

MINUTES
**Utah Judicial Council's
Committee on Court Forms**
Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84111
April 24, 2018
12:00 – 2:00 p.m.
Executive Dining Room

Attendees

Kim Allard
Cyndi Byles
Commissioner T. Patrick Casey
Christina Cope
Randy Dryer
Guy Galli
Brent Johnson
Kara Mann
Nathanael Player
Stewart Ralphs
Judge James Taylor
Jessica Van Buren
Mary Westby

Excused

Judge Gregory Bown
Judge Elizabeth Lindsley

Staff

Minhvan Brimhall, Recording Secretary

Guests

Cathy Dupont

I. WELCOME AND APPROVAL OF MINUTES

Randy Dryer welcomed the committee to the meeting. The committee discussed the April 3, 2017 minutes. Judge Taylor moved to approve the minutes. Christina Cope seconded the motion and it passed unanimously.

Mr. Dryer mentioned that various rules have been published for public comments, specifically Utah Rule of Civil Procedure 101 and 105 regarding divorce, as well as Civil Procedure Rule 73 regarding attorney's fees. Jessica Van Buren states that these rules are in the final stages of completion as they will be presented to the Management Committee on Monday. These particular forms have multiple changes. The forms may be available May 8th or 9th for review.

II. WRIT OF GARNISHMENT PACKET (REVIEWING FORMS 4, 5, 8, 10 and 11)

Nathanael Player indicated that substantial changes had been made to the forms requiring that the forms be brought back to the Committee for additional feedback and revision. Ms. Van Buren stated that in an effort to gather feedback from the last meeting, the forms will be reviewed at this meeting with the goal to identify additional changes in preparation of moving forward in the forms process.

The Committee made several recommendations regarding language changes throughout the form. Following further discussion of additional forms in the garnishment packet, Judge Taylor moved to approve the motion with the recommended minor changes and to seek clarification on the issue of a caption on the first page of the forms by the Rule of Civil Procedure Committee. Stuart Ralphs seconded the motion. The motion was approved unanimously.

III. WRIT OF EXECUTION (REVIEWING CHANGES TO NOTICE OF WRIT ONLY)

Ms. Van Buren indicated that these items parallel the items listed in the garnishment packet, and asked if additional changes were needed.

With no additional changes to the packet, Mr. Player moved to approve the motion. Stuart Ralphs seconded the motion. The motion was approved unanimously.

IV. ABSTRACT OF JUDGMENT AND JUDGMENT INFORMATION STATEMENT

The committee members discussed whether the certificate of service should be included in the form. The Abstract of Judgment and Judgment Information Statement forms are not mailed out to additional parties and do not act as notice of service. The Committee made a recommendation to remove the certificate of service page.

After further discussion, with minor changes made to the form, Mary Westby moved to approve the motion. Cathy DuPont seconded the motion. The motion was approved unanimously.

V. MOTION TO RENEW JUDGMENT

The Committee discussed that when a notice on the motion to renew judgment is filed, all parties need to be given sufficient notice of the motion. The committee members made a recommendation to include the certificate of service box with a statement that the motion was sent to the most current address as known to the court.

After further discussion, with minor changes made to the form, Judge Taylor moved to approve the motion. Mr. Galli seconded the motion. The motion was approved unanimously.

Memorandum Opposing Motion to Renew Judgment:

The committee members discussed the need and usage of this form. The form is primarily used in District Court. Brent Johnson will have the Civil Rules Committee look at statutory requirements for this form.

After further discussion, and with minor language changes made to the form, Mr. Galli moved to approve the motion. Ms. Westby seconded the motion. The motion was approved unanimously.

Notice of Amount Due on Renewed Judgment:

The committee members discussed whether it is necessary to provide additional notice once notice of judgment has been given.

Following further discussion, Judge Taylor motioned to remove the form. Judge Taylor moved to approve the motion. Kim Allard seconded the motion. The motion was approved unanimously.

Findings of Facts and Conclusion of Law and Order on Motion to Renew Judgment:

The Committee made recommendations for several language changes throughout the form. Mr. Dryer made a recommendation to defer any action of this form to the Style Committee to review. Next stylistic meeting is May 10th and the next forms' meeting is May 14th. Mr. Johnson will review and address these issues and provide recommendation at the next Forms meeting.

Following further recommendations and discussion, the Committee moved to remove the Notice of Renewed Judgment and Judgment on Motion to Renew forms. Mr. Gailli made the motion. Judge Taylor seconded the motion. The motion was approved unanimously.

VI. MOTION TO DECLARE JUDGMENT SATISFIED

Approved to Move Satisfaction of Judgment:

No further recommendations or changes were made to this form. Commissioner Casey motioned to approve the form. Ms. Dupont seconded the motion. The motion was approved unanimously.

Debtor's Motion to Declare the Judgment Satisfied:

No further recommendations or changes were made to this form. Mr. Stewart motioned to approve the form. Ms. DuPont seconded the motion. The motion was approved unanimously.

Findings of Fact, Conclusions of Law, and Order on Debtor's Motion to Declare Judgment Satisfied:

The Committee recommended adding approval of this form with other parties.

No further changes were made to the form. Ms. DuPont motioned to approve the form. Mr. Player seconded the motion. The motion was approved unanimously.

Certificate of Satisfaction of Judgment:

Recommendation was made to remove the Certificate of Service from this form.

With no further discussion, Judge Taylor motioned to remove the form. Mr. Ralphs seconded the motion. The motion was approved unanimously.

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

Due to time constraint, this form will be held over to the next meeting for review.

VIII. NOTICE FOR WITHDRAWAL OF COUNSEL / NOTICE OF APPEARANCE 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.

IX. INITIAL DISCLOSURES

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

X. EXHIBIT SUMMARY, AFFIDAVIT IN SUPPORT OF EXHIBIT COUNTER MOTION, NOTICE OF ORDER / NOTICE OF JUDGEMENT

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

XI. ADJOURN

Next committee is Monday, May 14th at 12 PM. Council Room.

There being no further issues, the meeting adjourned at 2:05 p.m.