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MEMBERS OF THE UTAH SUPREME COURT  
ADVISORY COMMITTEE ON CIVIL PROCEDURE

Dear Advisory Committee Members:

The next meeting of the Advisory Committee will be held on Wednesday, February 19, 1992 beginning at 4:00 p.m. As usual, the meeting will be held in the Council Room of the Administrative Office of the Courts, 230 South 500 East, Suite 300, Salt Lake City, Utah. We will try to begin promptly at four. If you will not be able to attend, or if you plan to be late, please call me or my secretary, Kay Rich, before the meeting, so that we do not wait for you.

Please find enclosed a copy of minutes to our last meeting prepared by Colin Winchester. In the absence of our usual scribe, Colin filled in, did an excellent job, and we appreciate his efforts.

At our meeting next Wednesday we will consider the following items:

1. With the assistance of a special guest, we will consider directions that the committee might wish to take on changes to the discovery rules. As you know, Fran Wikstrom is the chair of our subcommittee on discovery rules changes. Fran and I have invited Justice Michael Zimmerman to attend our meeting to describe the deliberations of the Federal Rules Committee (of which he was a member until recently) concerning dramatic changes in the discovery rules. The question will be whether our committee wishes to take a similar approach, especially in light of public criticism concerning the cost and delay of civil litigation. As a sort of primer on these issues, I have enclosed a copy of a memorandum from the Chairman of the Federal Rules Committee to the Federal Standing Committee describing, among other things, these proposed changes in the Federal Discovery Rules. I think you will find it interesting

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reading. We look forward to discussing these matters with Justice Zimmerman.

2. We will again consider changes to Rule 35(a) relating to physical and mental examinations. Please find enclosed a letter from Tom Karrenberg to me relating to the status of this project. Tom's letter is self-explanatory as is its enclosure. At our meeting, we will discuss the terms of a committee comment and, I hope, give final approval to the text of the rule change itself. (Incidentally, Tom Karrenberg deserves our thanks for doubling as a member of our Rule 69 subcommittee. He has devoted a good deal of his time to the work of our committee over the past couple of months.)

3. We will have a report from Colin Winchester on our recent proposed change to Rule 1 indicating that the Rules of Civil Procedure are applicable to "all courts" of the state. As you may recall, this change prompted a good deal of discussion among practitioners and judges, who (along with us) continue to be confused about the applicability of the rules in small claims court proceedings, juvenile court proceedings, etc. We look forward to hearing from Colin.

4. We will have a report from our subcommittee on Rule 69. Brad Baldwin tells me that he has not yet completed all of the revisions that need to be made after the discussions of our last meeting, but he will be prepared to give a progress report.

5. Finally, we will attempt to discuss the status of other outstanding projects.

I look forward to seeing all of you on February 19.

Very truly yours,



Alan L. Sullivan

ALS/kr

Enclosures

cc: Colin Winchester, Esq. (w/encls.)  
Craig Jacobsen, Esq. (w/encls.)  
Honorable Michael D. Zimmerman

UTAH SUPREME COURT ADVISORY  
COMMITTEE ON CIVIL PROCEDURE

# A G E N D A

February 19, 1992

1. Welcome and approval of Minutes (*A. Sullivan*)
2. Rule changes to shorten the time and reduce the expense of discovery. (*F. Wikstrom and Justice Zimmerman*)
3. Rule 35(a) (Physical and mental examinations of parties) - Approval of rule change and discussion of committee comment.
4. Rule 1a (Scope) - Report from *Colin Winchester*.
5. Rule 69 (Execution and supplemental proceedings) - Report from *Brad Baldwin*.
6. Other outstanding projects. (*A. Sullivan*)