

Approved

MINUTES  
Utah Judicial Council's Committee  
on Court Forms

Administrative Office of the Courts  
450 South State Street  
Salt Lake City, UT 84111

November 13, 2017  
12:00 – 2:00 p.m.

ATTENDEES

Randy Dryer, Chair  
Brent Johnson  
Judge James Taylor  
Judge Gregory Bown  
Commissioner T. Patrick Casey  
Stewart Ralphs  
Nathanael Player  
Mary Westby  
Kim Allard  
Cyndie Bayles  
Guy Galli  
Jessica Van Buren  
Kara Mann

EXCUSED

Christina Cope

STAFF

Carol Sheets, Recording Secretary

**I. WELCOME AND APPROVAL OF MINUTES**

Randy Dryer welcomed the Committee members to the meeting.

The Committee discussed the October 17, 2017 minutes. There being no changes, Stewart Ralphs moved to approve the minutes. Cyndie Bayles seconded the motion and it passed unanimously.

## **II. DISCUSSION ABOUT THE NEED FOR ADDITIONAL SUBCOMMITTEES**

Randy Dryer asked if any of the Committee members would be willing to serve on other subcommittees to help with the family law forms since such a large number of forms will be generated. Judge Taylor suggested trying to group the forms and having subcommittees review certain groups. This may streamline the effort, so Mr. Dryer asked the members to see if they can identify 2 – 3 sets of sensibly grouped forms and email the Committee members their ideas.

Rule 101 will be revised and it will generate additional forms.

Mr. Dryer asked for a brief status report from each of the forms subcommittees:

Stylistics Subcommittee - Jessica Van Buren said the Committee meets every two weeks on average and more forms still need to be reviewed at the next meeting before they are ready to be brought to the Forms Committee.

Debt Collection Subcommittee – They have four up-to-date packets queued up to be reviewed by the Stylistics Committee, but nothing else needs to be done at time.

Landlord / Tenant Subcommittee – Waiting for feedback from the Judicial Council after the December meeting as to whether the forms are acceptable.

Family Law Subcommittee– Cyndie Bayles said the Committee met last week. Keisa Williams sent Jessica Van Buren some new forms that are currently being reviewed. The Committee will review the OCAP wording. Kim Allard will be in charge of this.

Mr. Dryer stated he is not sure if he will be attending the Judicial Council meeting in December since the Forms Committee may have more forms that they would like to submit in one large packet to the Council.

## **III. DECLARATION OF INMATE FILING**

Mr. Dryer said that substantively, the forms look very good. He asked the Committee if they thought it would be possible to hyperlink relevant information in the forms to make the information more easily accessible to inmates, but Jessica Van Buren stated it may not be possible since these forms will most likely not be accessed by inmates digitally.

It was suggested that the language, “I’m an inmate at this [insert correctional facility] and identify the accompanying document” be added to the form and that space be added in the footing in order for the inmate to provide additional details about the accompanying documents.

Mary Westby moved to approve the Declaration of Inmate Filing forms. Cyndie Bayles seconded the motion and it passed unanimously.

### **III. GENERAL FORMS**

Fee Waiver Forms - Mr. Dryer asked the Committee if the fee waiver forms could be hyperlinked to the fee schedule. Jessica Van Buren said that it would likely disrupt the formatting of the forms, so it wouldn’t be recommended to do so. As an alternative, it was suggested that a link to the fee schedule be added to the form, which could be done more easily.

The Committee discussed the type of fees that can be waived by litigants. Courts have the authority to waive certain fees, such as Utah process service fees, but they are unable to waive out-of-state service fees. Judge Taylor recommended that the maximum fees for each category be put on the form. This would be useful to judges as well as litigants. A line could be added to the form stating, “I cannot pay court fees in this case.”

Kara Mann joined the meeting at 12:50 p.m.

Since judges need to know what the pro se litigant’s fees are, it was suggested the cover sheet be scanned in as part of the initial filing. Mr. Dryer feels that a cover sheet could be an integral part of the form packet and may very well help. Guy Galli suggested adding a line to the form that says “Fill in with the assistance of court staff.” This way, court staff can let the litigant know which fees can be waived and help them correctly fill out the form. Commissioner Casey feels this may be the best version of the form the Committee has come up with so far.

Nathanael Player said he can check with other states to see how their fee waiver forms are drafted. He will get back to the Committee about his findings.

Many of the Committee members felt comfortable with this version of the fee waiver form, so a motion was made by Judge Taylor to approve the form as it is. Commissioner Casey seconded the motion. Four of the Committee members opposed the motion, but seven members were in favor so the motion passed.

Judge Taylor made a second motion to revote and reconsider the motion to approve the fee waiver form. Commissioner Casey seconded the motion. Eight members were in favor of approving this version of the form, and three were not in favor. The motion passed.

Affidavit – Randy Dryer asked if the affidavit could be hyperlinked to the code section. Jessica Van Buren stated that since the legislature makes constant changes to codes, it would be very difficult to keep it up-to-date. Litigants can call or come to the library to obtain the codes if they need assistance.

Judge Taylor feels these forms may be getting too complicated, and asked if the form could be shortened. Mr. Dryer asked Jessica Van Buren if she would try to simplify or consolidate the form and eliminate any non-essential questions.

Mr. Dryer said this packet still needs changes and will need to be set aside until the meeting in December.

Acceptance of Service Form – A few minor changes were discussed and made to the acceptance of service forms and they appear to be complete at this time.

A motion was made by Commissioner Casey to approve the acceptance of service forms. Mary Westby seconded the motion and it passed unanimously.

Proof of Service Forms – Mr. Dryer recommended a change be made to the form with Rule 4, and that it should say “the following documents were served”, rather than “these documents were served.” Judge Taylor would like to add to the form, “Proof of completed service.”

A motion was made by Commissioner Casey to approve the proof of service form. The motion was seconded by Stewart Ralphs and it passed unanimously.

Motion for Alternative Service Form - This relates to rule 5, and the options for delivery. A few minor changes were made to the document and a motion was made by Judge Taylor to approve the form as revised. Commissioner Casey seconded the motion and it passed unanimously.

Summons – Jessica Van Buren stated there still needs to be more discussion about the summons and that they may have a different approach to options in the form. This will be set aside until Jessica has had a chance to discuss it further with Kara Mann and Nathanael Player.

Alternative Service and Summons. – The members were asked to be ready to discuss at the next meeting.

There will be one more Court Forms Committee meeting on December 11<sup>th</sup> before Mr. Dryer goes to the Judicial Council meeting on December 18th.

**IV. OTHER BUSINESS**

No other business to discuss.

**V. ADJOURN**

There being no further issues, the meeting adjourned at 2:05 p.m. The next meeting will be held on Monday, December 11 , 2017.