

APPROVED

MINUTES  
Utah Judicial Council's Committee  
On Court Forms

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

December 11, 2017  
12:00 – 2:00 p.m.

ATTENDEES

Randy Dryer, Chair  
Brent Johnson  
Judge Gregory Bown  
Stewart Ralphs  
Nathanael Player  
Mary Westby  
Kim Allard  
Cyndie Bayles  
Guy Galli  
Christina Cope  
Jessica Van Buren  
Kara Mann  
Cathy Dupont

EXCUSED

Judge James Taylor  
Judge Elizabeth Lindsley  
Commissioner T. Patrick Casey

STAFF

Carol Sheets, Recording Secretary

**I. WELCOME AND APPROVAL OF MINUTES**

Randy Dryer welcomed the Committee members to the meeting.

The Committee discussed the November 13, 2017 minutes. There being no changes,  
\_\_\_\_\_ moved to approve the minutes. \_\_\_\_\_ seconded the  
motion and it passed unanimously.

Judge Taylor was unable to attend the meeting, and submitted written comments which  
will be referred to during the meeting.

## **II. MOTION FOR ALTERNATIVE SERVICE**

Jessica Van Buren explained that this is a modification of a set of forms currently in use. Mr. Dryer reviewed Judge Taylor's comments, and the committee discussed language changes.

### Proof of Alternative Service –

Ms. Van Buren said she will work on the other forms to match the decisions made in the motion and will work on the proof of services. Ms. Van Buren will clean up the forms and circulate to the members of the Forms Committee.

## **III. CONSENT TO EMAIL SERVICE**

Kim Allard explained that URCP 5 allows parties to serve by email as long they get the permission of the party to be served. This form would serve as written consent and would remind the person that they must maintain their email address and check it. Members made a few language suggestions.

A motion was made by Stewart Ralphs to approve the form as revised. Ms. Van Buren seconded the motion and it passed unanimously.

## **IV. SUMMONS AND 10-DAY SUMMONS**

Kara Mann explained the new approach to the Summons. The form is bi-lingual with the English and Spanish text side by side. At the end of the form, there will be a sentence that says something like "you can find a [language] version of this form on the court's website at [URL]." This text would be translated into the top 5 languages in which court interpreters have been requested. Those languages are: Arabic, Vietnamese, Persian, Mandarin and Portuguese. Ms. Allard recommended reviewing the list of languages annually. Mr. Dryer read some of Judge Taylor's comments on this form. Some of his suggestions were declined because they are not considered plain language. A motion was made and seconded to approve the form as revised. All members present with the exception of Mr. Dryer voted in favor, and the form will be sent to the Judicial Council for review and final approval.

Ten Day Summons – Ms. Van Buren explained the purpose of the Ten Day Summons is to alert the defendant they have been served, but a lawsuit hasn't been filed yet. The summons tells them that the plaintiff must file the complaint with the court within 10 days. Mr. Dryer stated debt collection uses these summons regularly, and is considered equivalent and one step beyond a "demand letter." Mr. Dryer reviewed Judge Taylor's comments for suggested language; Ms. Mann stated they are not plain language. Ms. Van Buren said she would apply the applicable changes and alter the language from the other summons to this summons, and will circulate to the committee for review.

## **V. GENERIC MOTIONS**

Discussion of the generic motions forms was tabled until the next meeting.

## **VI. OTHER BUSINESS**

Brent Johnson and Mr. Dryer will provide a committee update to the Judicial Council at the December meeting. Mr. Dryer sent out the written report to committee members.

Mr. Dryer asked Mr. Ralphs whether there were any forms the Family Law Subcommittee could assign to another group.

Ms. Van Buren mentioned three sets of forms – the Motion to Waive 90-day Waiting Period, the Motion to Waive Divorce Education Requirements, and the Motion to Waive Mediation. She also suggested waiting to see what the committee does with the generic motion forms because decisions made about those will affect other motions.

The subcommittee that was reviewing debt collection forms can review those sets.

Mr. Guy Galli asked what the process would be if clerical staff wanted to suggest corrections to forms. It was advised those recommendations should be forwarded to Ms. Van Buren.

#### **CODA**

The Motions for Alternative Service forms were revised based on the committee's feedback, and the forms were circulated by email. Committee members were asked to review the forms, and use Survey Monkey to provide comments and vote.

Voting in favor of the Motion for Alternative Service set of forms:

Cyndie Bayles  
Judge Bown  
Commissioner Casey  
Christina Cope  
Randy Dryer  
Judge Lindsley  
Nathanael Player  
Stewart Ralphs  
Judge Taylor  
Jessica Van Buren  
Mary Westby

Did not vote:

Kim Allard  
Guy Galli  
Kara Mann

#### **VII. ADJOURN**

There being no further issues, the meeting adjourned at 2:02 p.m. The next meeting is scheduled for Monday, January 8, 2018.