

1 **Rule 1. General provisions.**

2 *Effective: 11/1/2011*

3 **Scope of rules.** These rules govern the procedure in the courts of the state of Utah in all
4 actions of a civil nature, whether cognizable at law or in equity, and in all statutory
5 proceedings, except as governed by other rules promulgated by this court or statutes
6 enacted by the Legislature, and except as stated in Rule [81](#). They ~~shall~~must be liberally
7 construed and applied to achieve the just, speedy, and inexpensive determination of
8 every action. These rules govern all actions brought after they take effect and all further
9 proceedings in actions then pending. If, in the opinion of the court, applying a rule in an
10 action pending when the rule takes effect would not be feasible or would be unjust, the
11 former procedure applies.

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13 **Advisory Committee Notes**

14 These rules apply to court commissioners to the same extent as to judges.

15 A primary purpose of the 2011 amendments is to give effect to the long-standing but
16 often overlooked directive in Rule 1 that the Rules of Civil Procedure should be
17 construed and applied to achieve "the just, speedy and inexpensive determination of
18 every action." The amendments serve this purpose by limiting parties to discovery that
19 is proportional to the stakes of the litigation, curbing excessive expert discovery, and
20 requiring the early disclosure of documents, witnesses and evidence that a party
21 intends to offer in its case-in-chief. The committee's purpose is to restore balance to the
22 goals of Rule 1, so that a just resolution is not achieved at the expense of speedy and
23 inexpensive resolutions, and greater access to the justice system can be afforded to all
24 members of society.

25 Due to the significant changes in the discovery rules, the Supreme Court order adopting
26 the 2011 amendments makes them effective only as to cases filed on or after the effective

27 date, November 1, 2011, unless otherwise agreed to by the parties or ordered by the
28 court.

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