

APPROVED

MINUTES
Utah Judicial Council
Committee on Court Forms
Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84111
September 9, 2019
12 - 2 pm
Judicial Council Room

MEMBERS: **PRESENT** **EXCUSED**

Randy Dryer, <i>Chair</i>	•	
Cyndie Bayles	•	
Judge Randy Birch	•	
Chris Cope	•	
Guy Galli	•	
Judge Elizabeth Lindsley	•	
Kara Mann	•	
Comm. Russell Minas		•
Nathanael Player	•	
Clayson Quigley		•
Stewart Ralphs	•	
Judge James Taylor	•	
Jessica Van Buren	•	
Mary Westby		•

Guest:

Staff:
Brent Johnson
Minhvan Brimhall

I. WELCOME, ANNOUNCEMENTS AND APPROVAL OF MINUTES:

Randy Dryer welcomed the committee members to the meeting.

The Committee considered the minutes from the August 12 meeting. No revision was made to the minutes. Judge Lindsley moved to approve the full minutes. Guy Galli seconded the motion. The motion unanimously passed.

II. REPORT AND RECOMMENDATIONS OF UTAH WORKING GROUP ON REGULATORY REFORM:

The Supreme Court has created a working group on regulatory reform of the Bar. The group has made their report. The report calls for revision of existing ethical rules that would expand non-lawyer use of technology to deliver legal services that are currently illegal under the current rules. A regulatory body will be created to oversee these services and its overall functionality in addressing the access to justice gap. The court has adopted the recommendations and new regulations may be forth coming. The report and recommendations will be discussed at this week's annual judicial conference.

III. MEMO FROM WAINE RICHES - Requesting reconsideration of Committee's decision about grounds for divorce appearing in petition:

This committee previously discussed to the question of whether to remove information about the factual grounds for divorce from the affidavit of jurisdiction and grounds and instead have that information in the petition. Waine Riches asked the committee reconsider this decision due to concerns that statements provided in the petition would be viewed by all parties and could cause potential harm to the petitioner. Mr. Riches asked the committee leave factual statements in the affidavit, maintain the document as it was previously created, so that it is filed at the end of court proceedings with all final documents.

The committee discussed the concerns raised by Mr. Riches. Judge Taylor noted that majority of rulings in divorce cases can be determined based on information in the petition, whether or not that information is included in an affidavit. For judges, it is helpful to have the facts provided in the stipulation, rather than the affidavit. Judge Taylor also noted whether or not it is necessary to have additional forms if all factual information is to be included in the petition.

Following further discussions, Nathanael Played moved to table the discussion item and recommendations made by this committee for further review by the Family Law Subcommittee, and to temporarily set aside prior actions by this committee. The Family Law Subcommittee will draft three or so standardized factual information that a person could choose from. That language would be included in the petition. This would address Judge Taylor's need for a factual basis for the irreconcilable differences grounds for divorce, as well as remove the possibility of inflammatory language appearing in either the petition or Statement of Jurisdiction and Grounds that Mr. Ralphs is concerned about. The subcommittee will provide this committee with an update at a future meeting. With no further discussion, Chris Cope seconded the motion. The committee voted on the motion, having passed with a majority vote. One objection was received to the motion by Stewart Ralphs.

IV. JUVENILE COURT FORMS:

- Declaration of financial status –

The committee reviewed and discussed the declaration of financial status for juvenile court forms at the last meeting. Judge Lindlsey, Kara Mann and Jessica Van Buren met to review the forms and revised the form.

With no further discussion, Judge Lindlsey moved to adopt the form as currently modified. Mr. Player, Mr. Stewart and Judge Birch seconded the motion. The motion was unanimously approved by the committee.

- Order on motion for inquiry into competency (revised) –

Ms. Mann reported that feedback has been received regarding the order on motion for inquiry into competency. The Board of Juvenile Court Judges will be discussing the recommended changes during the annual judicial conference this week for additional feedback and recommendations.

With no further discussions, Judge Lindlsey moved to adopt the form, subject to no objection from the Board of Juvenile Court Judges. Mr. Ralphs seconded the motion.

V. NOTICE OF PERSONAL APPEARANCE:

The Stylistics committee has completed their review of the Notice of Personal Appearance form to include Licensed Paralegal Practitioners. The form is ready for review by this committee.

With no further discussions, Judge Lindlsey moved to approve the form with the addition of LPP's. Mr. Ralphs seconded the motion. The committee voted and the motion was unanimously approved.

VI. SAFEGUARDED ADDRESS – CJA 4-202.02(8):

Ms. Mann reminded the committee that the form was previously approved by the committee. The Stylistics Committee has made minor modifications to the form to change "residential address" to "contact information" and other minor changes.

With no further discussions or additional concerns, Guy Galli moved to approve the form as modified. Judge Lindlsey seconded the motion. The motion was unanimously approved by the committee.

VII. DEFAULT JUDGMENT:

Mr. Player noted that this is a continuation of a discussion of these forms from the last meeting.

- Motion for default certificate – The committee discussed and determined that the motion for default certificate is not needed. Mr. Ralphs moved to remove this form. Mr. Player seconded the motion. The committee unanimously voted to remove the motion for default certificate form.

- Default certificate – The committee discussed. Judge Birch moved to approve this form. Mr. Ralphs seconded the motion. The committee unanimously voted to approve the motion for default certificate form.
- Military service declaration – The form was discussed. The committee tabled any action on this form at this time. Judge Taylor will provide an update at a future meeting.

Military service order - The committee discussed whether this form is needed. Judge Taylor will discuss this form with the Board of District Court judges and will report back to the committee.

- Motion for default judgment – The committee determined that it would be best to wait until Judge Taylor can provide an update following his discussion with the Board of District Court Judges. Ms. Cope moved to table this time to a future meeting. Mr. Player seconded the motion. The committee unanimously approved the motion.
- Judge Birch agreed to draft a default judgment form for debt collection cases, as well as a debt collection complaint form, and will submit those forms to the Stylistics Committee for their review.

VIII. SEXUAL VIOLENCE PROTECTIVE ORDER:

These items were not discussed at this meeting due to lack of time. They will be addressed at a future meeting.

- Request to extend sexual violence protective order
- Order granting request to extend sexual violence protective order
- Order denying request to extend sexual violence protective order

IX. ADJOURN:

With no further items for discussion, the meeting was adjourned without a motion. The meeting adjourned at 2:15 pm. The next meeting will be October 7, 2019, from noon to 2 pm in the Judicial Council Room.