

DOLOWITZ HUNNICUTT, PLLC

June 6, 2016

To the Utah Supreme Court Advisory Committee on the Rules of Civil Procedure

Dear Committee Members:

At the last meeting we discussed the proposed URCP 7A which would establish a statewide standardized approach to motions for order to show cause (OSCs). We discussed whether the Committee should address not only the proposed new Rule 7A, but also whether we should consider adjustments to Rules 37, 101, and 108 to ensure a consistent approach to OSCs and application of Rule 7A in all types of cases, including family law matters.

Since that meeting, I have consulted with a few domestic commissioners and judges, and learned that there already is work being done along these lines in the family law context by another committee under the Judicial Council. In particular, my conversation with Judge Doug Thomas (Price, 7th District Court) was most illuminating. He presently is the chair of the Judicial Council's "Domestic Case Process Improvements Subcommittee," which is a subcommittee of the Judicial Council's Standing Committee on Children and Family Law.

The Judicial Council very recently created the Domestic Case Process Improvements Subcommittee to address all procedural aspects of domestic relations cases (*i.e.*, family law cases other than those in juvenile court). The Subcommittee is comprised of several experts in the field, including: Judge Elizabeth Hruby-Mills, two domestic commissioners, two attorneys from the Executive Committee of the Bar's Family Law Section, a divorce mediator, a custody evaluator, a representative from the Office of the Guardian ad Litem, the director of the Legal Aid Society of Salt Lake, and Senator Todd Weiler.

Judge Thomas explained to me that in the next two weeks, surveys addressing family law procedures are being disseminated to those who practice in that realm: judges, commissioners, lawyers, as well as pro se family law litigants. Among the issues being considered are: the role of domestic commissioners, whether dedicated domestic relations courts should be established, and how to standardize motions for OSC so they're consistent statewide. Right now, the Subcommittee is focused on gathering data, and it remains unclear where they will go.

When I advised Judge Thomas of the proposed Rule 7A, he expressed some reservations because the Domestic Case Process Improvements Subcommittee very well may make recommendations about motions for OSC in the family law context. The Subcommittee has a deadline of July 2017 to make its recommendations to the Judicial Council, so things are moving forward there. He encouraged us to consider tabling the proposed Rule 7A, or adding a clause excluding domestic cases from Rule 7A, pending the Domestic Case Process Improvements Subcommittee issuing its recommendations approximately twelve months from now.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "J M Hunnicutt". The signature is fluid and cursive, with a large loop at the end of the last name. The signature is positioned above the printed name "James M. Hunnicutt".

James M. Hunnicutt