



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

Location: Matheson Courthouse or WebEx Webinar: [Link](#)

Date: May 27, 2026

Time: 4:00 – 6:00 p.m.

Welcome and approval of minutes	Tab 1	Rod Andreason
New Rule 88 - Affidavits vs Declarations <i>(Discussion; Motion to request approval for public comment)</i>	Tab 2	Ash McMurray & Joshua Jewkes
New URE 107 – Review of potential conforming amendments to URCP <i>(Discussion)</i>	Tab 3	Sonia Sweeney
Rule 74(e) – Substitution of Counsel: Evaluating the necessity of prior counsel’s consent <i>(Discussion)</i>	Tab 4	Rod Andreason
Rules back from Public Comment – 73, 86 <i>(Discussion; Motion to approval as final if no additional amendments)</i>	Tab 5	Rod Andreason
Rule 30(f) - Consider whether to recommend deleting deposition-handling language requiring the officer to seal and transmit the record with specific labeling.	Tab 6	Rachel Sykes
Rule 5 – amendments regarding serving parties in default <i>(Discussion; Motion to request approval for public comment)</i>	Tab 7	Judge Cornish

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 18 • 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 – 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 Styles
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.

Tab 2

1 **[PROPOSED] Rule 88. Form and validity of signed declarations; verification and**
2 **acknowledgement of documents.**

3 (a) **Definitions.** ~~Throughout these rules:~~ As used in these rules:

4 (1) ~~The term “Acknowledged”~~ means verified before a notary public or other
5 individual authorized to take acknowledgements.

6 (2) ~~The term “declarant/Declarant”~~ means the person who gives a signed declaration.

7 (3) ~~The term “Signed declaration”~~ means a sworn declaration or unsworn
8 declaration.

9 (4) (A) ~~The term “sworn Sworn declaration”~~ means a declaration in a written and
10 signed document given under oath before ~~any~~ judge, ~~any court clerk~~ the clerk of
11 ~~any court, any~~ justice court judge, or ~~any~~ notary public.

12 (B) ~~The term~~ A “sworn declaration” includes a written sworn statement, certificate,
13 affidavit, or other document with ~~an notarized or~~ acknowledged signature.

14 (5) ~~The term “unsworn Unsworn declaration”~~ means a declaration in a written and
15 signed document not given under oath but given under penalty of Title 76, Chapter
16 8, Part 5 Falsification in Official Matters.

17 (6) ~~The term “verification Verification”~~ means the act of causing a document or facts
18 to be verified.

19 (7) ~~The term “verified Verified”~~ means including or accompanied by a signed
20 declaration in accordance with paragraph (d) of this rule.

21 (b) **Validity of unsworn declaration.** Except as otherwise ~~specifically~~ provided by statute
22 or rule, if a rule requires or permits the use of a sworn declaration, an unsworn
23 declaration meeting the requirements of this rule has the same effect as a sworn
24 declaration.

25 (c) **Form of unsworn declaration.** An unsworn declaration must include language in
26 substantially the following form:

Commented [AM1]: Derived and adapted from, and intended to be consistent with, the Uniform Unsworn Declarations Act, Utah Code 78B-18a-101, et seq.

Commented [JMP2]: I suggested this revision and others in this definitional section to match the presentation we use in other URCP rules where we provide definitions (e.g., URCP 64 and 87).

Commented [AM3]: Language derived and adapted from Utah Code § 75A-2-119

Commented [JMP4]: Do we need to define acknowledgement?

Commented [AM5]: Language derived and adapted from Utah Code 78B-18a-102(4).

Commented [JMP6]: I see that the statute sets out a justice court judge separately, but I'm not sure we want to do the same. I think judge for our purposes includes justice court judge and I'd rather not suggest otherwise.

Commented [AM7]: Language derived and adapted from Utah Code 78B-5-701

Commented [AM8]: Language derived and adapted from Utah Code 78B-18a-102(4).

Commented [AM9]: Language derived and adapted from current Rule 11.

Commented [JMP10]: Three thoughts:
1. Does a sworn declaration need to be acknowledged? The definition in (A) doesn't require it, but the examples in (B) suggests that it does. If so, we should incorporate that into the definition. Maybe: "Sworn declaration" means a declaration in a written and signed document, given under oath before and acknowledged by a judge, a court clerk, a justice court judge, or notary public.

1. I think we should revise (B) as: "A 'sworn declaration' includes a certificate or affidavit." Saying that it includes a "written sworn statement" doesn't seem to add much given that the term is defined as a *declaration in a written and signed document*. Also, if the acknowledgment is required to be a sworn declaration, then we don't need the "other document with a notarized or acknowledged signature."

1. I removed "notarized or" because I don't think it's necessary given the way "acknowledged" is defined above.

Commented [AM11]: Language derived and adapted from Utah Code 78B-18a-201(5).

Commented [AM12]: Language derived and adapted from Utah Code 78B-18a-104.

Commented [AM13]: Language derived and adapted from Utah Code 78B-18a-106.

27 I declare under criminal penalty under the law of Utah that the foregoing is true
28 and correct.

29 Signed on the ___ day of _____, _____, at _____.

30 Date Month Year City or other location, and state or

31 country

32 _____

33 Printed name

34 _____

35 Signature

36 (d) **Verified documents.** If a rule requires or permits a document or any portion thereof
37 to be verified, the document must be verified by a signed declaration, in the same
38 document or in one or more separate supporting documents, that is based on the
39 declarant’s personal knowledge and shows that the declarant is competent to testify on
40 the matters set forth **in the declaration or document.**

41 (e) **Filing.** If a **person files a signed declaration or verified document is filed, then filer the**
42 **filing party** must comply with Rule 5(f).

43

44 *Effective:*

Commented [AM14]: Language derived and adapted from current Rules 7A(b), 7B(b), and 56(c)(4)

Commented [JJMP15]: I don’t think we need “declaration” as the declaration is attesting to what it is in the document.

Commented [AM16]: Language derived and adapted from current Rule 11.

Commented [JJMP17]: I suggested these revisions b/c someone other than a party might file. Also, although we try to avoid identifying the subparts, I do wonder if it’s helpful here to direct there reader to (f) in particular. I started to read through Rule 5 trying to figure out how someone would comply before finally seeing (f).

Tab 3



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

May 7, 2026

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Advisory Committee on the Utah Rules of Civil Procedure

FROM: Sonia Sweeney, Associate General Counsel

RE: URE 107

The Advisory Committee on the Utah Rules of Evidence has proposed to create URE 107, which is modeled after FRE 107. (Highlights show where the draft rule differs from FRE 107, but only as to the language of the rule, not the accompanying note, which is significantly different.) In considering the proposal, the Supreme Court has asked the URE Committee to coordinate with other relevant rules committees to make related changes.

As shown in the accompanying redline, the draft note references the following URCP rules: [26](#), [47](#), and [51](#). Additionally, the redline references to these rules include comments quoting the provisions that appear most relevant.

The URCP Committee is requested, as civil procedure experts, to review new URE 107 and consider what, if any, amendments are necessary to the above or any other URCP rules if URE 107 is adopted.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

1 **Rule 107. Illustrative aids.**

2 **(a) Permitted uses.** The court may allow a party to present an illustrative aid to help the
3 trier of fact understand the evidence or argument if the aid’s utility in assisting
4 comprehension is not substantially outweighed by the danger of unfair prejudice,
5 confusing the issues, misleading the jury, undue delay, or wasting time.

6 **(b) Use in jury deliberations.** An illustrative aid is not **substantive** evidence and **will** not
7 be provided to the jury during deliberations unless:

8 (1) all parties consent; or

9 (2) the court, for good cause, orders otherwise.

10 **(c) Record.** **If requested, the court will permit a party to describe the illustrative aid to be**
11 **included in the trial record, and if practicable and upon request, the illustrative aid itself**
12 **will be entered into the record.**

13 **(d) Summaries of voluminous materials admitted as evidence.** A summary, chart, or
14 calculation admitted as evidence to prove the content of voluminous admissible evidence
15 is governed by [Rule 1006](#).

16 *Effective: --/--/----*

17 _____
18 **2026 Advisory Committee Note.** This rule is adapted from Federal Rule of Evidence 107
19 to provide clarity on the use of illustrative aids, which Utah case law has sometimes
20 referred to as “pedagogical evidence.”

21 The primary purpose of Rule 107 is to distinguish between substantive evidence (which
22 is offered to prove a fact) and illustrative aids (which are used solely to assist the trier of
23 fact in understanding evidence or arguments). Historically, Utah courts used the term
24 “demonstrative evidence” to describe both. For example, in *State v. Perea*, 2013 UT 68, ¶
25 45, 322 P.3d 624, the court described evidence that “carries no independent probative

26 value” but “aids a jury in understanding” as demonstrative evidence. Under Rule 107,
27 such items are now formally classified as “illustrative aids.”

28 Illustrative aids are not substantive evidence because they are not offered to prove a
29 disputed fact.

30 Given that some illustrative aids could also be used substantively to prove a disputed
31 fact, the use of illustrative aids requires regulation. Therefore, this rule requires the
32 court to balance the value of the illustrative aid against its potential dangers, including
33 the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay,
34 or wasting time.

35 Examples of illustrative aids include drawings, timelines, photos, diagrams, anatomical
36 models, video depictions, charts, graphs, or computer simulations that are used for the
37 purpose described in this rule.

38 Users of this rule should consult other applicable rules for the logistics of using
39 illustrative aids at trial:

40 For requirements regarding advance notice and pretrial disclosure, *see* [Rule 26](#) of the
41 Utah Rules of Civil Procedure and [Rule 16](#) of the Utah Rules of Criminal Procedure.

42 For the marking, custody, and handling of illustrative aids, *see* [Rule 4-206](#) of the Utah
43 Code of Judicial Administration.

44 For the jury’s use of materials during deliberations, *see* [Rule 47](#) of the Utah Rules of
45 Civil Procedure and [Rule 17](#) of the Utah Rules of Criminal Procedure.

46 For the preservation of the record for appeal, *see* [Rule 11](#) of the Utah Rules of Appellate
47 Procedure.

48 For limiting instructions regarding the non-substantive nature of the aid, *see* [Rule 51](#) of
49 the Utah Rules of Civil Procedure and [Rule 19](#) of the Utah Rules of Criminal Procedure.

Tab 4

1 **Rule 74. Withdrawal of counsel.**

2 *Effective: 5/1/2026*

3 (a) **Notice of withdrawal.** If no motion is pending, no hearing or trial has been set, and
4 there are no outstanding court-ordered obligations for the withdrawing attorney, then an
5 attorney may withdraw from a case by filing with the court and serving on all parties a
6 notice of withdrawal. Unless the previously represented party's contact information is
7 safeguarded by [Rule 76](#), or court order, the notice of withdrawal must provide the party's
8 last known mailing address, email address, and phone number. The notice of withdrawal
9 must include a statement that no motion is pending, no hearing or trial has been set, and
10 there are no outstanding court-ordered obligations for the withdrawing attorney.

11 (b) **Motion to withdraw.** Unless the party continues to be represented by counsel as
12 described in paragraph (f), when a motion is pending, a hearing or trial has been set, or
13 the attorney is subject to an outstanding court-ordered obligation, the attorney may not
14 withdraw except upon motion and court order. The motion to withdraw must describe
15 the status of the case, the nature of any pending motion, the date and purpose of any
16 scheduled hearing or trial, and the nature of any outstanding court-ordered obligation.
17 The motion must also include the party's last known mailing address, email address, and
18 phone number unless that contact information is safeguarded by Rule 76 or court order.

19 **The motion to withdraw must include a certification that the motion was filed and served**
20 **on all parties pursuant to Rule 5 or, if applicable, the reasons why a party cannot be**
21 **notified about the motion. The motion must include a proposed order that notifies the**
22 **party who will be without an attorney that:**

23 (1) within 21 days of the entry of the order, the unrepresented party must retain an
24 attorney or proceed without an attorney and file a notice of personal appearance;

25 (2) all further proceedings will be continued and any pending deadlines will be stayed
26 until 21 days after the court grants the motion unless the unrepresented party waives the
27 time requirement or unless otherwise ordered by the court;

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1.5 lines

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Commented [SS1]: The style guide has this instruction:
"If an interruptive phrase must appear mid sentence—
because of what it modifies—use em dashes, not
commas." Does the committee want to amend this
sentence to use em dashes?

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28 (3) if the unrepresented party is a corporation, association, partnership, or other artificial
29 entity, it must be represented by an attorney who is admitted to practice in Utah and files
30 a notice of appearance; and

31 (4) an unrepresented party who does not timely retain an attorney or file a notice of
32 personal appearance may fail to receive notice of court-related proceedings, and that lack
33 of notice may cause the party to incur sanctions or result in entry of a default judgment
34 or an order of dismissal.

35 (c) **Withdrawal of limited appearance.** An attorney who has entered a limited
36 appearance under [Rule 75](#) must withdraw from the case upon the conclusion of the
37 purpose or proceeding identified in the Notice of Limited Appearance:

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38 (1) by filing and serving a notice of withdrawal; or

39 (2) if permitted by the court, by orally announcing the withdrawal on the record in a
40 proceeding.

41 An attorney who seeks to withdraw before the conclusion of the purpose or proceeding
42 must proceed under subdivisions (a) or (b).

43 (d) **Notice to Appear or Appoint Counsel.** If an attorney withdraws other than under
44 paragraphs (b), (c), or (f), dies, is suspended from the practice of law, is disbarred, or is
45 removed from the case by the court, the opposing party that receives notice of such event
46 must serve a notice to appear or appoint counsel on the unrepresented party, informing
47 the party of the responsibility to personally appear or appoint counsel. A copy of the
48 notice to appear or appoint counsel must be filed with the court and served on all parties
49 pursuant to [Rule 5](#). All further proceedings will be continued, and any pending deadlines
50 will be stayed until 21 days after filing the notice to appear or appoint counsel unless the
51 unrepresented party waives the time requirement or unless otherwise ordered by the
52 court.

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53 (e) **Substitution of counsel.** An attorney may replace the counsel of record by filing and
54 serving a notice of substitution of counsel signed by ~~former counsel~~, new counsel, and

55 the client. Court approval is not required if new counsel certifies in the notice of
56 substitution that counsel will comply with the existing hearing schedule and deadlines.

57 (f) **Withdrawal when the parties continue to be represented by counsel.** An attorney
58 may withdraw from representing a party if the party continues to be represented by other
59 counsel who has already entered an appearance. The attorney seeking to withdraw must
60 file and serve on all parties pursuant to [Rule 5](#) a notice of withdrawal of counsel stating
61 that the party continues to be represented by counsel.

62

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Tab 5

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.

[HOME](#)

[LINKS](#)

Posted: March 18, 2026	Utah Courts
<p>Rules of Civil Procedure – Comment Period Closed May 4, 2026</p> <p>URCP073. Attorney fees. AMEND. The proposed amendments for this rule were previously posted for public comment. An additional amendment has been made to the rule in subparagraph (d) changing the language from “will” to “may.” The Supreme Court has approved this rule as final with an effective date of May 1, 2026, and is posting this additional amendment for public comment as provided for in Rule 1-105.</p> <p>URCP086. Licensed paralegal practitioners. AMEND. The proposed amendments to subparagraph (a) of this rule align the rule with the language found in Code of Judicial Administration Rule 14-802.</p> <hr/> <p>This entry was posted in Uncategorized, URCP073, URCP086.</p>	
<p>« Rules of Appellate Procedure – Comment Period Closed May 4, 2026</p>	<p>Rules of Professional Conduct – Comment Period Closed April 13, 2026 »</p>

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](#)

UTAH COURTS

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One thought on “Rules of Civil Procedure – Comment Period Closed May 4, 2026”

JAMIE CARPENTER

April 7, 2026 at 1:22 pm

I am commenting on URCP 73d. I do not believe 7 days is adequate due process or notice to file an objection to the proposed attorneys fees. Solo practitioners are required to spend more and more money on tech to keep up with emails, software and digital equipment and ensure notices do not get lost in spam or trash folders. I do not believe 7 days is sufficient notice to receive the notice and reply on behalf of a client. If something has gone wrong with the computer systems, programs or even hackers, it can be difficult to have an IT company fix things in a timely manner. The response time should remain 14 days so the client is not penalized for a technical error. Thank you! Jamie Carpenter

- -Rules of Appellate Procedure
- -Rules of Civil Procedure
- -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
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1 **Rule 73. Attorney fees.**

2 *Effective:*

3 (a) **Time in which to claim.** Attorney fees may be claimed by filing a motion for attorney
4 fees no later than 14 days after the judgment is entered, except as provided in
5 paragraph (f), or in accordance with Utah Code section 75-3-718 when no objection to
6 the fee has been made.

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

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

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

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

13 (4) specify the amount of attorney fees claimed and any amount previously awarded;
14 and

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

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

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

27 order. The court may enter an order for the claimed amount unless another party objects
28 within seven days after the affidavit and proposed order are filed.

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

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

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

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

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

52 (A) applies for any writ under Rules [64](#), [64A](#), [64B](#), [64C](#), [64D](#), or [64E](#); or

53 (B) files a motion under Rules [64\(c\)\(2\)](#) or [58C](#) or under Utah Code section 35A-4-
 54 314,
 55 then the party may request as part of the application for a writ or in the motion that
 56 the party's judgment be augmented according to the following schedule. The clerk or
 57 the court will allow that augmented attorney fees request without a supporting
 58 affidavit if it approves the writ or motion.

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

59 (4) **Fees in excess of the schedule.** If a party seeks attorney fees in excess of the
 60 amounts set forth in this paragraph , then the party must comply with paragraphs (a)
 61 through (c).

62 (5) **Objections.** Nothing in this paragraph eliminates any right a party may have to
 63 object to any claimed attorney fees.

64 _____

65 **Advisory Committee Notes:**

66 2018 Amendments

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

84 2019 Amendments

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

88 Prior rule amendments and committee discussions

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

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

96

1 **Rule 86. Licensed paralegal practitioners.**

2 *Effective:*

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

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

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

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

23 (e) **Appearances.**

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

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

30

Tab 6

1 **Rule 30. Depositions upon oral questions.**

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2 *Effective: ~~11/1/2025~~*

3 **(a) When depositions may be taken; when leave required.** A party may depose a party
4 or witness by oral questions. A witness may not be deposed more than once in standard
5 discovery. An expert who has prepared a report disclosed under Rule26(a)(4)(B) may not
6 be deposed.

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7 **(b) Notice of deposition; general requirements; special notice; non-stenographic**
8 **recording; production of documents and things; deposition of organization; deposition**
9 **by telephone.**

10 (1) The party deposing a witness must give reasonable notice in writing to every other
11 party. The notice must state the date, time, and place for the deposition and the name and
12 address of each witness. If the name of a witness is not known, the notice must describe
13 the witness sufficiently to identify the person or state the class or group to which the
14 person belongs. The notice must designate any documents and tangible things to be
15 produced by a witness. The notice must designate the officer who will conduct the
16 deposition.

17 (2) The notice must designate the method by which the deposition will be recorded. With
18 prior notice to the officer, witness and other parties, any party may designate a recording
19 method in addition to the method designated in the notice. Depositions may be recorded
20 by sound, sound-and-visual, or stenographic means, and the party designating the
21 recording method shall bear the cost of the recording. The appearance or demeanor of
22 witnesses or attorneys must not be distorted through recording techniques.

23 (3) A deposition must be conducted before an officer appointed or designated under Rule
24 28 and must begin with a statement on the record by the officer that includes (A) the
25 officer's name and business address; (B) the date, time, and place of the deposition; (C)
26 the name of the witness; (D) the administration of the oath or affirmation to the witness;
27 and (E) an identification of all persons present. If the deposition is recorded other than

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28 stenographically, the officer must repeat items (A) through (C) at the beginning of each
29 unit of the recording medium. At the end of the deposition, the officer must state on the
30 record that the deposition is complete and state any stipulations.

31 (4) The notice to a party witness may be accompanied by a request under Rule 34 for the
32 production of documents and tangible things at the deposition. The procedure of Rule
33 34 will apply to the request. The attendance of a nonparty witness may be compelled by
34 subpoena under Rule 45. Documents and tangible things to be produced must be stated
35 in the subpoena.

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36 (5) A deposition may be taken by remote electronic means. A deposition taken by remote
37 electronic means is considered to be taken at the place where the witness is located.

38 (6) A party may name as the witness a corporation, a partnership, an association, or a
39 governmental agency, describe with reasonable particularity the matters on which
40 questioning is requested, and direct the organization to designate one or more officers,
41 directors, managing agents, or other persons to testify on its behalf. The organization
42 must state, for each person designated, the matters on which the person will testify. A
43 subpoena must advise a nonparty organization of its duty to make such a designation.
44 The person so designated must testify as to matters known or reasonably available to the
45 organization.

46 (A) Within 14 days of being served with a notice or subpoena, the noticed organization
47 may serve a written objection.

48 (B) Prior to the deposition, the serving party and the organization must confer in good
49 faith about the matters for examination regarding any objections, or those objections are
50 waived.

51 (C) If timely objections are not resolved prior to the deposition, any party may seek
52 resolution from the court in accordance with Rule 37, or if the notice seeks a deposition
53 of a non-party organization, the non-party organization may seek resolution in

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54 accordance with Rule 45. The deposition may proceed only on the matters to which there
55 has been no objection.

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56 **(c) Examination and cross-examination; objections during questioning.**

57 (1) Questioning of witnesses may proceed as permitted at the trial under the Utah Rules
58 of Evidence, except Rules 103 and 615.

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59 (2) All objections must be recorded, but the questioning must proceed, and the testimony
60 taken subject to the objections. Any objection must be stated concisely and in a non-
61 argumentative and non-suggestive manner. A person may instruct a witness not to
62 answer only to preserve a privilege, to enforce a limitation on evidence directed by the
63 court, or to present a motion for a protective order under Rule 37. Upon demand of the
64 objecting party or witness, the deposition is suspended for the time necessary to make a
65 motion. The party taking the deposition may complete or adjourn the deposition before
66 moving for an order to compel discovery under Rule 37.

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67 **(d) Limits.** During standard discovery, oral questioning of a nonparty must not exceed
68 four hours, and oral questioning of a party must not exceed seven hours.

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69 **(e) Submission to witness; changes; signing.** Within 28 days after being notified by the
70 officer that the transcript or recording is available, a witness may sign a statement of
71 changes to the form or substance of the transcript or recording and the reasons for the
72 changes. The officer must append any changes timely made by the witness.

73 **(f) Record of deposition; certification and delivery by officer; exhibits; copies.**

74 (1) The officer must record the deposition or direct another person present to record the
75 deposition. The officer must sign a certificate, to accompany the record, that the witness
76 was under oath or affirmation and that the record is a true record of the deposition. The
77 officer must keep a copy of the record. ~~The officer must securely seal the record endorsed
78 with the title of the action and marked "Deposition of (name). Do not open." and must
79 promptly send the sealed record to the attorney or the party who designated the~~

~~The officer must securely seal the record endorsed
with the title of the action and marked "Deposition of (name). Do not open." and must
promptly send the sealed record to the attorney or the party who designated the~~

80 ~~recording method.~~—An attorney or party receiving the record must store it under
81 conditions that will protect it against loss, destruction, tampering, or deterioration.

82 (2) Every party may inspect and copy documents and things produced for inspection and
83 must have a fair opportunity to compare copies and originals. Upon the request of a
84 party, documents and things produced for inspection must be marked for identification
85 and added to the record. If the witness wants to retain the originals, that person must
86 offer the originals to be copied, marked for identification and added to the record.

87 (3) Upon payment of reasonable charges, the officer must furnish a copy of the record to
88 any party or to the witness.

89 **(g) Failure to attend or to serve subpoena; expenses.** If the party giving the notice of a
90 deposition fails to attend or fails to serve a subpoena upon a witness who fails to attend,
91 and another party attends in person or by attorney, the court may order the party giving
92 the notice to pay to the other party the reasonable costs, expenses, and attorney fees
93 incurred.

94 **(h) Deposition in action pending in another state.** Any party to an action in another state
95 may take the deposition of any person within this state in the same manner and subject
96 to the same conditions and limitations as if such action were pending in this state. Notice
97 of the deposition must be filed with the court clerk of the county in which the person
98 whose deposition is to be taken resides or is to be served. Matters required to be
99 submitted to the court must be submitted to the court in the county where the deposition
100 is being taken.

101 **(i) Stipulations regarding deposition procedures.** The parties may by written stipulation
102 provide that depositions may be taken before any person, at any time or place, upon any
103 notice, and in any manner and when so taken may be used like other depositions.

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Tab 7

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.**

8 ~~(A) Unless a default judgment has been entered against the party, No~~
9 ~~service is required on a party against whom a default judgment has been entered,~~
10 ~~except that a party in default defaulting party must be served with:~~

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

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

15 ~~(A)(C) a party in default for any reason must be served the proposed default~~
16 ~~judgment and any motion, affidavit or declaration, and memorandum supporting~~
17 ~~the proposed default judgment; and~~

18 ~~with (Bii) the notice of any hearing to determine the amount of damages to be~~
19 ~~entered against the defaulting party;~~

20 ~~(B) If a default judgment has been entered against the party, the defaulting party~~
21 ~~must be served with:~~

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

24 ~~(D)(E) a party in default for any reason must be served as provided in [Rule 4](#),~~
25 ~~any with pleadings asserting new or additional claims for relief against the party~~

26 ~~or motions to modify or augment the a previously entered default judgment;~~
 27 ~~andd;~~
 28 ~~(CED) if represented by an attorney known to the party seeking default judgment;~~
 29 ~~with notice to the attorney, even if that attorney has not formally appeared in the~~
 30 ~~action.~~

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

35 **(b) How service is made.**

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

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

42 ~~or~~

43 (B) the serving party is seeking default judgment and knows that the non-moving
 44 party is represented by an attorney, even if the attorney has not formally appeared
 45 in the action; or

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

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

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.

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

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

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

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

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

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

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

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

71 (ii) handing it to the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

109 (1) email;

110 (2) mail;

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

112 (4) in person.

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

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

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

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

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

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

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

127 *Effective ~~November 1, 2024~~*

128 **Advisory Committee Notes**

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

134 Although electronic filing in the juvenile court presents to the parties the documents that
135 have been filed, the juvenile court e-filing application (CARE), unlike that in the district
136 court, does not deliver an email alerting the party to that fact. The Board of Juvenile Court
137 Judges and the Advisory Committee on the Rules of Juvenile Procedure believe this
138 difference renders electronic filing alone insufficient notice of a document having been
139 filed. So in the juvenile court, a party electronically filing a document must serve that
140 document by one of the other permitted methods.

141 *Note adopted 2015*