

MINUTES  
**Utah Judicial Council's  
Committee on Court Forms**  
Administrative Office of the Courts  
450 South State Street  
Salt Lake City, UT 84111  
March 20, 2018  
12:00 – 2:00 p.m.

**Attendees**

Randy Dryer, Chair  
Kim Allard  
Commissioner T. Patrick Casey  
Christina Cope  
Guy Galli  
Nathanael Player  
Stewart Ralphs  
Judge James Taylor  
Jessica Van Buren  
Mary Westby

**Excused**

Judge Elizabeth Lindsley  
Cyndi Bayles  
Judge Gregory Bown  
Kara Mann

**Staff**

Minhvan Brimhall, Recording Secretary

**Guests**

Cathy Dupont  
Kylie Newsom

**I. WELCOME AND APPROVAL OF MINUTES**

Mr. Dryer welcomed the Committee members to the meeting and introduced Minhvan Brimhall, new legal secretary to Brent Johnson, Nancy Sylvester and Keisa Williams.

The committee discussed the February 27, 2017 minutes. Mr. Dryer moved to approve the minutes with no changes. Mr. Ralphs seconded the motion and it passed unanimously.

**II. WRIT OF EXECUTION**

Recommendations were made to change the language in the introduction of the Writ of Execution.

Recommendations were made regarding paragraph 1 where a judgment may be challenged or appealed.

Recommendations were made to include examples for paragraph 5 of the definition of personal property. Judge Taylor feels people know the definition of personal property; however, Mr. Dryer states that some may be confused between a boat and a car.

Recommendations were made in paragraph 6 regarding the need to identify real estate information. Mr. Dryer suggests that each property should be listed separately as a line item on the Writ.

The question arose as to whether applicants identify the judgment debtor by name. This would be the person asking for the judgment. By including the statement “This document identifies \_\_\_\_\_, the judgment debtor”, the judgment debtor is being identified in the application.

Recommendations were made to regarding the notification of the Writ of Execution. Judge Taylor recommended removing items 6 and 7, as item 5 defines items 6 and 7. Mr. Player expressed that a new attorney or individual new to court the process may not have all of the information available to them and it would be helpful to maintain to items 6 and 7. Ms. Westby pointed out that many pro se litigants may find the list to be an important part of their case. This may be worse if the respondent does not have all of the information.

Recommendations were made to include Licensed Paralegal Practitioner or Attorney to this section.

After discussion, Ms. Westby moved to approve the motion with the recommended changes. Mr. Player seconded the motion. The motion was approved unanimously.

### **III. WRIT OF GARNISHMENT**

Recommendations were made to change the wording regarding the petitioner’s employer.

Recommendation was made to remove the “response request to verify employer” as the petitioner is not required to file with the courts. The committee agreed to remove this question on the application.

It was recommended to include “All property including money earned but not yet paid” to paragraph 2 of Writ of Garnishment and Destruction. It was recommended to include reference to Licensed Paralegal Practitioner or Attorney in paragraph 4 and 5.

It was recommended to add Licensed Paralegal Practitioner to paragraph 7.

It was recommended to remove the filing portion from the certificate of service section, but include reference to Licensed Paralegal Practitioner.

It was recommended to include an explanation section of the order to show cause for the petitioner to explain why they should not be held in contempt of court.

After further discussion, Ms. Dupont moved to approve the recommended changes. Ms. Westby seconded the motion. The motion was approved unanimously.

**IV. SUPPLEMENTAL PROCEEDING**

This item was not addressed due to lack of time and will be addressed at a future meeting.

**V. ABSTRACT OF JUDGMENT AND JUDGMENT INFORMATION STATEMENT**

This item was not addressed due to lack of time and will be addressed at a future meeting.

**VI. MOTION TO RENEW JUDGMENT**

This item was not addressed due to lack of time and will be addressed at a future meeting.

**VII. MOTION TO DECLARE JUDGMENT SATISFIED**

This item was not addressed due to lack of time and will be addressed at a future meeting.

**VIII. REQUEST FOR CERTIFIED COPY OF ADOPTION DECREE – DISTRICT AND JUVENILE**

This item was not addressed due to lack of time and will be addressed at a future meeting.

**IX. NON-PUBLIC INFORMATION: PARENT, MINOR, SAFEGUARDED, PERSONAL INFORMATION**

Mr. Ralphs asked for clarification regarding who has access to private records of applicants. Mr. Ralphs states that there have been confusion regarding who has access to these records and the safeguarding of personal information. Mr. Ralphs stated that an ex-spouse is given information regarding the petitioner or the case as he/she is listed on the form. The committee discussed Mr. Ralphs' concerns and concluded that each party is required to complete their own forms and certain information is not shared with the other party.

The question arose as to why there is need for a certificate of service on the form for minors; however, the parent form does not require a certificate of service. Mr. Player will look into this item.

Mr. Ralphs asked for clarification on marking a box for safeguarded information. Is this something that is required or necessary? Ms. Van Buren states that applicants are required to identify the type of case or reason of the case for the purpose of safeguarding certain information. Mr. Ralphs proposed to remove this section from the form.

A recommendation was made to modify language in this section for purposes of consistency and clarity in the option to safeguard personal information.

After further discussion, Mr. Ralphs motioned to approve the recommended changes. Mr. Galli seconded the motion. The motion was passed unanimously.

**X. NOTICE OF WITHDRAWAL OF COUNSEL; NOTICE TO APPEAR PERSONALLY OR TO APPOINT COUNSEL; NOTICE OF APPEARANCE OR APPOINTMENT OF COUNSEL; SUBSTITUTION OF COUNSEL**

This item was not addressed due to lack of time and will be addressed at a future meeting.

#### **XI. MOTION TO WAIVE DIVORCE EDUCATION REQUIREMENTS**

Mr. Galli made a recommendation to add an additional line to this section that allows judges the option to waive divorce recommendations based on certain conditions. As an example, a respondent may reside in another state. Is there a need to make it clear that classes can be completed in another state?

The committee recommended wording changes for this section.

After further discussion, Mr. Dryer motioned to approve the recommended changes. Mr. Ralphs seconded the motion. The motion was passed unanimously.

#### **XII. MOTION TO EXCUSE MEDIATION**

Mr. Ralphs asked for clarification of the form regarding excuse of mediation. Mr. Ralphs states that item 1 is asking applicant to request mediation, item 2 is asking to stop mediation, and item 3 is asking for a reason. Mr. Ralphs asked if applicants are required to fill out 1, 2 and 3; however, should items 2 and 3 be options? Judge Taylor stated that in order to do a ruling without prejudice, he would want to know what attempts the parties made at mediating the issue.

Recommendations were made to change the wording for paragraphs 2 and 3. Paragraph 2 would show that attempt at mediation occurred, but was denied. Paragraph 3 would ask for the excusal of the mediation proceedings due to the attempt made in paragraph 2.

After further discussion, Mr. Dryer motioned to approve the recommended changes. Mr. Ralphs seconded the motion. The motion was passed unanimously.

#### **XIII. INITIAL DISCLOSURES**

This item was not addressed due to lack of time and will be addressed at a future meeting.

#### **XIV. ADJOURN**

There being no further issues, the meeting adjourned at 2:06 p.m.  
Next committee is Tuesday, April 3<sup>rd</sup> at 12 PM.