



**Utah Supreme Court
Advisory Committee on the Rules of Business
and Chancery Procedure
Meeting Agenda**

Location: WebEx Webinar: [Link](#)

Date: September 9, 2026

Time: 12:00 – 1:00 p.m.

Welcome		Evan Strassberg
URCP Rule 7A – remove from list of excluded rules	Tab 1	Judge Cornish
URBCP 16(a) – modify event triggering initial pretrial conference	Tab 2	Judge Cornish
URBCP 38(b)(6) – modify type of filing that must be filed informing the court that a jury demand has been made and no motion to strike the demand has been filed	Tab 3	Judge Cornish
Other business		Evan Strassberg
Schedule next meeting		Evan Strassberg

TAB 1

Appendix A. URCP Specifically Excluded from URBCP

~~Rule 7A. Rule not applicable in business and chancery court.~~

~~Rule 7A of the Utah Rules of Civil Procedure is not applicable in the business and chancery court.~~

Rule 26.1. Rule not applicable in business and chancery court.

Rule 26.1 of the Utah Rules of Civil Procedure is not applicable in the business and chancery court.

Rule 26.2. Rule not applicable in business and chancery court.

Rule 26.2 of the Utah Rules of Civil Procedure is not applicable in the business and chancery court.

Rule 26.3. Rule not applicable in business and chancery court.

Rule 26.3 of the Utah Rules of Civil Procedure is not applicable in the business and chancery court.

Rule 26.4. Rule not applicable in business and chancery court.

Rule 26.4 of the Utah Rules of Civil Procedure is not applicable in the business and chancery court.

Rule 39. Rule not applicable in business and chancery court.

Rule 39 of the Utah Rules of Civil Procedure is not applicable in the business and chancery court.

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26 **Rule 47. Rule not applicable in business and chancery court.**

27 Rule 47 of the Utah Rules of Civil Procedure is not applicable in the business and chancery
28 court.

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30 **Rule 48. Rule not applicable in business and chancery court.**

31 Rule 48 of the Utah Rules of Civil Procedure is not applicable in the business and chancery
32 court.

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34 **Rule 49. Rule not applicable in business and chancery court.**

35 Rule 49 of the Utah Rules of Civil Procedure is not applicable in the business and chancery
36 court.

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38 **Rule 50. Rule not applicable in business and chancery court.**

39 Rule 50 of the Utah Rules of Civil Procedure is not applicable in the business and chancery
40 court.

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42 **Rule 51. Rule not applicable in business and chancery court.**

43 Rule 51 of the Utah Rules of Civil Procedure is not applicable in the business and chancery
44 court.

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46 **Rule 63A. Rule not applicable in business and chancery court.**

47 Rule 63A of the Utah Rules of Civil Procedure is not applicable in the business and
48 chancery court.

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50 Rule 65C. Rule not applicable in business and chancery court.

51 Rule 65C of the Utah Rules of Civil Procedure is not applicable in the business and
52 chancery court.

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54 Rule 100. Rule not applicable in business and chancery court.

55 Rule 100 of the Utah Rules of Civil Procedure is not applicable in the business and
56 chancery court.

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58 Rule 100A. Rule not applicable in business and chancery court.

59 Rule 100A of the Utah Rules of Civil Procedure is not applicable in the business and
60 chancery court.

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62 Rule 101. Rule not applicable in business and chancery court.

63 Rule 101 of the Utah Rules of Civil Procedure is not applicable in the business and
64 chancery court.

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66 Rule 102. Rule not applicable in business and chancery court.

67 Rule 102 of the Utah Rules of Civil Procedure is not applicable in the business and
68 chancery court.

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70 Rule 104. Rule not applicable in business and chancery court.

71 Rule 104 of the Utah Rules of Civil Procedure is not applicable in the business and
72 chancery court.

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74 **Rule 105. Rule not applicable in business and chancery court.**

75 Rule 105 of the Utah Rules of Civil Procedure is not applicable in the business and
76 chancery court.

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78 **Rule 106. Rule not applicable in business and chancery court.**

79 Rule 106 of the Utah Rules of Civil Procedure is not applicable in the business and
80 chancery court.

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82 **Rule 107. Rule not applicable in business and chancery court.**

83 Rule 107 of the Utah Rules of Civil Procedure is not applicable in the business and
84 chancery court.

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86 **Rule 108. Rule not applicable in business and chancery court.**

87 Rule 108 of the Utah Rules of Civil Procedure is not applicable in the business and
88 chancery court.

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90 **Rule 109. Rule not applicable in business and chancery court.**

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92 Rule 109 of the Utah Rules of Civil Procedure is not applicable in the business and
93 chancery court.

94 *Effective: 9/1/2024*

TAB 2

Rule 16. Pretrial conferences and parties' planning conferences

(a) **Pretrial conferences.** The court will direct the attorneys and, when appropriate, the parties to appear for an initial pretrial conference to be held no later than 28 days after the first responsive pleading is filed ~~all parties have appeared~~, and in its discretion or upon motion may conduct additional pretrial conferences for such purposes as:

- (1) expediting the disposition of the action;
- (2) establishing early and continuing control so that the case will not be protracted for lack of management;
- (3) discouraging wasteful pretrial activities;
- (4) improving the quality of the trial through more thorough preparation;
- (5) facilitating mediation or other ADR processes for the settlement of the case;
- (6) considering all matters as may aid in the disposition of the case;
- (7) establishing the time to join other parties and to amend the pleadings;
- (8) establishing the time to file motions;
- (9) establishing the time to complete discovery and determining if an accelerated discovery plan deviating from Rule 26 is warranted;
- (10) setting the date for pretrial and final pretrial conferences and trial;
- (11) providing for the preservation, disclosure, or discovery of electronically stored information;
- (12) considering any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after production; and
- (13) considering any other appropriate matters.

(b) Parties' initial planning conference.

- (1) No later than 14 days before the date set for the initial pretrial conference, the parties must confer regarding a discovery plan. In conferring, the parties must

consider the nature and basis of their claims and defenses and the possibility of promptly resolving the case, discuss any issues about preserving discoverable information, and develop a proposed discovery plan. The attorneys of record and all unrepresented parties who have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within seven days after the conference a written report outlining the plan. The court may order the parties or attorneys to attend the conference in person.

(2) A discovery plan must state the parties' views and proposals on:

(A) the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to particular issues;

(B) any issues about disclosure, discovery, or preservation of electronically-stored information, including the form or forms in which it should be produced;

(C) any issues about privilege claims or the protection of materials prepared in anticipation of litigation or for trial, including whether to ask the court to include any agreement between the parties in an order under [Rule 26](#);

(D) any changes that should be made in the limitations on discovery imposed under these rules, and any other limitations that should be imposed; and

(E) any other requests that the parties have of the court.

(c) **Trial setting.** Unless an order sets the trial date, any party may and the plaintiff must, at the close of all discovery, certify to the court that discovery is complete, that any required mediation or other ADR processes have been completed or excused, and that the case is ready for trial. The court will schedule the trial as soon as mutually convenient to the court and parties. The court will notify parties of the trial date and of any final pretrial conference.

(d) **Final pretrial conference.** The court, in its discretion or upon motion, may direct the attorneys and, when appropriate, the parties to appear at a final pretrial conference for such purposes as discussing settlement and trial management. The conference will be held as close to the time of trial as reasonable under the circumstances.

(e) **Sanctions.** If a party or a party's attorney fails to obey an order, if a party or a party's attorney fails to attend a conference, if a party or a party's attorney is substantially unprepared to participate in a conference, or if a party or a party's attorney fails to participate in good faith, the court, upon motion or its own initiative, may take any action authorized by [Rule 37\(b\)](#) of the Utah Rules of Civil Procedure.

Effective: ~~9/1/2024~~

Advisory Committee Note

For the purposes of this rule, "ADR" is as defined in [CJA Rule 4-510.01](#).

[*Note adopted September 1, 2024*](#)

TAB 3

1 **Rule 38. Jury trial of right**

2 (a) The court is the trier of fact and law in all actions before the court.

3 (b) **Demand and waiver.**

4 (1) By filing a complaint in the court, a plaintiff waives the plaintiff's right to a jury
5 trial on all claims and issues raised in the complaint and consents to the court as the
6 trier of fact as set forth in Utah Code section 78A-5a-104.

7 (2) A defendant may demand a trial by jury on any issue triable of right by a jury by
8 filing with the court and serving on the other parties a jury trial demand no later than
9 the date on which such defendant files its initial responsive pleading. If the defendant
10 does not timely file a jury trial demand, the defendant waives the right to a jury trial
11 for the claims asserted in the complaint.

12 (3) If a defendant asserts a counterclaim, the defendant may demand a jury trial on
13 any issue triable of right by a jury on any claim asserted in the counterclaim by filing
14 with the court and serving on the other parties a jury trial demand no later than the
15 date on which the defendant files its counterclaim. If the defendant does not timely
16 file a jury trial demand, the defendant waives the right to a jury trial for the claims
17 asserted in the counterclaim.

18 (4) A party responding to a counterclaim or crossclaim may file a jury trial demand
19 with the court and serve it upon the other parties in the action no later than the date
20 on which such party files its initial responsive pleading to the counterclaim or
21 crossclaim. If the responding party does not file a timely jury trial demand, the
22 responding party waives the right to a jury trial for the claims asserted in the
23 counterclaim or crossclaim.

24 (5) **Specification of issues and venue.** In its jury trial demand, a party:

25 (A) must identify the county in which the party contends the case should be tried
26 pursuant to Utah Code section 78B-3a-~~201~~³⁰⁷; and

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(B) may specify the issues which the party wants tried to a jury. The court will deem the party to have demanded trial by jury for all triable issues if no specification is made pursuant to this rule.

(6) If any party contests another party's jury trial demand, the contesting party must file with the court a motion to strike the jury trial demand no later than 14 days after service of the demand. If no such motion has been timely filed, the party who demanded the jury must file a [request to submit](#)~~notice~~ informing the court that a jury demand has been made and no motion to strike the demand has been filed.

(7) If the court determines that the party demanding a jury trial has the right to a trial by jury on one or more issues, or if a jury demand has been filed and no motion to strike has been timely filed, the court will order the transfer of all issues to be tried by jury to the district court as set forth in Utah Code section 78A-5a-104.

(c) **Withdrawal.** A jury trial demand may not be withdrawn without the parties' consent.

Effective: ~~9/1/2024~~