

1       **Rule 1. General provisions.**

2       ~~(a) Scope of rules.~~ These rules ~~shall~~ govern the procedure in the courts of the state  
3 of Utah in all actions, ~~suits, and proceedings~~ of a civil nature, whether cognizable at law  
4 or in equity, and in all ~~special~~ statutory proceedings, except as governed by other rules  
5 promulgated by this court or ~~statutes~~ enacted by the Legislature and except as stated in  
6 Rule 81. They shall be liberally construed ~~and applied~~ to ~~secure~~ achieve the just,  
7 speedy, and inexpensive determination of every action.

8       ~~(b) Effective date.~~ These rules ~~shall take effect on January 1, 1950; and thereafter all~~  
9 ~~laws in conflict therewith shall be of no further force or effect. They~~ govern all  
10 ~~proceedings in~~ actions brought after they take effect and ~~also~~ all further proceedings in  
11 actions then pending, ~~except to the extent that. If,~~ in the opinion of the court, ~~their~~  
12 ~~application in a particular applying a rule in an~~ action pending when the ~~rules take rule~~  
13 ~~takes~~ effect would not be feasible or would ~~work injustice, in which event be unjust,~~ the  
14 former procedure applies.

15       **Advisory Committee Notes**

16       A primary purpose of the 2011 amendments is to give effect to the long-standing but  
17 often overlooked directive in Rule 1 that the Rules of Civil Procedure should be  
18 construed and applied to achieve "the just, speedy and inexpensive determination of  
19 every action." The amendments serve this purpose by limiting parties to discovery that  
20 is proportional to the stakes of the litigation, curbing excessive expert discovery, and  
21 requiring the early disclosure of documents, witnesses and evidence that a party  
22 intends to offer in its case-in-chief. The committee's purpose is to restore balance to the  
23 goals of Rule 1, so that a just resolution is not achieved at the expense of speedy and  
24 inexpensive resolutions, and greater access to the justice system can be afforded to all  
25 members of society.

26       Due to the significant changes in the discovery rules, the Supreme Court order  
27 adopting the 2011 amendments makes them effective only as to cases filed on or after  
28 the effective date, November 1, 2011, unless otherwise agreed to by the parties or  
29 ordered by the court.

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