

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, 2018
 11:30 am - 2 pm
 Executive Dining Room

Members	In attendance	Excused	Via phone conference
Randy Dryer, Chair	•		
Kim Allard	•		
Cyndi Bayles		•	
Judge Randy Birch	•		
Christina Cope		•	
Cathy Dupont	•		
Guy Galli	•		
Judge Elizabeth Lindsley		•	
Kara Mann	•		
Commissioner Russell Minas		•	
Nathanael Player	•		
Stewart Ralphs	•		
Judge James Taylor	•		
Jessica Van Buren	•		
Mary Westby	•		
Staff	In attendance	Excused	Via phone conference
Brent Johnson		•	
Minhvan Brimhall – recording sec	•		

*Due to recording equipment malfunction, this meeting was not audio recorded.

I. Welcome and approval of September meeting minutes :

Randy Dryer welcomed the Committee members to the meeting. Mr. Dryer introduced and welcomed Judge Birch to the committee. Mr. Dryer will provide an oral report to the Judicial Council on November 19 on the Committee’s activities.

The Committee discussed the minutes from the September 10, 2018 meeting. No revision was made to the minutes. Mary Westby moved to approve the full minutes. Kara Mann seconded the motion. The motion unanimously passed.

II. Letter from Chief Justice Durrant to Supreme Court rules advisory committees:

Mr. Dryer reviewed a letter addressed to all Supreme Court rules advisory committees from Chief Justice Durrant. In an effort to provide clarity for non-represented parties, Chief Justice Durrant asks that all rules committees review contents of rules and proposed amendments in their charge to include the use of plain language, and to more clearly define the rules process. Chief Justice Durrant also asks that each rules committee review advisory committee notes for content and necessity within the rule.

III. OCAP/Standing Committee on Forms plain language project:

Mr. Dryer commended the Stylists committee for their work on the forms in preparation for usage by the licensed paralegal practitioners.

Ms. Allard reviewed the OCAP clauses with the committee. The committee discussed and made minor language changes to various sections of the OCAP clauses. The changes created consistency and helps to maintain fluidity throughout the forms.

- a. child support – With no additional discussion, Judge Taylor made a motion to approve all discussed language changes to the child support clauses. Stewart Ralphs seconded the motion. The motion was approved unanimously.
- b. Railroad retirement – With no additional discussion, Mary Westby made a motion to accept all discussed language changes to the railroad retirement clauses. Guy Galli seconded the motion. The committee unanimously approved to motion.
- c. Military retirement – Kim has been working with attorney Peter Strand in reviewing the original language as previously drafted by the office of Judge Advocate General. Kim will meet with Peter again to review the military retirement section prior to presentation and approval by the Judicial Council. This committee has completed its review of these clauses. Subject to final review between Ms. Allard and Peter Strand, Mr. Ralphs moved to approve the military retirement clauses. Kara Mann seconded the motion. The motion was approved unanimously.

IV. Motion to bifurcate divorce and order:

The Committee discussed the ability to use plain language to define the word bifurcate. The term itself is already defined in plain language and cannot be defined in any other manner. The Committee discussed the need and importance of maintaining the language as it is currently written for compliance with Utah Rules of Civil Procedure 42. The Committee discussed whether there is a need to separate the motion and order into two separate forms, or if one form is sufficient in these types of proceedings. The Committee discussed various scenarios where both situations would adequately be addressed by two different forms or may be addressed under one form.

Following further discussion, the Committee decided to maintain the forms as currently created, while updating the title of the form to “Order on Motion to Divide Divorce and Reserve Other Issues (Bifurcate Divorce). With no additional language changes or discussions, Mr. Ralphs motioned to approve the forms with the changes as discussed. Judge Taylor seconded the motion. The motion was approved unanimously.

V. **Motion for genetic testing:**

The Committee discussed and made minor language change recommendation to the form on the motion for genetic testing.

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

VI. **Motion for full or partial summary judgment and order:**

The Committee made minor language changes to allow for clarity and maintain consistency throughout the form. The purpose of this form was to exclude paternity on a motion for either full or partial summary judgment. The Committee discussed that paternity is needed when an order for judgment is requested. The Committee recommended changing the title to “Motion for Partial Judgment Following Genetic Testing.”

Further review and discussion of this form is needed by the Committee. The language of Rule 56 should be tracked, i.e. there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. Nathanael Player will revise the form and distribute to the Committee for feedback. This form will be reviewed at the next meeting.

VII. **Stipulation of dismissal:**

The Committee reviewed and discussed URCP 41 in regards to stipulation of dismissal. The Committee made modification to the form for conformity of rule 41 and to allow for clarification of filing with or without prejudice.

With no further discussion, Mr. Player motion to accept the changes and approve the form. Judge Taylor seconded the motion. The Committee unanimously voted to approve the form as amended.

VIII. **Eviction forms:**

This item was not addressed due to lack of time and will be addressed the December meeting.

- a. **Notice of disclosure in unlawful detainer actions**
- b. **Request for occupancy hearing**
- c. **Notice of occupancy hearing**
- d. **Ex parte motion for order of restitution**

IX. **Adjourn:**

With no further discussion, Judge Taylor motioned to adjourn the meeting. Mr. Player seconded the motion. The motion was unanimously approved. The meeting adjourned at 2:50 PM. The next meeting will be on December 10, 2018, from noon to 2 pm in the Executive Dining Room.