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May 18, 1994

MEMBERS OF THE UTAH SUPREME COURT  
ADVISORY COMMITTEE ON CIVIL PROCEDURE

Re: May 25 Meeting

Dear Committee Members:

This is a reminder that the next meeting of the Advisory Committee will be held on Wednesday, May 25, 1994, beginning at 4:00 p.m. We will meet in the Council Room of the Administrative Office of the Courts, 230 South 500 East, Salt Lake City, Utah. This will be the last meeting of the "season," so I urge your attendance.

At this month's meeting we will deal with the following issues:

1. We will discuss once again the direction we should take as a committee with respect to the federal rule changes. I have invited several guests to discuss the viability of the federal rules changes in the state system with respect to certain types of cases - especially prisoner's rights, domestic, or unlawful detainer litigation. I believe these discussions will help us in shaping the rule changes next season.

2. We will discuss Chief Justice Zimmerman's question concerning the continued viability of preemptory challenges of jurors under Rule 47(e). I have enclosed for your information a copy of the Chief Justice's brief letter to me dated April 20, 1994, and a copy of the United States Supreme Court's opinion in J.E.B. v. Alabama, 62 U.S.L.W. 4219 (April 19, 1994).

3. We will discuss possible changes to the ten-day summons procedure under Rule 3. Since our last meeting, I have met with the Supreme Court and will be able to report on its directions to us.

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MEMBERS OF THE UTAH SUPREME COURT  
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4. We will discuss Colin Winchester's letter to me dated April 15, 1994, which is attached, regarding possible procedures for insuring that excess punitive damages are paid to the state.

5. We will discuss Lowell V. Smith's letter to me dated February 1, 1994 regarding Rule 68.

I look forward to seeing all of you on May 25.

Very truly yours,



Alan L. Sullivan

ALS/kr

Enclosures

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

**UTAH SUPREME COURT ADVISORY COMMITTEE  
ON CIVIL PROCEDURE**

**AGENDA**

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**May 25, 1994**

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1. ***Welcome (A. Sullivan)***
  
2. ***Discovery Rules Changes (J. Young and Guests)***
  
3. ***Rule 47(a) (Peremptory Challenges) - (A. Sullivan)***
  
4. ***Rule 3 - Potential Changes in the 10-Day Summons Procedure (A. Sullivan)***
  
5. ***Remission of 50% punitive damage awards to the General Fund pursuant to Section 78-18-1(3), Utah Code. (A. Sullivan and C. Winchester)***
  
6. ***Rule 68: Offer of Judgment (Discussion of Lowell V. Smith letter)***