

Agenda

Policy and Planning Committee

January 5, 2018

12:00 – 2:00 p.m.

Executive Dining Room – 1st Floor (through cafeteria)

Matheson Courthouse

450 S. State St., Salt Lake City, UT

12:00	Welcome and Approval of Minutes	Action	Tab 1	Judge Derek Pullan
12:05	<ul style="list-style-type: none"> • CJA 3-104. Presiding Judges. • CJA 6-501. Reporting Requirements for Guardians and Conservators. • CJA 1-205. Standing and Ad Hoc Committees. <ul style="list-style-type: none"> ○ Back from Public Comment 	Discussion/ Action	Tab 2	Nancy Sylvester
12:35	BYU LawX Project for debt collection cases	Discussion/ Action	Tab 5	Kimball Parker
1:00	Policy on Naming Courthouses	Discussion/ Action	Tab 3	Keisa Williams
1:15	CJA 2-212. Communication with the Office of Legislative Research and General Counsel	Discussion/ Action	Tab 4	Nancy Sylvester
2:00	Adjourn	Action		Judge Derek Pullan

Committee Web Page: <http://www.utcourts.gov/intranet/committees/policyplan/>

Meeting Schedule: Meetings are held in the Matheson Courthouse, Judicial Council Room, from 12:00 to 2:00 unless otherwise stated.

2018 Meetings:

February 2, 2018

March 2, 2018

April 6, 2018

May 4, 2018 (9:00 a.m. – 5:00 p.m.)

June 1, 2018

July 6, 2018

August 3, 2018

September 7, 2018

October 5, 2018

November 2, 2018 (9:00 a.m. – 5:00 p.m.)

December 7, 2018

Tab 5

SoloSuit

BYU LAW

LAWX - BYU Legal Design Lab

Kimball Dean Parker
Director of LawX

Bryan Howell
Industrial Design Professor

9 BYU Law Students

Media Coverage



Utah Debt Collection Problem

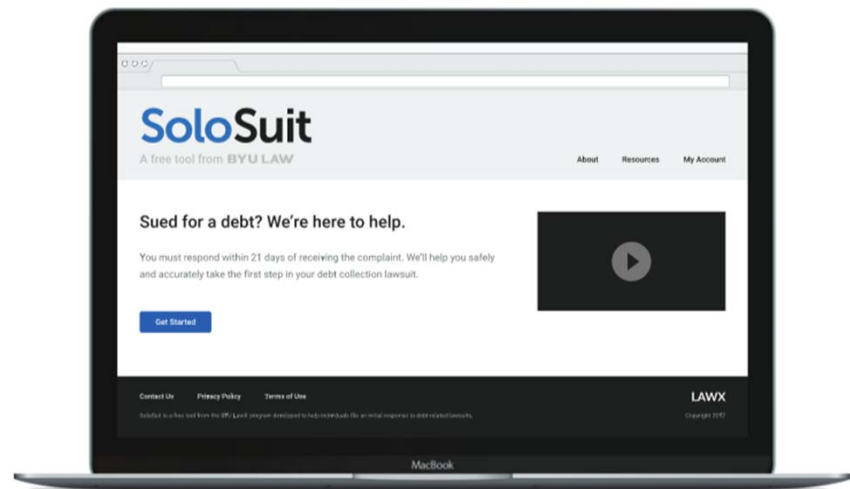
Over **330K** debt collection cases in 5 years.

Debt collection defendants are the **largest** population of pro se parties in the state.

87% of all defaults are in debt collection cases.

Median amount in controversy is **\$873**.

SoloSuit – TurboTax For Answering Debt Collection Complaints



Users will answer simple questions about their case and SoloSuit will format an Answer to the Complaint. If email delivery is allowed, SoloSuit will automatically send the Answer to the Court.

Importance Of Email Delivery To The Court

Estimated **10-15%** of defendants don't answer because they are required to print and mail the Answer.

Estimated **30-40%** of defendants will not use SoloSuit if the site does not allow for email delivery.

SoloSuit Email Delivery System

SoloSuit will email the Answer to the court at any email and in any format: pdf, doc, etc.

The court system in Alaska is running a pilot of SoloSuit later in 2018. Alaska has arranged for email delivery to all courts.

CJA Rule 4-503. Mandatory electronic filing. **(The self-rep statement in CJA 4-603 for criminal cases, 4-901 for juvenile cases, and 9-302 for justice court criminal cases is identical)*

Intent:

To require that documents in district court civil cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the district court.

Statement of the Rule:

(1) Except as provided in Paragraph (2), pleadings and other papers filed in civil cases in the district court on or after April 1, 2013 shall be electronically filed using the electronic filer's interface.

(2)(A) A self-represented party who is not a lawyer may file pleadings and other papers using any means of delivery permitted by the court.

(2)(B) A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any means of delivery permitted by the court. To request an exemption, the lawyer shall submit a written request outlining why the exemption is necessary to the District Court Administrator.

(2)(C) Pleadings and other papers in probate cases may be filed using any means of delivery permitted by the court until July 1, 2013, at which time they shall be electronically filed using the electronic filer's interface.

(3) The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the filer's service provider.

URCP Rule 3. Commencement of action.

(a) How commenced. A civil action is commenced (1) by filing a complaint with the court, or (2) by service of a summons together with a copy of the complaint in accordance with Rule 4. If the action is commenced by the service of a summons and a copy of the complaint, then the complaint, the summons and proof of service, must be filed within ten days of such service. If, in a case commenced under paragraph (a)(2) of this rule, the complaint, summons and proof of service are not filed within ten days of service, the action commenced shall be deemed dismissed and the court shall have no further jurisdiction thereof. If a check or other form of payment tendered as a filing fee is dishonored, the party shall pay the fee by cash or cashier's check within 10 days after notification by the court. Dishonor of a check or other form of payment does not affect the validity of the filing, but may be grounds for such sanctions as the court deems appropriate, which may include dismissal of the action and the award of costs and attorney fees.

(b) Time of jurisdiction. The court shall have jurisdiction from the time of filing of the complaint or service of the summons and a copy of the complaint.

URCP Rule 5. Service and filing of pleadings and other papers.

(a) When service is required.

(a)(1) Papers that must be served. Except as otherwise provided in these rules or as otherwise directed by the court, the following papers must be served on every party:

- (a)(1)(A) a judgment;
- (a)(1)(B) an order that states it must be served;
- (a)(1)(C) a pleading after the original complaint;
- (a)(1)(D) a paper relating to disclosure or discovery;
- (a)(1)(E) a paper filed with the court other than a motion that may be heard ex parte; and
- (a)(1)(F) a written notice, appearance, demand, offer of judgment, or similar paper.

(a)(2) Serving parties in default. No service is required on a party who is in default except that:

- (a)(2)(A) a party in default must be served as ordered by the court;
- (a)(2)(B) a party in default for any reason other than for failure to appear must be served as provided in paragraph (a)(1);
- (a)(2)(C) a party in default for any reason must be served with notice of any hearing to determine the amount of damages to be entered against the defaulting party;
- (a)(2)(D) a party in default for any reason must be served with notice of entry of judgment under Rule [58A\(d\)](#); and
- (a)(2)(E) a party in default for any reason must be served under Rule [4](#) with pleadings asserting new or additional claims for relief against the party.

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

(b) How service is made.

(b)(1) Whom to serve. If a party is represented by an attorney, a paper served under this rule must be served upon the attorney unless the court orders service upon the party. Service must be made upon the attorney and the party if

- (b)(1)(A) an attorney has filed a Notice of Limited Appearance under Rule [75](#) and the papers being served relate to a matter within the scope of the Notice; or
- (b)(1)(B) a final judgment has been entered in the action and more than 90 days has elapsed from the date a paper was last served on the attorney.

(b)(2) When to serve. If a hearing is scheduled 7 days or less from the date of service, a party must serve a paper related to the hearing by the method most likely to be promptly received. Otherwise, a paper that is filed with the court must be served before or on the same day that it is filed.

(b)(3) Methods of service. A paper is served under this rule by:

- (b)(3)(A) except in the juvenile court, submitting it for electronic filing if the person being served has an electronic filing account;
- (b)(3)(B) emailing it to the email address provided by the person or to the email address on file with the Utah State Bar, if the person has agreed to accept service by email or has an electronic filing account;

(b)(3)(C) mailing it to the person's last known address;

(b)(3)(D) handing it to the person;

(b)(3)(E) leaving it at the person's office with a person in charge or, if no one is in charge, leaving it in a receptacle intended for receiving deliveries or in a conspicuous place;

(b)(3)(F) leaving it at the person's dwelling house or usual place of abode with a person of suitable age and discretion who resides there; or

(b)(3)(G) any other method agreed to in writing by the parties.

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

(b)(5) Who serves. Unless otherwise directed by the court:

(b)(5)(A) every paper required to be served must be served by the party preparing it; and

(b)(5)(B) an order or judgment prepared by the court will be served by the court.

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

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

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

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

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

(d) Certificate of service. A paper required by this rule to be served, including electronically filed papers, must include a signed certificate of service showing the name of the document served, the date and manner of service and on whom it was served.

(e) Filing. Except as provided in Rule [7\(i\)](#) and Rule [26\(f\)](#), all papers after the complaint that are required to be served must be filed with the court. Parties with an electronic filing account must file a paper electronically. A party without an electronic filing account may file a paper by delivering it to the clerk of the court or to a judge of the court. Filing is complete upon the earliest of acceptance by the electronic filing system, the clerk of court or the judge.

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

(f)(1) electronically file the original affidavit with a notary acknowledgment as provided by Utah Code Section [46-1-16\(7\)](#);

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

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

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

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