

Rules 19 and 20

Mr. Shea noted that Rules 19 and 20 were amended to require personal service, as defined in Rule 21, of extraordinary writs and habeas petitions.

Rule 21

Mr. Shea explained the subcommittee's reasons for adopting a definition of personal service specific to the appellate rules, rather than using the traditional definition from Utah R. Civ. P. 4. Mr. Parker commented that the purpose of the service is to provide notice, not to establish jurisdiction. Ms. Westby suggested further amending the rule to specifically address how to serve the offices or individuals who receive extraordinary writs or habeas petitions. Mr. Shea said he would redraft the rule for discussion in the next meeting. The committee also discussed the proposed change to Rule 21(b)(2) and agreed that the original language should be reinstated, with the word "paper" changed to "document."

Rule 21A

Mr. Shea explained the new requirements for citing and hyper-linking to the record. The committee agreed to continue using the Bluebook citation format, and also accepted edits to the advisory committee note suggested by Mr. Burke.

Rule 22

Mr. Shea explained that subsection (c), addressing ex parte motions, was deleted because essentially there are no ex parte motions anymore under electronic filing. He clarified that motions for an extension of time can be acted on without a response, and are not technically an ex parte motion. Ms. Decker asked whether the midnight filing deadline would create an issue with remittitur deadlines established under Rule 36. The committee flagged the issue for review, and agreed that it was beneficial to keep the midnight deadline.

The committee ended its discussion with Rule 22. Discussion of Rule 23 will resume at the February meeting.

4. Other Business

The committee did not discuss other business.

5. Adjourn

The meeting was adjourned at 2:00 p.m. The next meeting will be held on Thursday, February 4, 2016.

