

LAW OFFICES OF
VAN COTT, BAGLEY, CORNWALL & McCARTHY

A PROFESSIONAL CORPORATION

SUITE 1600

50 SOUTH MAIN STREET

SALT LAKE CITY, UTAH 84144

TELEPHONE (801) 532-3333

TELEX 453149

TELECOPIER (801) 534-0058

ADDRESS ALL CORRESPONDENCE TO

POST OFFICE BOX 45340

84145

WRITER'S DIRECT DIAL NUMBER

BENNETT, HARKNESS & KIRKPATRICK
1874-1890

BENNETT, MARSHALL & BRADLEY
1890-1896

BENNETT, HARKNESS, HOWAT
SUTHERLAND & VAN COTT
1896-1902

SUTHERLAND, VAN COTT & ALLISON
1902-1907

VAN COTT, ALLISON & RITER
1907-1917

VAN COTT, RITER & FARNSWORTH
1917-1947

OGDEN OFFICE
SUITE 900
2404 WASHINGTON BOULEVARD
OGDEN, UTAH 84401
(801) 394-5783

OF COUNSEL
CLIFFORD L. ASHTON
DALE T. BROWNING
JAMES P. COWLEY
JOHN CRAWFORD, JR.
MARLIN K. JENSEN
GEORGE J. McMILLAN
THOMAS L. MONSON

LEONARD J. LEWIS
DAVID E. SALISBURY
M. SCOTT WOODLAND
NORMAN S. JOHNSON
DAVID L. GILLETTE
RICHARD K. SAGER
STEPHEN D. SWINDLE
ROBERT D. MERRILL
WILLIAM G. FOWLER
GREGORY P. WILLIAMS
ALAN F. MECHAM
BRENT J. GIAUQUE
E. SCOTT SAVAGE
CHRIS WANGSGARD
JOHN S. KIRKHAM
KENNETH W. YEATES
RAND L. COOK
JOHN A. SNOW
DAVID A. GREENWOOD
MAXILIAN A. FARBMAN
ARTHUR B. RALPH
ALAN L. SULLIVAN
ROBERT A. PETERSON
J. KEITH ADAMS
PHILLIP WM. LEAR
THOMAS T. BILLINGS
RICHARD C. SKEEN
JOHN T. NIELSEN
MICHAEL F. RICHMAN
DANNY C. KELLY
STEVEN D. WOODLAND
THOMAS A. ELLISON
RICHARD H. JOHNSON, II
H. MICHAEL KELLER
BRENT D. CHRISTENSEN
ELIZABETH A. WHITSETT
JEFFREY E. NELSON
PATRICIA M. LEITH
DAVID J. JORDAN
R. STEPHEN MARSHALL
PAUL M. DURHAM
THOMAS G. BERGGREN

MICHAEL J. GLASMANN
ERVIN R. HOLMES
RONALD G. MOFFITT
ERIC C. OLSON
PATRICK J. O'HARA
ROBERT B. LENCE
MATTHEW F. McNULTY, III
S. ROBERT BRADLEY
JON C. CHRISTIANSEN
GUY P. KROESCHE
JOHN A. ANDERSON
WAYNE D. SWAN
GREGORY N. BARRICK
JULIE A. MATIS
SCOTT M. HADLEY
TIMOTHY W. BLACKBURN
WILLIAM R. RICHARDS
DONALD L. DALTON
GERALD H. SUNIVILLE
THOMAS E. NELSON
MARILYN M. HENRIKSEN
DAVID R. BLACK
JOHN W. ANDREWS
MARVIN D. BAGLEY
KATHRYN H. SNEDAKER
RONALD W. GOSS
DAVID L. ARRINGTON
SUSAN G. LAWRENCE
PHYLLIS J. VETTER
CASEY K. MFGARVEY
KATHRYN DEAN KENDELL
DOUGLAS A. TAGGART
JEREMY M. HOFFMAN
KATHERINE A. FOX
JODI L. HOWICK
DOUGLAS B. THOMAS
CLARK K. TAYLOR
BRYON J. BENEVENTO
DOUGLAS C. TINGEY
NATHAN W. JONES
ROBERT W. PAYNE
DANIELLE M. FERRON

March 14, 1991

TO: MEMBERS, UTAH SUPREME COURT ADVISORY COMMITTEE ON CIVIL
PROCEDURE

Dear Advisory Committee Members:

The next meeting of the Advisory Committee will not be held, as previously scheduled, on March 20, 1991, but will be held instead on Wednesday, April 10, 1991. (Please note that we are not meeting on the third Wednesday of April because that is the date on which the District Judges Conference begins in Moab. Instead, we are meeting on the second Wednesday in April.) The next meeting will take place at the usual time and location. It will begin at 4:00 p.m. and will be held at the Administrative Office of the Courts, 230 South 500 East, Suite 300, Salt Lake City, Utah.

We have delayed the meeting in part to avoid a conflict with the March meeting of the Utah Inns of Court and in part to allow our subcommittees a little breathing space to develop the issues to be considered by the full committee.

So, please plan to attend our next meeting on April 10.

In the meantime, I would like to remind those of you whose terms on the Committee expire this coming July to think about continuing on the Committee. As Carlie Christensen indicated to us at last month's meeting, those who wish to continue on the Committee for an additional term of four years should write to the Chief Justice expressing an interest in doing so. I encourage you to do so.

Members, USCACCP
March 14, 1991
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I look forward to seeing all of you in April.

Very truly yours,



Alan L. Sullivan

ALS:cw

cc: Jaryl Rencher, Esq.
Carlie Christensen, Esq.

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April 3, 1991

MEMBERS, UTAH SUPREME COURT
ADVISORY COMMITTEE ON CIVIL PROCEDURE

Dear Advisory Committee Members:

The next meeting of the Advisory Committee will be held on Wednesday, April 10, 1991 at the Administrative Office of the Courts, 230 South 500 East, Suite 300, Salt Lake City, Utah. Our meeting will begin as usual at 4:00 p.m. and will be concluded no later than 6:00 p.m. As always, I ask you to let me know if you do not plan to be in attendance so that we do not wait for you before beginning.

Please find enclosed for your review, a copy of Jaryl Rencher's minutes to our last meeting in February. Once again, I express the committee's appreciation to Jaryl for doing a fine job as our scribe.

The main topic of discussion at our meeting next week will be proposed changes in the discovery rules. There are three proposed changes that I believe we should consider in detail. They are as follows:

1. We will consider changes to Rule 30(b)(4) on videotape depositions. At the risk of loading your files with information you already have, I have enclosed a copy of Eric Strindberg's letter to me dated November 13, 1990, together with its enclosed proposed rule which was developed by the State Bar's Litigation Section. I urge each of you to study this proposal and be prepared, at our meeting, to give our subcommittee on discovery some direction as to additional or different drafting on this proposal.

Members, Utah Supreme Court
Advisory Committee on Civil Procedure
April 3, 1991
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2. I enclose a letter to me from Judge Murphy dated October 15, 1990 which deals with proposed changes to Rule 35(a), and specifically whether the rule should permit physical or mental examinations by professionals other than physicians. This is an issue that we discussed several years ago, but Judge Murphy would like us to consider it again. I urge you to review the decisions attached to Judge Murphy's letter so that we can give our subcommittee on discovery some direction.
3. We need to take action on the suggestion of several people, including Justice Zimmerman and George Hunt, that Rule 30(f)(1) and Rule 5(d) be modified to eliminate the requirement that depositions be filed. Again, at the risk of overloading you with things you already have, I have enclosed Justice Zimmerman's correspondence to me on that issue, as well as a letter received from George Hunt on basically the same question. I believe that we should be able to dispose of this issue quickly.

At next week's meeting, I will also ask for reports from our subcommittee on Rule 69, Rule 64(A), Rule 64(B), and Rule 64(C). If Brad Baldwin and his subcommittee would like the full committee to consider any specific proposals, I urge him to forward the drafts directly to the members of the committee in advance of our meeting.

I look forward to seeing all of you next Wednesday.

Very truly yours,



Alan L. Sullivan

ALS/kr

Enclosures

cc: Jaryl Rencher, Esq. (w/encl.)
Colin R. Winchester (w/encl.)

UTAH SUPREME COURT ADVISORY
COMMITTEE ON CIVIL PROCEDURE

A G E N D A

April 10, 1991

1. Welcome and approval of Minutes (*A. Sullivan*)
2. Report from Baldwin Committee on Rule 69 and related rules (*B. Baldwin*)
3. Discussion of proposed changes to Rule 30(b)(4) on video tape depositions (*A. Sullivan and A. Larsen*)
4. Discussion of proposed changes to Rule 35(a) on physical and mental examinations by professionals other than physicians (*A. Sullivan, A. Larsen, and Judge Murphy*)
5. Discussion of proposed changes to Rule 30(f)(1) and Rule 5(d) to eliminate the requirement that depositions must be filed (*A. Sullivan and A. Larsen*)