She requested members RSVP at least one week in advance so she can coordinate with building security, as the meeting extends past regular courthouse hours. She also reminded attendees that the underground parking facility remains restricted and unavailable for public or committee use.

(12) ADJOURNMENT

The meeting was adjourned at 6:01 p.m. The next meeting will be May 27, 2026, at 4:00 p.m.