

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

**Summary Minutes – May 27, 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		Keri Sargent
Ash McMurray	X		Tracy Bullock
Michael Stahler	X		Justice Paige Petersen
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 4:01 p.m. after a quorum formed. Mr. Rod Andreason welcomed the Committee Members and guest, Justice Paige Petersen.

(2) THANKS FROM THE SUPREME COURT

Justice Petersen thanked the Committee for their extensive volunteer work in keeping the rules updated and responsive. Mr. Michael Stahler inquired how the court was handling the unprecedented transition to a seven-member court and the loss of Justice Hagen. Justice Petersen noted it has been a difficult time, but the court is adapting well and expects the Governor to announce new nominees soon. Judge Rita Cornish asked if Justice Jill Pohlman would remain the primary liaison for the rules committees. Justice Petersen confirmed that Justice Pohlman will retain this assignment due to her unparalleled expertise with the rules.

(3) APPROVAL OF MINUTES

Mr. Andreason acknowledged the proposed edit to the April 22, 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 revision. Mr. Justin Toth seconded the motion. The motion to approve the minutes passed unanimously.

(4) NEW RULE 88 - AFFIDAVITS VS DECLARATIONS

Mr. Ash McMurray presented the proposed New Rule 88, outlining recent feedback from Justice Pohlman regarding the definition of the term “acknowledged,” and whether the word “acknowledgment” also needed to be defined. Mr. McMurray presented three options: leaving the word “acknowledgment” undefined, incorporating the statutory definition directly into the rule, or referencing the Utah Code statute. Judge Ronald Russell argued against adding plain language definitions like “verified” to the term, noting that “acknowledged” refers specifically to a notarial act which differs from verification in case law. He advocated for directly referencing the definition of “acknowledgment” in Utah Code section 46-1-2 to avoid ambiguity. The Committee debated the style guide's preference against statutory references but ultimately agreed the statutory reference was necessary for legal clarity. Additionally, Mr. McMurray addressed a question about whether a sworn declaration needs to be acknowledged, clarifying that it does not; it only needs to be given under oath. He proposed revising the rule's definitions to reflect this distinction.

Judge Cornish moved to amend the definition of “acknowledged” to reference the statutory definition of “acknowledgment,” accepting a friendly amendment from Judge Russell to change the word “verified” to “notarized.” Judge Russell seconded the motion. The motion passed unanimously. Mr. McMurray and Mr. Joshua Jewkes discussed other potential edits,

including that the definition of “sworn declaration” be amended to include justices, justice court judges, and commissioners. Mr. McMurray and Mr. Jewkes agreed to submit the edits to Justice Pohlman for a subsequent pre-conference review. Following that review, the rule will return to the Committee for further review before requesting it be forwarded to the Supreme Court to request it go out for public comment.

(4) NEW URE 107 – REVIEW OF POTENTIAL CONFORMING AMENDMENTS TO URCP

Ms. Sonia Sweeney introduced Mr. Jace Willard, Staff for the Utah Rules of Evidence Committee, to discuss proposed Utah Rule of Evidence (URE) 107, which regulates “illustrative aids,” which have been historically referred to as “demonstrative exhibits.” The Advisory Committee on the Rules of Evidence requested feedback on whether any URCP rules required conforming amendments to match this new terminology, specifically asking about URCP rules 26, 47, and 51. Judge Cornish voiced concern with the URE adopting the phrase “illustrative aid,” explaining that the civil bar has relied on the term “demonstrative exhibit” for decades and changing it would trigger widespread confusion and unnecessary litigation. Mr. Toth and Judge Blaine Rawson acknowledged that demonstrative exhibits are frequently confused with substantive evidence, leading to trial disputes. Despite understanding the URE Committee's intent to clarify this distinction, the URCP Committee expressed a strong preference for retaining the term “demonstrative exhibit” or adopting “demonstrative aid,” rather than introducing a completely new term. Mr. Stahler also pointed out that the proposed URE 107 advisory note inaccurately characterized URCP Rule 51. Mr. Willard will convey the URCP Committee's preference to retain the term “demonstrative exhibit” to the URE Committee, and for correcting the reference to Rule 51 in the proposed advisory note.

(5) RULE 74(E) – SUBSTITUTION OF COUNSEL: EVALUATING THE NECESSITY OF PRIOR COUNSEL’S CONSENT (DISCUSSION)

Mr. Andreason presented a proposed amendment to Rule 74(e) regarding the substitution of counsel. He explained that requiring the former counsel's signature on a notice of substitution is unnecessary and often detrimental to the client, as former counsel may be uncooperative or difficult to locate. The Committee agreed that while former counsel must receive notice of the substitution, their permission and signature should not be a prerequisite for a client to secure new representation. Mr. Stahler moved to strike the language requiring former counsel's signature and to forward the rule to the Supreme Court for public comment. Mr. Toth seconded the motion. The motion passed unanimously.

(6) RULES BACK FROM PUBLIC COMMENT – 73, 86

The Committee reviewed Rules 73 and 86 following their respective public comment periods. Rule 86 received no public comments. Rule 73 received a single comment arguing

that the seven-day response period to object to proposed attorney fees should be extended to 14 days. Mr. Andreason noted that this specific deadline was not part of the recent rule amendments sent out for comment. Mr. Stahler observed that the commenter likely misread Rule 73(a), which establishes a 14-day limit for the initial claim, and incorrectly assumed all subsequent deadlines in the rule should match it. The Committee concluded the comment was not well-taken and declined to make additional edits to the rule. Judge Cornish made a motion to forward Rule 73, without change, to the Supreme Court for final approval. Mr. Toth seconded the motion and it passed unanimously. Mr. Stahler moved to forward Rule 86 to the Supreme Court for final approval. Mr. Toth seconded the motion and it passed unanimously.

(7) RULE 30(F) – REMOVING OUTDATED LANGUAGE FOR DEPOSITIONS

Ms. Rachel Sykes proposed amending Rule 30(f) to remove outmoded language requiring deposition officers to securely seal physical transcripts and mark them with specific labeling ("Do not open"). She argued this practice creates unnecessary costs and serves no modern practical purpose. Judge Cornish and Judge Laura Scott agreed, noting that in modern practice, official electronic transcripts are readily available, and the dramatic unsealing of physical depositions at trial is now mostly used for theatrical purposes rather than preserving evidentiary integrity. Judge Cornish moved to strike the deposition-handling language from Rule 30(f) and to forward the rule to the Supreme Court for public comment. Mr. Toth seconded the motion. The motion passed unanimously.

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

Judge Cornish reviewed the drafted revisions to Rule 5, which govern service requirements for parties in default. The Committee examined the restructured language which mandates that if a party is seeking a default judgment and knows the non-moving party is represented by an attorney, they must serve notice to that attorney even if no formal appearance has been entered. The Committee made minor punctuation edits. Judge Cornish moved to approve the proposed changes to Rule 5 and forward the rule to the Supreme Court for public comment. Mr. Stahler seconded the motion and it passed unanimously.

(9) FUTURE MEETINGS

Mr. Andreason solicited input from the Committee about their desire to hold other meetings in a virtual format. Based on consensus of the Members, in-person meetings with a hybrid option will be held quarterly, starting with the September 2026 meeting.

Mr. Andreason also acknowledged that Ms. Loni Page will no longer be on the Committee. Committee Members expressed their gratitude for Ms. Page's service. Ms. Tracy Bullock, Fourth District Clerk of Court, will be the replacement for Ms. Page.

(10) JUNE MEETING

Mr. Andreason solicited input from Committee Members about the June 2026 meeting. Based on consensus of the members, the June meeting will be canceled.

(11) ADJOURNMENT

The meeting was adjourned at 5:44 p.m. The next meeting will be September 23, 2026, at 4:00 p.m. as an in-person meeting with a hybrid option.