



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

Location: WebEx Webinar: [Link](#)

Date: October 23, 2024

Time: 4:00 – 6:00 p.m.

Welcome and approval of minutes	Tab 1	Rod Andreason
Rules 7A and 64 supplemental proceedings ( <i>Discussion</i> )	Tab 2	Stacy Haacke / Judge Ynchausti
Rule 101 – Motion practice before court commissioners	Tab 3	Jim Hunnicutt
November and December meetings		Rod Andreason
Subcommittee List ( <i>Information</i> )	Tab 4	

*Reminder:* Check style guide for conformity before rules are sent to the Supreme Court.

Upcoming Items:

- Subcommittees!

URCP Committee Website: [Link](#)

2024 Meeting Schedule:

November 20

December 18

2025 Meeting Schedule:

*Jan 22 • Feb 26 • Mar 26 • April 23 • May 28 • June 25 • Sep 24 • Oct 22 • Nov 26 • Dec 24*

# Tab 1

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

**Summary Minutes – September 25, 2024  
via Webex**

**THIS MEETING WAS CONDUCTED ELECTRONICALLY VIA WEBEX**

<b>Committee members</b>	<b>Present</b>	<b>Excused</b>	<b>Guests/Staff Present</b>
Rod N. Andreason, Chair	<b>X</b>		Stacy Haacke, Staff
Justin T. Toth, Vice Chair	<b>X</b>		Keri Sargent
Ash McMurray	<b>X</b>		Daniel L. Day
Michael Stahler		<b>X</b>	Mark Olson
Timothy Pack		<b>X</b>	Leslie Slaugh
Loni Page	<b>X</b>		Mark Field
Bryan Pattison	<b>X</b>		Erin Riley
Trevor Lee	<b>X</b>		Jacqueline Carlton
Laurel Hanks	<b>X</b>		
Tonya Wright	<b>X</b>		
Judge Rita Cornish		<b>X</b>	
Commissioner Catherine Conklin	<b>X</b>		
Giovanna Speiss		<b>X</b>	
Jonas Anderson		<b>X</b>	
Heather Lester	<b>X</b>		
Brett Chambers	<b>X</b>		
Judge Blaine Rawson		<b>X</b>	
Judge Ronald Russell		<b>X</b>	
Rachel Sykes		<b>X</b>	
Michael Young		<b>X</b>	
Laurel Hanks	<b>X</b>		
Judge Laura Scott, <i>Emeritus</i>	<b>X</b>		
James Hunnicutt, <i>Emeritus</i>	<b>X</b>		

**(1) INTRODUCTIONS**

The meeting began at 4:03 p.m. after forming a quorum. Mr. Rod Andreason welcomed the Committee Members and guests.

**(2) APPROVAL OF MINUTES**

Mr. Rod Andreason asked for approval of the August 2024 Minutes subject to amendments noted by the Minutes subcommittee. Ms. Tonya Wright moved. Mr. Justin T. Toth seconded. The Minutes were unanimously approved.

**(3) RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.**

Mr. Rod Andreason thanked Mr. Leslie Slaugh for his thoughtful comments on the amendments to Rule 5. Mr. Slaugh suggested inserting the word “otherwise” to the first line of (a)(1). To section (b)(3)(B)(ii), Mr. Slaugh suggested changing the word “pleading” to “most recent filing” for consistency throughout the rules. Commissioner Conklin noted that “pleading” is otherwise defined in the rules as only certain documents.

Ms. Loni Page discussed Mr. Slaugh’s proposed changes to (b)(5)(C). She notes that this issue was discussed at length because “prepared” has different meanings and is interpreted in different ways. The courts provide electronic notification and everyone with an electronic filing account receives notice including self-represented parties through MyCase. By clarifying who has the service burden we don’t miss any of those parties. Mr. Jim Hunnicutt agreed that the Committee had a robust discussion at the March 27<sup>th</sup> meeting and the language was hammered out extensively by the Committee.

After further discussion, Commissioner Conklin moved that the Committee adopt the proposed changes and send the proposed rule to the Supreme Court. Ms. Tonya Wright seconded. All approve. Mr. Andreason noted that because the proposed amendments are not substantive changes, he will recommend to the Justices that the rule does not need to go back out for public comment.

**(4) RULES BACK FROM PUBLIC COMMENT**

Mr. Andreason reported that there were no public comments for Rule 1 General provisions, Rule 7A Motion to enforce order and for sanctions, Rule 60 Relief from judgment or order, and Rule 81 Applicability of rules in general. Commissioner Conklin moved to send the proposed amendments to the Supreme Court. Mr. Justin Toth seconded. All approve.

**(5) RULE 65C. POST-CONVICTION RELIEF.**

Mr. Mark Field from the Utah Attorney General’s Office introduced the proposed amendments to the Committee along with other guests, Ms. Erin Riley and Mr. Daniel Day. Mr. Field briefly explained post-conviction relief proceedings which are governed by Rule 65C. After trial where a defendant is convicted, they ordinarily pursue a direct appeal, and if they do not prevail on direct appeal, then the defendant has a year to file a post-conviction petition. The defendant can raise any claim that they think is a constitutional violation that occurred during the criminal trial. Rule 65C is the civil rule that governs post-conviction and is unique in that there is an underlying criminal record.

Mr. Field introduces seven changes or amendments the AG’s office would like to see to Rule 65C.

- The proposed amendments to 65C(d)(6) adds three words, “a posttrial motion” to clarify that a petitioner who claims newly discovered evidence must explain why it couldn’t be discovered at the time of trial.
- The second change, to 65C(f), is the one that is most important for the Attorney General’s Office. The proposed amendments address that word limits in URCP Rule 7(q) apply to a memorandum of points and authorities that is filed separately from the post-conviction petition. Mr. Field wants to emphasize that the word limit would not apply to the actual petition only to the memorandum. Over the last couple of years petitions have been getting larger, ranging from 150 pages to over 250 pages. Ms. Riley adds a party can avail themselves of the same provision that a party can in other civil proceedings to request an overlength memorandum for good cause.
- The third proposed amendment is to 65C(h)(1). The rules as it reads now allows claims that were previously adjudicated on appeal can be summarily dismissed by the district court. In 2018, the Court of Appeals held in *Bevan v. State*, that you have to give the petitioner notice. The AG’s office is asking that the words “any claim has been adjudicated in a prior proceeding, or if” and “either that the claim has been adjudicated or” be removed because it is inconsistent with the PCRA.
- For service of petitions, 65C(i), the proposed amendments adds “consistent with Utah Rule of Appellate Procedure 11”. It is the AG’s view that the record should be consistent with the record taken on direct appeal and it should comply with Rule 11 of URAP.
- The fifth proposed change to 65C(j) adds a second paragraph that states that the court should be required to serve appointed counsel with all the documents in the case as a matter of course instead of appointed counsel having to request it. Mr. Field notes that when counsel is appointed, they are not a party to the proceeding yet because they haven’t been ordered to respond.
- The sixth proposed change to 65C(k) adds language “The respondent may file a reply in support of the motion.” Mr. Field noted that this amendment is consistent with the

general practice in postconviction cases since *Gordon v. State* was issued in 2016 and it will make clear that the state may file a reply.

- The final proposed change to 65C(n) clarifies that discovery is allowed only after the district court orders an evidentiary hearing. It is the state's view that discovery should only be permitted once the court schedules an evidentiary hearing. If the state is going to prevail on a summary judgment motion, there is no need to go through discovery. Ms. Riley notes that adding the language clarifies the intent of allowing discovery. Mr. Day clarified that there is nothing that prevents parties from subpoenaing parties on their own outside of the rules of discovery. Ms. Riley noted that most information should already be part of the record because there has been a trial and the case is in a different posture once it gets to post-conviction proceedings.

Ms. Loni Page asked a question about whether this change causes extra steps for clerical staff. Ms. Riley noted that the petitioner is not entitled to counsel and has to file a motion requesting counsel, the petitioner can do that anywhere along the line. Once the state is ordered to respond, the clerk is required to provide all of that information to the AG's office anyway. The rule change would not add extra work to the clerk but clarify when the record is provided. Mr. Andreason thanks Mr. Field, Ms. Riley and Mr. Day for coming and explaining the proposed changes to the Committee.

Mr. Andreason questioned whether anyone from the defense bar would be able to speak on the proposed changes. The state notes that the Indigent Appellate Defense Commission (IADC) are often the ones appointed to represent the petition. Ms. Haacke will send the proposal to the IADC for review and feedback. A subcommittee was formed including Loni Page, Keri Sargent and Trevor Lee.

#### **(6) RULES 73. ATTORNEY FEES.**

Mr. Mark Olson introduces himself to the Committee. Mr. Olson has had a debt collection practice for over 30 years, serves as chair of the collection section, and is on the access to justice commission. Mr. Olson gives a history of Rule 73. This rule originated in the circuit courts and judges were spending a lot of time reviewing fee requests in default cases, so they implemented a schedule of attorney's fees to allow clerks to enter defaults without the judge's involvement. This process worked well for many years but eventually inflation caused the schedule to become out of date and attorneys were filing affidavits in support of fee requests. The schedule has been adjusted over the years with the most recent adjustment in 2018. Mr. Olson and Charles Stormont, now a district court judge, worked out a compromise that resulted in the current schedule. Mr. Olson has provided the Committee with a detailed proposal that outlines his recommendations for an increase due to inflation over the past few years. Mr. Olson recognizes that the time period from the last adjustment is shorter, but inflation has been increasing more rapidly.

Mr. Olson consulted with Judge Stormont, who volunteered to appear at the Committee meeting to give his perspective on the history of the change in schedules. Mr. Jim Hunnicutt was on the Committee during the last adjustment and remembers Judge Stormont was the counterpoint and there was a robust back and forth. Mr. Andreason notes that some kind of increase is overdue. The Committee discussed a counterpoint representative that would be willing to appear and give perspective.

Ms. Tonya Wright is a LPP in debt collection who has questions regarding the contested fee, which she notes is a substantial increase. Mr. Olson noted that the contested fee requires a hearing which increases an attorney's cost and one that he hardly ever uses because it was not enough to cover his costs for the hearing. Ms. Heather Lester notes that it seems to be a high increase from even the standards. Mr. Olson stated that it only applies on entry of judgment and most of the work is done at that point along with a thirty point checklist. Judge Laura Scott commented that \$1200 is higher than attorneys usually ask for in an affidavit and notes that since the pandemic there is no travel time that needs to be included.

Mr. Andreason stated that the Committee needs to have a little more analysis of the issue including a view from a counterpoint. A subcommittee was formed including Ms. Tonya Wright, Mr. Bryan Pattison and Ms. Heather Lester. Ms. Haacke will contact Judge Stormont.

**(7) RULE 62. STAY OF PROCEEDINGS TO ENFORCE A JUDGEMENT OR ORDER**

Mr. Leslie Slaugh, a former member of the Committee, presented on proposed amendments to Rule 62. Utah Rule 62(b) of the Federal Rules of Civil Procedure allows a stay of judgment at any time and no similar right exists under the Utah rule. Mr. Slaugh suggests the Committee follow the lead. Mr. Slaugh notes that between 62(b) and 62(c) there is no permissible way to get a stay on a non-monetary judgment unless a party has an appeal pending. It is unclear from the rules as written whether the court has authority to grant a stay and Mr. Slaugh thinks the rule ought to clearly give the court authority.

Mr. Slaugh states that there seems to be two problems with 62(c). The rule seems to require that an appeal already be pending and by that time it is often too late. He notes that 62(a) applies if you have an injunction but it needs to be more broadly worded so that it applies anytime. It appears the more difficult question is what the grounds for a stay on a nonmonetary judgment are. Mr. Hunnicutt questions whether the wording might be authorizing a stay as a matter of right and is not sure that is what the federal rules committee intended. Mr. Pattison thought the Committee had changed the wording at the request of someone from the appellate rules committee and questioned whether the Committee would be backsliding on why the Committee changed it. Mr. Andreason stated that it would be beneficial to look at history of changes to the rule to see where we have been.



Mr. Hunnicutt wasn't here at the Committee meeting last month so he briefly introduces himself. Mr. Hunnicutt reviews *Rothwell v. Rothwell* where the Utah Court of Appeals invited this Committee to review Rule 62. Mr. Hunnicutt reviews the opinion and noted that in the majority of divorces, the rule as written is not going to be a problem, but there are a few where it could be an injustice. The judge in the opinion felt confined by Rule 62. The husband was able to keep assets for several years that had been adjudicated to the wife. The proposed amendments give judges more leeway during an appeal of a divorce. Small subset where there is injustice.

A subcommittee was formed including Commissioner Conklin, Mr. Hunnicutt and Ms. Hanks. Commissioner Conklin will serve as Chair of the subcommittee.

## **(8) SUBCOMMITTEE ASSIGNMENTS**

The Committee reviews the subcommittee assignments to make adjustments because of old members leaving and new members joining the Committee. For the records classification subcommittee, Ms. Haacke notes that Judge Stone drove this one. The Supreme Court had questions and the Committee questions whether we continue to pursue it. Mr. Toth and Mr. Hunnicutt will look into it and Ms. Haacke will send them historical information.

For the plain language subcommittee, Ms. Susan Vogel has finished her term on the Committee so a new chair is needed. Mr. McMurray will be willing to chair and notes that there is no urgency to that subcommittee because it is more of an ongoing review of rules. Susan was a good advocate for plain language.

For the standard PO subcommittee. Mr. Pattison thinks it died off but remembers meeting with Judge Oliver and creating a with a draft PO. After that it went to the Supreme Court and then the forms committee. Mr. Pattison and Ms. Haacke will work together to track down emails. Mr. McMurray remembered that the plain language committee looked at the PO.

For the eviction expungements, Judge Stucki was Chair, but they never met. The subcommittee thought that there was going to be a legislative change. Ms. Lester is currenting the chair and is happy to keep it that way. Ms. Haacke and Ms. Lester will correspond to check on the status. Ms. Sargent is happy to help.

The Rule 42 subcommittee requested more members. Ms. Page would love to have additional help. Ms. Sargent notes that with the Business and Chancery Court coming online Oct. 1<sup>st</sup> there is going to be a lot more transfer of cases. Mr. Chambers is happy to help with that one.

**(11) ADJOURNMENT**

Mr. Andreason thanked everyone for their hard work for the Committee. With no more agenda items, the meeting was adjourned at 5:57 p.m. The next meeting will be October 23, 2024, at 4:00 p.m.

# Tab 2

## **URCP Rule 64**

### **History of amendments and current questions**

This rule was raised for discussion after a training was provided to court staff regarding sanctions for failure to appear to supplemental orders, and when bench warrants may be issued. The training did not seem to track the current language in rules 7A and 64, and a review of these rules was done because language was either missing or misunderstood.

The focus of the training and historical conversations have been on Rule 64(c)(2), which may be used for supplemental proceedings when a debtor needs to identify more property to satisfy a judgement or order. Amendments to Rule 64(c) were proposed around the same time as the drafting of Rule 7A in 2020-21, which was also around the same time as a shift in statutory language regarding forfeiture of bail and warrants at supplemental proceedings to collect on a debt. It appears these amendments were proposed to address the following:

- Requiring personal service of the notice of a supplemental proceedings hearing where a debt collector gathers information from the debtor about their assets so they can collect on a judgment.
- Requiring a motion to enforce judgment. If a debtor does not show up to the supplemental proceedings hearing then the debt collector would need to file a motion to enforce judgment under the new Rule 7A.
- Permitting the issuance of a bench warrant only after the debtor does not appear for the supplemental proceedings hearing twice. If the debtor does not appear for the hearing scheduled on the motion to enforce judgment, then the court may issue a bench warrant. Only a judge may issue a bench warrant, not a clerk.
- This assures the trial court is satisfied that the debtor is truly avoiding the court process before a bench warrant is issued.
- “Referee” in paragraph (c) is an antiquated term and should be changed to clerk of court or court clerk.

These proposed amendments to Rule 64 went out for public comment and to the Supreme Court - possibly twice. Rule 64 was addressed at meetings in January, February, May and December of 2020. The excerpts of these minutes are included below, and the entire minutes can be found on the Committee website – [here](#).

The last time Rule 64 was discussed in the minutes was December 2020 and it notes the public comments should be discussed at a future meeting. Rule 64 is not addressed in any minutes after this time. These amendments never returned to the Committee and were not finalized.

In talking to at least two Justice Court judges, the language of these rules may be fine as is, but it warrants discussion as the committee was under the impression that these changes were happening. Although not explicitly stated in our rules now, the process is essentially there. Someone files for supplemental orders under Rule 64(c), if the debtor does not appear at the hearing then they must file a motion to enforce the order under Rule 7A, then if the debtor does not appear a second time a warrant may be issued.

Attached are the public comments for Rule 64 from November 2020 (the red notes are from 2020), a copy of Rule 64 with amendments as found when the rule went out for public comment, and a copy of Rule 7A (effective Nov. 1, 2024).

## JANUARY 2020 MINUTES

### **(3) RULE 64 BOARD OF DISTRICT COURT JUDGES REQUEST**

Judge Stone and Judge Lawrence presented on a proposed Rule 64 amendment from the Board of District Court Judges to require Rule 4 service of notice of a hearing and a motion under Rule 7 before a bench warrant is processed for a party who fails to appear in supplemental proceedings. The amendment was proposed in response to a recent news article criticizing how bench warrants sometimes are used in Utah, particularly with regard to collections cases.

During the discussion, Judge Stucki noted that the Board of Justice Court Judges has discussed this issue and found that a bench warrant is issued only it becomes clear that a debtor has refused to appear after being personally served with an order to appear and show cause. Judge Lawrence raised concerns that current warrant practice may disproportionately implicate individuals' liberty interests when compared to the actual debt owed. Judge Scott, Judge Stucki, Judge Stone, and Judge Lawrence shared their experiences related to warrant practice. Lauren DiFrancesco raised concerns that changing current warrant practice may make collecting child-support and alimony more difficult. After further discussion, Mr. Hafen summarized the committee's consensus that adequate notice should be given to debtors of the consequences under the rules for failure to appear.

In response to the discussion, Judge Amber Mettler and Leslie Slaugh recommended revisions to the proposed amendments. Judge Holmberg moved to adopt the proposed amendments as revised by the committee. Judge Stone seconded the motion. The motion passed unanimously.

## FEBRUARY 2020 MINTUES

### **(3) ADDITIONAL REVISIONS TO RULE 64**

The Supreme Court approved gathering comment on amendments to Rule 64 that said, in essence, that the court must be satisfied that the debtor is truly avoiding the court process in order to issue a bench warrant for the debtor's arrest. But the rule still contained the term "Referee:" This is an antiquated term. Referees are specifically prohibited in Rule 3-202 of the Code of Judicial Administration. Court clerk is what is intended in paragraph (c)(1), so the Civil Rules Committee made that amendment and voted to recommend to the Supreme Court that it be made part of the other amendments already approved to circulate for comment. The committee also discussed the Board of District Court Judge's request to more clearly spell out the kind of post-judgment discovery that may be conducted. The committee will work on developing either a separate rule or some new language in Rule 64. The Civil Rules Committee will also explore ways to make the rule's language more reader friendly. The latter two discussion points will be part of future recommendations the committee brings to the Supreme Court (anticipated adoption date of May 1 for current recommendations; November 1 for post-judgment and plain language).

## MAY 2020 MINUTES

### **(4) RULE 64**

Ms. Sylvester reported on her communications with the Board of District Court Judges regarding the committee's proposed amendments to Rule 64. After a brief committee discussion, Judge Stucki moved to send the proposed amendment to the Utah Supreme Court for comment. Justin Toth and Susan Vogel seconded the motion. The motion passed unanimously.

## DECEMBER 2020 MINUTES

### *Other comments.*

With the remaining time the Committee reviewed the few comments made regarding proposed amendments to Rules 42 and 64. After some discussion, the committee agreed that comments to Rule 64 would benefit from additional review during the next committee meeting.

1 **Rule 64. Writs in general.**

2 **(a) Definitions.** As used in Rules [64](#), [64A](#), [64B](#), [64C](#), [64D](#), [64E](#), [69A](#), [69B](#) and [69C](#):

3 (1) "Claim" means a claim, counterclaim, cross claim, third party claim or any other  
4 claim.

5 (2) "Defendant" means the party against whom a claim is filed or against whom  
6 judgment has been entered.

7 (3) "Deliver" means actual delivery or to make the property available for pick up and  
8 give to the person entitled to delivery written notice of availability.

9 (4) "Disposable earnings" means that part of earnings for a pay period remaining  
10 after the deduction of all amounts required by law to be withheld.

11 (5) "Earnings" means compensation, however denominated, paid or payable to an  
12 individual for personal services, including periodic payments pursuant to a pension  
13 or retirement program. Earnings accrue on the last day of the period in which they  
14 were earned.

15 (6) "Notice of exemptions" means a form that advises the defendant or a third person  
16 that certain property is or may be exempt from seizure under state or federal law.  
17 The notice shall list examples of exempt property and indicate that other exemptions  
18 may be available. The notice shall instruct the defendant of the deadline for filing a  
19 reply and request for hearing.

20 (7) "Officer" means any person designated by the court to whom the writ is issued,  
21 including a sheriff, constable, deputy thereof or any person appointed by the officer  
22 to hold the property.

23 (8) "Plaintiff" means the party filing a claim or in whose favor judgment has been  
24 entered.

25 (9) "Property" means the defendant's property of any type not exempt from seizure.  
26 Property includes but is not limited to real and personal property, tangible and

27 intangible property, the right to property whether due or to become due, and an  
28 obligation of a third person to perform for the defendant.

29 (10) "Serve" with respect to parties means any method of service authorized by  
30 Rule 5, unless otherwise specified in this rule, and with respect to non-parties means  
31 any manner of service authorized by Rule 4.

32 **(b) Security.**

33 **(1) Amount.** When security is required of a party, the party shall provide security in  
34 the sum and form the court deems adequate. For security by the plaintiff the amount  
35 should be sufficient to reimburse other parties for damages, costs and attorney fees  
36 incurred as a result of a writ wrongfully obtained. For security by the defendant, the  
37 amount should be equivalent to the amount of the claim or judgment or the value of  
38 the defendant's interest in the property. In fixing the amount, the court may consider  
39 any relevant factor. The court may relieve a party from the necessity of providing  
40 security if it appears that none of the parties will incur damages, costs or attorney  
41 fees as a result of a writ wrongfully obtained or if there exists some other substantial  
42 reason for dispensing with security. The amount of security does not establish or  
43 limit the amount of damages, costs or attorney fees recoverable if the writ is  
44 wrongfully obtained.

45 **(2) Jurisdiction over surety.** A surety submits to the jurisdiction of the court and  
46 irrevocably appoints the clerk of the court as agent upon whom papers affecting the  
47 surety's liability may be served. The surety shall file with the clerk of the court the  
48 address to which the clerk may mail papers. The surety's liability may be enforced  
49 on motion without the necessity of an independent action. If the opposing party  
50 recovers judgment or if the writ is wrongfully obtained, the surety will pay the  
51 judgment, damages, costs and attorney fees not to exceed the sum specified in the  
52 contract. The surety is responsible for return of property ordered returned.



53       **(3) Objection.** The court may issue additional writs upon the original security  
54       subject to the objection of the opposing party. The opposing party may object to the  
55       sufficiency of the security or the sufficiency of the sureties within five days after  
56       service of the writ. The burden to show the sufficiency of the security and the  
57       sufficiency of the sureties is on the proponent of the security.

58       **(4) Security of governmental entity.** No security is required of the United States, the  
59       State of Utah, or an officer, agency, or subdivision of either, nor when prohibited by  
60       law.

61       **(c) Procedures in aid of writs.**

62       **(1) Referee**~~Court clerk.~~ In accordance with Rule 4-403 of the Utah Code of Judicial  
63       Administration, the court may appoint permit a court clerk a referee to monitor  
64       hearings under this ~~subsection~~paragraph.

65       **(2) Hearing; witnesses; discovery.** The court may conduct hearings as necessary to  
66       identify property and to apply the property toward the satisfaction of the judgment  
67       or order. Witnesses may be subpoenaed to appear, testify, and produce records. The  
68       notice of hearing must be served under Rule 4. The court may permit discovery.

69       **(3) Restraint.** The court may forbid any person from transferring, disposing or  
70       interfering with the property.

71       **(4) Enforcement.** A request for sanctions for failure to appear or cooperate in  
72       proceedings under this rule may be raised only by motion under Rule 7A and may  
73       not be heard by a court clerk. All sanctions and remedies for contempt may be  
74       considered on such motion, and a bench warrant may issue for failure to appear at  
75       the motion hearing.

76       **(d) Issuance of writ; service**

77       **(1) Clerk to issue writs.** The clerk of the court shall issue writs. A court in which a  
78       transcript or abstract of a judgment or order has been filed has the same authority to  
79       issue a writ as the court that entered the judgment or order. If the writ directs the

80 seizure of real property, the clerk of the court shall issue the writ to the sheriff of the  
81 county in which the real property is located. If the writ directs the seizure of  
82 personal property, the clerk of the court may issue the writ to an officer of any  
83 county.

84 **(2) Content.** The writ may direct the officer to seize the property, to keep the  
85 property safe, to deliver the property to the plaintiff, to sell the property, or to take  
86 other specified actions. If the writ is to enforce a judgment or order for the payment  
87 of money, the writ shall specify the amount ordered to be paid and the amount due.

88 (A) If the writ is issued ex parte before judgment, the clerk shall attach to the writ  
89 plaintiff's affidavit, detailed description of the property, notice of hearing, order  
90 authorizing the writ, notice of exemptions and reply form.

91 (B) If the writ is issued before judgment but after a hearing, the clerk shall attach  
92 to the writ plaintiff's affidavit and detailed description of the property.

93 (C) If the writ is issued after judgment, the clerk shall attach to the writ plaintiff's  
94 application, detailed description of the property, the judgment, notice of  
95 exemptions and reply form.

96 **(3) Service.**

97 **(A) Upon whom; effective date.** The officer shall serve the writ and  
98 accompanying papers on the defendant, and, as applicable, the garnishee and  
99 any person named by the plaintiff as claiming an interest in the property. The  
100 officer may simultaneously serve notice of the date, time and place of sale. A writ  
101 is effective upon service.

102 **(B) Limits on writs of garnishment.**

103 (i) A writ of garnishment served while a previous writ of garnishment is in  
104 effect is effective upon expiration of the previous writ; otherwise, a writ of  
105 garnishment is effective upon service.

106 (ii) Only one writ of garnishment of earnings may be in effect at one time.  
107 One additional writ of garnishment of earnings for a subsequent pay period  
108 may be served on the garnishee while an earlier writ of continuing  
109 garnishment is in effect.

110 **(C) Return; inventory.** Within 14 days after service, the officer shall return the  
111 writ to the court with proof of service. If property has been seized, the officer  
112 shall include an inventory of the property and whether the property is held by  
113 the officer or the officer's designee. If a person refuses to give the officer an  
114 affidavit describing the property, the officer shall indicate the fact of refusal on  
115 the return, and the court may require that person to pay the costs of any  
116 proceeding taken for the purpose of obtaining such information.

117 **(D) Service of writ by publication.** The court may order service of a writ by  
118 publication upon a person entitled to notice in circumstances in which service by  
119 publication of a summons and complaint would be appropriate under Rule 4.

120 (i) If service of a writ is by publication, substantially the following shall be  
121 published under the caption of the case:

122 To \_\_\_\_\_, [Defendant/Garnishee/Claimant]:

123 A writ of \_\_\_\_\_ has been issued in the above-captioned case  
124 commanding the officer of \_\_\_\_\_ County as follows:

125 [Quoting body of writ]

126 Your rights may be adversely affected by these proceedings. Property in  
127 which you have an interest may be seized to pay a judgment or order. You  
128 have the right to claim property exempt from seizure under statutes of the  
129 United States or this state, including Utah Code, Title 78B, Chapter 5, Part 5.

130 (ii) The notice shall be published in a newspaper of general circulation in each  
131 county in which the property is located at least 14 days prior to the due date

132 for the reply or at least 14 days prior to the date of any sale, or as the court  
133 orders. The date of publication is the date of service.

134 **(e) Claim to property by third person.**

135 **(1) Claimant's rights.** Any person claiming an interest in the property has the same  
136 rights and obligations as the defendant with respect to the writ and with respect to  
137 providing and objecting to security. Any claimant named by the plaintiff and served  
138 with the writ and accompanying papers shall exercise those rights and obligations  
139 within the same time allowed the defendant. Any claimant not named by the  
140 plaintiff and not served with the writ and accompanying papers may exercise those  
141 rights and obligations at any time before the property is sold or delivered to the  
142 plaintiff.

143 **(2) Join claimant as defendant.** The court may order any named claimant joined as a  
144 defendant in interpleader. The plaintiff shall serve the order on the claimant. The  
145 claimant is thereafter a defendant to the action and shall answer within 14 days,  
146 setting forth any claim or defense. The court may enter judgment for or against the  
147 claimant to the limit of the claimant's interest in the property.

148 **(3) Plaintiff's security.** If the plaintiff requests that an officer seize or sell property  
149 claimed by a person other than the defendant, the officer may request that the court  
150 require the plaintiff to file security.

151 **(f) Discharge of writ; release of property.**

152 (1) By defendant. At any time before notice of sale of the property or before the  
153 property is delivered to the plaintiff, the defendant may file security and a motion to  
154 discharge the writ. The plaintiff may object to the sufficiency of the security or the  
155 sufficiency of the sureties within 7 days after service of the motion. At any time  
156 before notice of sale of the property or before the property is delivered to the  
157 plaintiff, the defendant may file a motion to discharge the writ on the ground that  
158 the writ was wrongfully obtained. The court shall give the plaintiff reasonable

159 opportunity to correct a defect. The defendant shall serve the order to discharge the  
160 writ upon the officer, plaintiff, garnishee and any third person claiming an interest  
161 in the property.

162 **(2) By plaintiff.** The plaintiff may discharge the writ by filing a release and serving it  
163 upon the officer, defendant, garnishee and any third person claiming an interest in  
164 the property.

165 **(3) Disposition of property.** If the writ is discharged, the court shall order any  
166 remaining property and proceeds of sales delivered to the defendant.

167 **(4) Copy filed with county recorder.** If an order discharges a writ upon property  
168 seized by filing with the county recorder, the officer or a party shall file a certified  
169 copy of the order with the county recorder.

170 **(5) Service on officer; disposition of property.** If the order discharging the writ is  
171 served on the officer:

172 (A) before the writ is served, the officer shall return the writ to the court;

173 (B) while the property is in the officer's custody, the officer shall return the  
174 property to the defendant; or

175 (C) after the property is sold, the officer shall deliver any remaining proceeds of  
176 the sale to the defendant.

177

**COMMENTS TO URCP. NOVEMBER 16, 2020.**

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*Rules back from [comment](#):*

Supplemental Proceedings Amendments

**URCP64.** WRITS IN GENERAL. AMEND.

**Comments**

**J. Bogart**

URCP 64

(c)(1): This is a good change.

(c)(2): Why use the more onerous Rule 4? Rule 5 would seem sufficient, as Notice of Hearing goes to the parties to the case. Making judgments harder to collect seems to me the wrong idea. (He raises a good point but the Boards of District and Justice Courts were concerned about the party being properly served. Committee will study this further.)

**Kirk Cullimore**

(URCP64) Requiring motions and additional hearings in post-judgment remedies is a waste of judicial resources and prejudicial to prevailing parties. When a judgment has already entered, it is not uncommon for the party against whom a judgment was entered to either avoid enforcement or to cause additional delays. The proposed rule which would require motion practice in post-judgment remedies just gives those parties a new avenue to continue litigation (which is already resolved) and avoid the consequences of a judgment. Objections and hearings are already available to parties with a judgment. But, to require motions and hearings needlessly increases costs of collection, enforcement, and causes potentially more litigation on already resolved matters. With that said, it is already the usual practice of most courts to require personal service for a supplemental proceedings before issuing a bench warrant for failure to appear. Clarifying that usual practice in rule may be appropriate, but I am concerned about the precedent this rule may set for other post-judgment remedies like writs of garnishments, writs of execution, etc. Requiring personal service of post-judgment remedies is unduly burdensome, costly and prejudicial as well. If a party is already

subject to a judgment then you can expect they will avoid service even more intentionally. This increases costs for parties that have already been adjudged to have been legally damaged. This also potentially decreases an aggrieved party's ability to effectively collect on a judgment if collection can be delayed by avoiding service in a matter where service was already effectuated.

I would strongly urge the rules committee to further consider notice requirements and other alternatives before implementing the above proposed rule changes. I would also strongly urge the rules committee to consider a revised, more narrow adoption of the proposed changes to Rule 64. (He makes some good points about increasing costs and narrowing the scope of the amendments. The committee will study this rule further.)

## **Rule 7A. Motion to enforce order and for sanctions.**

**(a) Motion.** To enforce a court order or to obtain a sanctions order for violation of an order, including in supplemental proceedings under Rule 64, a party must file an ex parte motion to enforce order and for sanctions (if requested), pursuant to this rule and [Rule 7](#). The motion must be filed in the same case in which that order was entered. The timeframes set forth in this rule, rather than those set forth in [Rule 7](#), govern motions to enforce orders and for sanctions.

**(b) Verification.** The motion must state the title and date of entry of the order that the moving party seeks to enforce. The motion must either be verified, or be accompanied by at least one supporting affidavit or declaration that is based on personal knowledge and shows that the affiant or declarant is competent to testify on the matters set forth. The verified motion, affidavit, or declaration must set forth facts that would be admissible in evidence and that would support a finding that the party has violated the order.

**(c) Proposed order.** The motion must be accompanied by a request to submit for decision and a proposed order to attend hearing, which must:

- (1) state the title and date of entry of the order that the motion seeks to enforce;
- (2) state the relief sought in the motion;
- (3) state whether the motion is requesting that the other party be held in contempt and, if so, state that the penalties for contempt may include, but are not limited to, a fine of up to \$1000 and confinement in jail for up to 30 days;
- (4) order the other party to appear personally or through counsel at a specific place (the court's address) and date and time (left blank for the court clerk to fill in) to explain whether the nonmoving party has violated the order; and
- (5) state that no written response to the motion is required but is permitted if filed within 14 days of service of the order, unless the court sets a different time, and that any written response must follow the requirements of [Rule 7](#).

**(d) Service of the order.** If the court issues an order to attend a hearing, the moving party must have the order, motion, and all supporting documents served on the nonmoving party at least 28 days before the hearing. Service must be in a manner provided in Rule 4 if the nonmoving party is not represented by counsel in the case. If the nonmoving party is represented by counsel in the case, service must be made on the nonmoving party's counsel of record in a manner provided in [Rule 5](#). For purposes of this rule, a party is represented by counsel if, within the last 120 days, counsel for that party has served or



filed any documents in the case and has not withdrawn. The court may shorten the 28 day period if:

- (1) the motion requests an earlier date; and
- (2) it clearly appears from specific verified facts that immediate and irreparable injury, loss, or damage will result to the moving party if the hearing is not held sooner.

**(e) Opposition.** A written opposition is not required, but if filed, must be filed within 14 days of service of the order, unless the court sets a different time, and must follow the requirements of Rule 7.

**(f) Reply.** If the nonmoving party files a written opposition, the moving party may file a reply within seven days of the filing of the opposition to the motion, unless the court sets a different time. Any reply must follow the requirements of [Rule 7](#).

**(g) Hearing.** At the hearing the court may receive evidence, hear argument, and rule upon the motion, or may request additional briefing or hearings. The moving party bears the burden of proof on all claims made in the motion. At the court's discretion, the court may convene a telephone conference before the hearing to preliminarily address any issues related to the motion, including whether the court would like to order a briefing schedule other than as set forth in this rule.

**(h) Limitations.**

- (1) This rule does not apply to:
  - (A) proceedings instituted by the court on its own initiative to enforce an order;
  - (B) criminal cases; or
  - (C) motions for sanctions filed under [Rule 37\(b\)](#).

(2) Nothing in this rule is intended to limit or alter the inherent power of the court to initiate order to show cause proceedings to assess whether cases should be dismissed for failure to prosecute or to otherwise manage the court's docket, or to limit the authority of the court to hold a party in contempt for failure to appear pursuant to a court order.

**(i) Orders to show cause.** The process set forth in this rule replaces and supersedes the prior order to show cause procedure. An order to attend hearing serves as an order to show cause as that term is used in Utah law.

Effective November 1, 2024

# Tab 3

1 **Rule 101. Motion practice before court commissioners.**

2 *Effective: 5/1/2021*

3 (a) **Written motion** ~~required~~. ~~An application request~~ to a court commissioner for an order must  
4 be made by motion ~~which, unless made during a hearing, must be made~~ in accordance with this  
5 rule.

6 (1) ~~A~~ Except as noted here, a motion must be in writing and state succinctly and with  
7 particularity the relief sought and the grounds for the relief sought. Any evidence necessary  
8 to support the moving party's position must be presented by way of one or more affidavits or  
9 declarations or other admissible evidence. The motion may also include a supporting  
10 memorandum.

11 (2) ~~All~~ motions must provide the bilingual Notice to Responding Party approved by the  
12 Judicial Council.

13 (3) Each motion to a court commissioner must include the following caution language at the  
14 top right corner of the first page, in bold type: **This motion will be decided by the court  
15 commissioner at an upcoming hearing. If you do not appear at the hearing, the Court  
16 might make a decision against you without your input. In addition, you may file a  
17 written response at least 14 days before the hearing.**

18 (4) Failure to provide the bilingual Notice to Responding Party or to include the caution  
19 language may provide the non-moving party with a basis under Rule 60(b) for excusable  
20 neglect to set aside any resulting order or judgment.

21 (5) Stipulated motions under Rule 7(k), motions that may be acted on without waiting for a  
22 response under Rule 7(l), ex parte motions under Rule 7(m), and statements of discovery  
23 issues under Rule 37(a) must be made by motion in accordance with their respective rules  
24 rather than this Rule 101. Otherwise, Rule 101 should be followed rather than Rule 7  
25 respecting motions before court commissioners.

26 (6) Motions made in court during a hearing are disfavored, but the court commissioner shall  
27 have discretion to consider such oral motions based on good cause.

28 (b) **Time to file and serve.** The moving party must file the motion and any supporting papers  
29 with the court clerk ~~of the court~~ and obtain a hearing date and time. The moving party must serve

30 ~~the motion and all supporting papers serve on all other parties the responding party with the~~  
31 ~~motion and supporting papers,~~ together with notice of the hearing at least 28 days before the  
32 hearing. ~~If service is more than 90 days after the date of entry of the most recent appealable~~  
33 ~~order, service may not be made through counsel.~~ Service must be in a manner provided in Rule 4  
34 if the nonmoving party is not represented by counsel in the case, unless the nonmoving party has  
35 filed or served a document within the last 120 days.

36 **(c) Response.** Any other party may file a response, consisting of any responsive memorandum,  
37 affidavit(s) or declaration(s). The response must be filed and served on the moving party at least  
38 14 days before the hearing.

39 **(d) Reply.** The moving party may file a reply, consisting of any reply memorandum, affidavit(s)  
40 or declaration(s). The reply must be filed and served on the responding party at least seven<sup>7</sup> days  
41 before the hearing. The contents of the reply must be limited to rebuttal of new matters raised in  
42 the response to the motion.

43 **(e) Counter motion.** Responding to a motion is not sufficient to grant relief to the responding  
44 party. A responding party may request affirmative relief by way of a counter motion. A counter  
45 motion need not be limited to the subject matter of the original motion. All of the provisions of  
46 this rule apply to counter motions except that a counter motion must be filed and served with the  
47 response. Any response to the counter motion must be filed and served no later than the reply to  
48 the motion. Any reply to the response to the counter motion must be filed and served at least  
49 three<sup>3</sup> business days before the hearing. The reply must be served in a manner that will cause the  
50 reply to be actually received by the party responding to the counter motion (i.e. hand-delivery,  
51 fax or other electronic delivery as allowed by rule or agreed by the parties) at least three<sup>3</sup>  
52 business days before the hearing. A separate notice of hearing on counter motions is not  
53 required.

54 **(f) Necessary documentation.** Motions and responses regarding temporary orders concerning  
55 alimony, child support, division of debts, possession or disposition of assets, or litigation  
56 expenses, appointment of a court-annexed professional (including, but not limited to, guardian ad  
57 litem, custody evaluator, special master, or parenting coordinator) must be accompanied by  
58 verified financial declarations with documentary income verification attached as exhibits, unless  
59 financial declarations and documentation are already in the court's file and remain current.

60 Attachments for motions and responses regarding child support and child custody must also  
61 include a child support worksheet.

62 **(g) No other papers.** No moving or responding papers other than those specified in this rule are  
63 permitted.

64 **(h) Exhibits; objection to failure to attach.**

65 (1) ~~Except as provided in paragraph (h)(3) of this rule, Each exhibit must be attached to an~~  
66 ~~affidavit, declaration, verified motion, or verified memorandum any documents such as tax~~  
67 ~~returns, bank statements, receipts, photographs, correspondence, calendars, medical records,~~  
68 ~~forms, or photographs must be supplied to the court as exhibits to one or more affidavits (as~~  
69 ~~appropriate) establishing the exhibit's necessary foundational requirements.~~

70 (2) Copies of court papers such as decrees, orders, minute entries, motions, or affidavits,  
71 already in the court's case file, ~~may~~ must not be filed as exhibits. Court papers from cases  
72 other than that before the court, such as protective orders, prior divorce decrees from  
73 different cases, criminal orders, information or dockets, and juvenile court orders (to the  
74 extent the law does not prohibit their filing), may be submitted as exhibits.

75 ~~(2) If papers or exhibits referred to in a motion or necessary to support the moving party's~~  
76 ~~position are not served with the motion, the responding party may file and serve an objection~~  
77 ~~to the defect with the response. If papers or exhibits referred to in the response or necessary~~  
78 ~~to support the responding party's position are not served with the response, the moving party~~  
79 ~~may file and serve an objection to the defect with the reply. The defect must be cured within~~  
80 ~~two<sup>2</sup> business days after notice of the defect or at least three<sup>3</sup> business days before the~~  
81 ~~hearing, whichever is earlier.~~

82 (3) **Voluminous exhibits.** ~~Voluminous exhibits which cannot conveniently be examined in~~  
83 ~~court Exhibits beyond the pages limits set forth below~~ may not be filed ~~as exhibits~~, but the  
84 contents of such documents may be presented in the form of a summary, chart, or calculation  
85 under Rule 1006 of the Utah Rules of Evidence. A summary is a statement describing the  
86 content of each voluminous exhibit, and not simply a list identifying exhibits. Affidavits and  
87 declarations may not be summarized. Collections of documents, such as bank statements,

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88 checks, receipts, medical records, photographs, e-mails, text messages, calendars, and journal  
89 entries that collectively exceed ten pages in length must be presented in summary form.

90 ~~(a) Unless they have been previously supplied through discovery or otherwise and are~~  
91 ~~readily identifiable, e~~Copies of any such ~~voluminous~~ documents beyond the page limits  
92 must be supplied to the other parties at the time of the filing of the summary, chart, or  
93 calculation.

94 (b) The originals or duplicates of the documents must be available at the hearing for  
95 examination by the parties and the commissioner.

96 **(i) Length.** ~~Initial and responding memoranda may not exceed ten10 pages of argument without~~  
97 ~~leave of the court. Reply memoranda may not exceed five5 pages of argument without leave of~~  
98 ~~the court.~~The total number of pages submitted to the court by each party may not exceed 25 total  
99 pages per hearing regardless of the number of motions to be heard. This page limit applies to the  
100 total of all motions, responses, counter-motions, replies, memoranda, including affidavits,  
101 declarations, exhibits, attachments, and summaries submitted by each party for a hearing, but  
102 excluding financial declarations and income verification.

103 ~~The court commissioner may permit the party to file an over-length memorandum upon~~  
104 ~~ex parte application and showing of good cause.~~

105 (1) The following documents are excluded from the page limit and must be submitted in  
106 their entirety:

- 107 (a) financial declarations and their required attachments,
- 108 (b) income verification,
- 109 (c) tax returns,
- 110 (d) appraisals,
- 111 (e) financial statements and reports prepared by an accountant,
- 112 (f) wills,
- 113 (g) trust documents,
- 114 (h) contracts,

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- 115 [\(i\) settlement agreements,](#)
- 116 [\(j\) reports from the Division of Child and Family Services or equivalent agencies,](#)
- 117 [\(k\) relevant court orders from other cases or jurisdictions, and](#)
- 118 [\(l\) other documents at the commissioner's discretion.](#)

119 [\(2\) The page limits in this rule exclude the following:](#)

- 120 [\(a\) caption,](#)
- 121 [\(b\) table of contents,](#)
- 122 [\(c\) table of authorities,](#)
- 123 [\(d\) signature block,](#)
- 124 [\(e\) certificate of service,](#)
- 125 [\(f\) verification,](#)
- 126 [\(g\) bilingual notice, and](#)
- 127 [\(h\) other notice required by these rules.](#)

128 [\(3\) A party may file a motion under Rule 7\(I\) asking the court commissioner for](#)  
129 [permission to exceed the 25-page limit based on a showing of good cause.](#)

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130 **(j) Late filings; sanctions.** If a party files or serves papers beyond the time required in this rule,  
131 the court commissioner may hold or continue the hearing, reject the papers, impose costs and  
132 attorney fees caused by the failure and by the continuance, and impose other sanctions as  
133 appropriate.

134 **(k) Limit on [motion to enforce order and for sanctions](#) ~~order to show cause~~.** ~~An application~~  
135 ~~to the court for~~ [A motion to enforce order and for sanctions](#) ~~an order to show cause~~ may be made  
136 only for enforcement of an existing order or for sanctions for violating an existing order. ~~An~~  
137 ~~application for~~ [A motion to enforce order and for sanctions](#) ~~an order to show cause~~ must be  
138 ~~supported by affidavit or other evidence sufficient to show cause to believe a party has violated a~~  
139 ~~court order.~~

140 **(l) Hearings.**

141 (1) A hearing may be scheduled but may not be held ~~The court commissioner may not hold a~~  
142 ~~hearing~~ on a motion for temporary orders before the deadline for an appearance by the  
143 respondent under Rule 12.

144 (2) Unless the court commissioner specifically requires otherwise, when the statement of a  
145 person is set forth in an affidavit, declaration, or other document accepted by the  
146 commissioner, that person need not be present at the hearing. The statements of any person  
147 not set forth in an affidavit, declaration or other acceptable document may not be presented  
148 ~~by proffer~~ unless the person is present at the hearing and the commissioner finds that fairness  
149 requires its admission.

150 **(m) Motions to judge.** The following motions must be submitted to the judge to whom the case  
151 is assigned:

152 (1) motion for alternative service;

153 (2) motion to waive 30-day waiting period for divorces;

154 (3) motion to waive ~~divorce-parenting~~ education ~~class~~ courses;

155 (4) ~~motion~~ for leave to withdraw after a case has been certified as ready for trial; ~~and~~

156 (5) ~~motions~~ in limine; and

157 (6) post-trial motion under Rules 58A, 58B, 58C or 59 for those trials held before the  
158 judge.

159 A court may provide that other motions be considered by the judge.

160 **(n) ~~Objection to court commissioner's recommendation~~ Orders.** Rule 7(j) applies to preparing  
161 a proposed order after a hearing before a court commissioner unless the commissioner directs  
162 otherwise. A recommendation of a court commissioner is the order of the court ~~until~~ unless  
163 modified by the court. A party may object to the recommendation by filing an objection under  
164 Rule 108.

165



# Tab 4

<b>Subcommittee/Subject</b>	<b>Members</b>	<b>Rules</b>	<b>Subcommittee Chair</b>	<b>Progress</b>
<b>ACTIVE:</b>				
<b>Probate</b>	Judge Scott, <i>Allison Barger, Brant Christiansen, David Parkinson, Judge Kelly, Kathie Brown Roberts, Keri Sargent, Russ Mitchell, Shonna Thomas, Sarah Box</i>	New rules	Judge Scott	Ongoing work on new set of probate rules
<b>Plain language/Terminology</b>	Ash McMurray, Trevor Lee, Loni Page, Heather Lester, Giovanna Speiss, Crystal Powell	104 14, 18, 19, 20, 22, 23, 26.1, 38, 46, 49, 53, 67	Ash McMurray	Subcommittee continues to review rules as they come up.
<b>Omnibus</b>	Justin Toth, Tonya Wright, Commissioner Conklin	30, 45, 37, 7	Justin Toth	Rules went to SC in July and came back with a few more comments.
<b>Rule 3(a)(2)</b>	Trevor Lee, Keri Sargeant, Tonya Wright; Heather Lester; Giovanna Speiss; Judge Cornish	3	Trevor Lee	Rule went to SC in July and the judges are going to take time to consider the proposal.
<b>Eviction Expungements</b>	Tonya Wright, Heather Lester; Crystal Powell; Keri Sargent	?	Heather Lester	Awaiting further update from subcommittee.
<b>Rule 101</b>	Jim Hunnicutt, Commissioner Conklin, Tonya Wright, Keri Sargeant, <i>Samantha Parmley</i>	101 7 26.1	Jim Hunnicutt	Agenda item October 2024

<b>MSJ Deadline</b>	Michael Stahler, Tonya Wright	56	Michael Stahler	Rule went to SC and came back with comments for the subcommittee to review
<b>Affidavit/Declaration</b>	Ash McMurray, Giovanna Speiss, Bryan Pattison	4, 5, 6, 7A, 7B, 11, 23A, 27, 26.1, 26.2, 43, 45, 47, 54, 55, 56, 58A, 58C, 59, 62, 63, 64, 64A, 64D, 64E, 65A, 65C, 69A, 69C, 73, 83, 101, 102, 104, 105, 108	Ash McMurray	Ash presented on this issue at length and the subcommittee is continuing to work on these rules.
<b>Rule 53A - Special Masters</b>	<i>Brent Salazar-Hall; Nicole Salazar-Hall; Jim Hunnicutt</i>	New rule 53A	Jim Hunnicutt	This rule went to the SC in October 2024 with two memos for the Justices to consider and they will get back to us.
<b>Rule 62 (COA opinion)</b>	Jim Hunnicutt, Commissioner Conklin, Laurel Hanks	62	Commissioner Conklin	Jim and Leslie presented on this rule Sept. 2024 and it will return for discussion later.

<b>Standard POs</b>	<i>Judge Oliver</i> , Bryan Pattison	26(g)	TBD	Subcommittee reorganized and will wait to hear from them.
<b>Rule 5(a)(2) and (b)(3)</b>	Judge Cornish, Commissioner Conklin, Judge Scott, Michael Stahler; Laurel Hanks	5	Laurel Hanks	Awaiting update from subcommittee. Questions regarding Standard 16 sent to RPC Committee and they sent the issue to the Justices.
<b>Rule 74</b>	Michael Stahler, Rachel, Crystal, Keri, Heather, Loni	74	Michael Stahler	Subcommittee continues to work on this rule
<b>Rule 4</b>	Rachel Sykes, Ash McMurray; Tonya Wright	4	Rachel Sykes	Subcommittee continues to work on this rule
<b>Rule 42</b>	Loni Page; Keri Sargent; Judge Scott; Brett Chambers	42	Loni Page	Subcommittee continues to work on this rule
<b>New rules 65D &amp; E</b>	Michael Stahler, Loni Page, Brett Chambers, <i>Bret Randall</i>	New	Michael Stahler	Subcommittee continues to work on this rule
<b>Rule 65C</b>	Loni Page; Keri Sargent; Trevor Lee	65C	Loni Page	Subcommittee continues to work on this rule
<b>Rule 73</b>	Tonya, Bryan, Heather	73	Heather Lester	Subcommittee continues to work on this rule