# UTAH SUPREME COURT AD HOC COMMITTEE

## Ad Hoc Committee on High Volume Case Filings

Hon. Charles Stormont, Chair

July 1, 2026
12:00 – 1:00
Judicial Council Room – Matheson Courthouse
Public Link

1. Welcome

2. All Meeting Minutes (Tab A)

3. Updates from the S.B. 270 Steering Committee

4. Procedural Rules (Tab B)

    - Tab B is a pdf of a preliminary, draft set of rules to begin discussing.

5. Action items

# Tab A

**Ad Hoc Committee on High Volume Case Filings**

Draft – not yet approved

Hon. Charles Stormont, Chair
November 12, 2025
12:00 – 1:00
Judicial Council Room – Matheson Courthouse
Virtual & In-person

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### 1. Welcome

Nick Stiles opened the meeting with welcome remarks.

### 2. Committee Membership

Committee members introduced themselves and their roles. Judge Stormont is the Chair. Nick Stiles, Appellate Court Administrator, and Maryt Fredrickson, Chief of Staff to the Chief Justice, are staff for the committee.

### 3. Committee Purpose

The Supreme Court convened the Ad Hoc Committee on High Volume Case Types in response to the Judicial Branch's Strategic Plan. The mission of the judiciary is "to provide an open, fair, efficient, and independent system for the advancement of justice under the law." The Strategic Plan, adopted by the Judicial Council in 2025, includes several commitments. Within Commitment 2, titled *Access to Justice*, is a goal to "Address immediate barriers to accessing the judicial system" which includes "Employ strategies to increase the understanding of court rules and procedures by non-law trained individuals."

This effort can include rules and procedures. The supreme court had some proposals presented related to high volume case types, including debt collection and the 10-day summons. Action was deferred until the Strategic Plan was adopted. This committee is now convened.

This ad hoc committee will tackle debt collection first. Debt collection is a high-volume case type with a large volume of self-represented individuals. Subsequent topics will follow, e.g., family law, evictions, etc.

For debt collection, Judge Stormont noted the high default rates, but if they were not resolved through default, judicial resources would be strained. Adopting simplified rules of procedure may be helpful, using the small claims rules as a model. The Committee discussed this issue.

There are legislative discussions about changing debt collection and evictions but they are in discussion phases for now.

**4. Discussion**

- The number of cases accompanied by a 10-day summons is greater than the number actually filed. There are close to 1.4 million cases waiting that never get filed.
- The 10-day summons is confusing to respondents when they call the court. The use of a mandatory pre-filing was discussed. A required pre-filing might give the creditor a safe harbor from some of the pitfalls of the Fair Debt Collection Practices Act (FDCPA) and give court staff a place to look to affirm to the debtor that there is a case prefiled and then refer to the resources or options, or respond to the 10-day summons. Many people just want to enter a payment plan.
- But the 10-day summons avoids the filing fee, which, if paid, would be passed on to the debtor. The 10-days summons is an attempt to work around that and start a dialogue towards setting a payment plan with the debtor.
- If an answer was required, resulting in a hearing being set, that would be close to 742k hearings, which may not be realistic. There was some discussion on changing how things are filed but deferring the filing fee. An internal database of cases that have a 10-day summons but not yet officially filed has also been discussed at different points. A new filing system or tool could help with that if we could build one.
- Creditor's counsel raised the requirements of the FDCPA. Changing how things are filed could run against the FDCPA requirements, but if those changes were required by court rule, then there could be a safe harbor for creditors/bulk filers.
- The costs of debt collection have been rising, and some counsel have starting asking for accurate fees and costs instead of the default rate. If there are fewer defaults and more participation, the attorney fee rates and amounts to be paid by debtors would also increase.
- Many people just want to reach a payment plan. Creditors do too. The high rate of defaults leads to late engagement, only occurring at the time of garnishment;
- Meaningful engagement in reaching a resolution has resulted in more compliance with settlement agreements in the ODR realm.
- There is no debt collection calendar and pro bono services in rural counties
- Improved systems and engagement can impact procedural fairness and public confidence in the courts even if debt outcomes remain the same.

**5. Action Items**

- Next meeting is December 10 at noon (second Wednesdays). Meetings will be hybrid.

- By December 1, send one suggestion that would reduce obstacles for self-represented people in debt collection cases. Send those to Nick who will compile for discussion at the next meeting.

**Ad Hoc Committee on High Volume Case Filings**

Draft – not yet approved

Hon. Charles Stormont, Chair
January 14, 2026, 2025
12:00 – 1:00
Judicial Council Room – Matheson Courthouse
Virtual & In-person

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**1. Welcome**

Judge Stormont opened the meeting with welcome remarks.

The December meeting was cancelled due to scheduling conflicts. The ideas submitted for discussion were circulated in December. Those ideas and an initial draft of debt collection rules are attached.

**2. Discussion**

- To build a prefiling system or other type of database would need IT support.
- Discussion of the prior 10-day summons committee work. There is a cost savings for all parties by not requiring immediate filing. The prior effort spent 18 months of stakeholder engagement and feedback but ultimately no change was made. Only about 15% of cases actually get served and then filed. If all cases were filed and served the filing increase would be significant. More requests for alternative service could be expected, and more motions to dismiss for lack of service. And a large request to reimburse filing fees.
- Some discussion of enhanced communication, like adding a cover letter that explains that no case filed yet, but call to engage in settlement or other resolution before things are filed and court costs and attorney fees arise. But many folks don't read things thoroughly or just call the court, and if the case isn't filed, the clerks have no information to provide.
- A system that generated a prefiling number or other type of reference number would work for the clerks to check and then affirm there is a case but it hasn't been filed yet, and then direct to the appropriate resources.

- Tonya explained how small claims works in Cache County when there is no justice court judge. The summons is served and it directs people to ODR. The person can register at ODR or opt out. If neither is done, then there is a default. The forms for that are attached to the minutes. The material is issued by the court so it appears as a court document.
- Brodie or other folks from IT will be invited to the next meeting to discuss the feasibility of a prefiling database.

**3. Action Items**

- Review the draft rules provided by Judge Stormont and provide comments.

**Ad Hoc Committee on High Volume Case Filings**
Draft – not yet approved

Hon. Charles Stormont, Chair
February 11, 2026
12:00 – 1:00
Judicial Council Room – Matheson Courthouse
Virtual & In-person

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**1. Welcome**

Judge Stormont opened the meeting with welcome remarks.

**2. Legislative Efforts**

- Senator Cullimore is working on a bill that would create a new court for debt collection and evictions. Judge Stormont and Judge Petit gave feedback on the draft bill. If that bill passes, that could mean a pivot for what this committee works on. Senator Cullimore mentioned recently that this new court may need its own special set of rules.

**3. Committee Purpose**

- The supreme court received proposals in recent years to revise the 10-day summons in debt collection cases and to work on high volume cases types. High volume case types typically have at least one side self-represented. In that type of case, the adversarial procedural rules, like discovery and evidence, do not work towards justice but can have an adverse effect. There is an asymmetry in skill, knowledge, and ability. There is little engagement by self-represented parties. There is also an increase in work by the courts in these types of cases.
- Efforts to address this set of issues were paused while the judicial branch's strategic plan was developed and adopted.
- There is a balance to find between judicial/court efficiencies and the fairness & efficiencies for all litigants (debtors and creditors). Efforts should not create unfairness for one side over the other.

- Anticipated outcomes are intentionally open-ended. There could be a report and recommendations. We can draft rules to consider. And while the supreme court has its authority over rules and procedures, other areas may need AOC and other governance engagement.

**4. 10-day summons and repository/database**

- The committee explained the 10-day summons for Brody and identified the problems with it: it looks like spam; answers get filed before the complaint is filed; and people call for information but there is no case yet. The committee explained the idea for a repository or database with Brody and the need for it to generate a tracking number that can go to the debtor and be searchable by court staff. The system is possible, but the barriers are time and money. Projects right now are about 18 months out and can be pushed further where there are competing priorities. There was some discussion on if MyCase could play a role. There was some discussion of using grant funds to use as one-time funds for refinements and enhancements.

**5. Additional Discussion**

- ODR could play a role in this. Heather affirmed that there would be mediators available for all eviction cases. To fully staff debt collection may encounter resource constraints but there is capacity for more mediations.
- Megan noted that we should likely hear from some debtors about how they experience these cases. We could do that by invitation or via some surveys.

**6. Action items**

- Send any follow up ideas.
- Bordy and team are invited to the next meeting.

**Ad Hoc Committee on High Volume Case Filings**

Draft – not yet approved

Hon. Charles Stormont, Chair
March 11, 2026
12:00 – 1:00
Judicial Council Room – Matheson Courthouse
Virtual & In-person

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**1. Welcome**

Judge Stormont opened the meeting with welcome remarks.

**2. Legislative Efforts**

- S.B. 270 passed, sponsored by Senator Cullimore. Details are being worked out. There will be a charge to the Judicial Council to lift up the new district court division. There will be a need for rules. "Debt collection" is undefined in the bill and will need to be defined.
- There would be commissioners for much of the work, but likely moving cases between home courts and commissioners and back again. Ample discretion in how to set up this new division of courts. Some discussion on the limitations under the current rules of what commissioners can and can't do. A question on whether two commissioners will be enough for a statewide calendar. There are additional question about court staffing. In Matheson, five staff are used for this for cases in the Third District. Also some discussion on where to locate it as a statewide court division. It is unknown yet if this new court division would also absorb small claims debt cases. And whether post-judgement matters are handled by the new court division will also need to be resolved.
- This committee is a supreme court committee, not a judicial council committee. The committee expressed a preference that the committee stay together and continue its work. It has all of the stakeholders and has had several months of work and stakeholder engagement. Nick and Maryt will ask the supreme court to make the committee available

to the Judicial Council and figure out any administrative changes to make the committee's work cross deputized in some way if needed. The Judicial Council would need to weigh in as well on whether to use the existing committee.
- If the committee has to dissolve, then the committee can pivot to the next topic, which would be family law.
- Some discussion on eviction cases, which later become debt collection cases. Heather reiterated the availability of mediators for evictions.

### 3. 10-day summons and E-repository update

- Creditors counsel reiterated its need to have some safeguards that disclosing the existence of a pending action would not violate the FDCPA restriction on disclosure to third parties. A rule to that effect would be helpful.
- It is unknown for now if Brody's team could use SB 270 money to build the E-repository. If so, those funds aren't available until July 1 and the new court division must be running by January 1. The actual cost would also need to be determined.
- Kristine Laterza described what the new repository would do and how it would work. It would be accessible by the parties, the attorneys, and the court. The portal would generate a summons number, and that number would follow throughout the case. If the respondent files an answer, the repository can hold it and then automatically file it when the complaint is filed. If the case is resolved without an answer, the case can be marked as resolved. If nothing happens, the case expires after a certain number of days. And the self-represented people can use that number to open a file via MyCase. And if people call to ask about the case, court staff can look it up with the summons number.
- There was some discussion of mirroring parts of this like small claims cases.

### 5. ODR presentation

- Janine Liebert, Director, Self-Help Center; Jonathan Mark, MyPaperwork Program Manager; and Chantel Julander, ODR Program Manager, gave a presentation on the nuts and bolts of ODR. In small claims, there is no answer. Instead, there is a QR code and the person has to register for ODR. Then the person is guided through plain language prompts which then end with a mediated payment plan. That mediated agreement is done with asynchronous communication, facilitated by Utah Dispute Resolution.
- This is at 37 justice courts for now but will be statewide by the end of 2026.
- There is a Standing Order 13 of the supreme court that provides certain steps. The program has early triage via chat/guided interview questions.
- This can be made to work for debt collection cases too. Customizing it to different bulk filer preferences is also possible.
- Eviction mediation done person to person has a lower success rate of about 20%. It is more successful with mediators. Other mediations providers in evictions include Mountain Mediation and BYU. The mediations are via Zoom.

- If mediation were required, the FDCPA third-party disclosure concern could be satisfied if there is a disclosure that the FDCPA restriction on third-party disclosure was waived.
- Discussion of mediation sources among various stakeholders around the state. There are more than may be commonly known. And the rising number of CJAs could play a role here.

**6. Action items**

- It sounds like the group does not want to change the 10-days summons, except perhaps the way it is worded and being a confusing document. That can be for continued discussion.
- Next meeting will be April 8 because of a conference many folks need to attend.

**Ad Hoc Committee on High Volume Case Filings**

Draft – not yet approved

Hon. Charles Stormont, Chair
April 8, 2025
12:00 – 1:00
Judicial Council Room – Matheson Courthouse

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1. **Welcome**

   Judge Stormont opened the meeting.

2. **S.B. 270**

- Judge Stormont provided an overview of the updates regarding the Judicial Council's SB270 steering committee being created. He envisions that the steering committee may ask this committee for assistance in the future, though the specific nature of that help remains uncertain at this time.
- Judge Stormont inquired about what drives the dollar amount for debt collection matters to be placed on the debt collection calendar. There was also some discussion of Tier 1 and Tier 2 cases. Judge Cornish asked if the threshold is based on the amount for which clerks are authorized to sign default judgments. Judge Stormont asked Tucker if he could pull filing data based on dollar amounts and provide a more detailed breakdown.
- A conversation followed regarding why specific dollar limits were set for debt collection. Judge Cornish noted that Rule 55 may be relevant to this determination. Keri identified the clerk training document related to the limits on what clerks can do, but that limit varies from district to district.
- Lacey Cherrington asked why a bulk filer in the 4th District files under the contract case type rather than the debt collection case type. Tucker was unsure of the reasoning. Judge Stormont suggested it might relate to the use of in-house counsel, noting the filer is Desert Rock Capital, though no one was certain of the exact reason. Tucker noted that the number of filings continues to increase across all debt collection cases: 81,000 debt collection cases last year and 8,000 evictions. And those numbers do not include debt cases filed as small claims.

- Quinn Kofford stated that their filings are increasing because it has become harder to reach consumers and debtors. Lacey agreed, noting that their calls are often marked as spam, which ultimately harms the consumer by increasing the number of lawsuits filed.
- Keri and Samantha commented that expanding this program statewide would require default judgment signing to remain with the local districts. They noted that five JSs would not be sufficient to handle the volume alongside their other courtroom duties.
- Kim Zimmerman asked Keri if there were plans to move subject matter expert JAs to the debt collection court. Keri explained that the current plan is for commissioners and JAs to handle contested items in court, while uncontested matters where no answer is filed will stay with the district in which they were filed.
- Judge Stormont asked if there is a way to distinguish between default and contested numbers. Lacey mentioned that a Bar Foundation study estimated the default rate to be in the mid-to-high 80% range.
- The committee discussed the checklist JAs use before issuing a default judgment. Samantha emphasized the importance of standardizing these procedures. That would shorten the learning curve and create consistency between districts and among bulk fliers. Judge Stormont and Maryt suggested that the required order of items that must appear in a court filing could be established by rule. The JA checklist can serve as a starting point for a rule.
- Lacey recalled that the court previously provided a standard set of forms that were very helpful for creating that consistency. Judge Cornish clarified that this would involve court-approved forms for self-represented litigants and filers. Quinn noted that debt collection is an area of practice that would see significant efficiency gains from such forms.
- Tonya asked if the committee would like debt collection attorneys to collaborate on a standard set of forms. Judge Cornish agreed but suggested waiting until the direction of the committee is more defined. Janine offered to assist from the Forms Committee perspective when the time is right. It was noted that this would eventually include garnishments, supplemental orders, and post-judgment forms. Judge Cornish noted that the structure of the new statewide system will inform these decisions.
- Judge Cornish suggested that new rules should be placed within the Debt Collection Rules rather than the general Civil Rules. Adding carve outs to certain case types in the general civil rules has been challenging in past efforts. Maryt shared a vision for a limited set of rules specifically for this case type. Judge Stormont developed an initial draft of these rules shared in the early months of this committee. Judge Stormont discussed which rules should reside in the CJA,

like what commissioners and clerks can do, versus the procedural rules that are separate from the general civile rules, similar to the Business and Chancery Court rules. Maryt noted a final set of rules should be submitted to the supreme court by September to meet the January launch.

- Nick asked if the group was ready to vote on creating a new chapter of rules. Quinn asked for an example of a rule that would differ from other chapters. Judge Stormont noted that filing an answer could trigger a hearing on a calendar with potential volunteers. Judge Cornish added that the auto-triggering of form interrogatories could be another distinction.
- Judge Stormont inquired about garnishments and whether a needs-based garnishment system would be preferable.
- Megan commented that including self-represented respondents in these conversations would be helpful. She noted that Colorado implemented a hardship waiver for garnishments a few years ago and emphasized that such a waiver would be beneficial in extreme situations.
- Judge Stormont asked for a consensus on creating a new set of rules outside the Rules of Civil Procedure. Maryt supported a new chapter of rules isolated to debt collection and evictions. Lacey reiterated that a universal set of forms would be beneficial and again offered her assistance.

**3. Action Items**

A motion was made and seconded that the Supreme Court create a rule committee to draft these rules. This committee could do that but wait to proceed until there is further direction.

**Ad Hoc Committee on High Volume Case Filings**
Draft – not yet approved

Hon. Charles Stormont, Chair
May 6, 2025
12:00 – 1:00
Hyrbid: WebEx & Judicial Council Room – Matheson Courthouse

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1. **Welcome**

   Judge Stormont opened the meeting.

2. **Approval of Prior Minutes**

- Approval of past meeting minutes is deferred to the next meeting.

3. **Old Business: Launch of Steering Committee**

- Judge Petit and Judge Cornish are co-chairing the Steering Committee. Other membership are court stakeholders and several members of this committee.
- The Steering Committee is tasked with administrative and policy. This committee can recommend changes to the procedural rules.
- Nick noted that this committee is already a public committee consistent with rules committees.
- There was some discussion on the differences between administrative and procedural rules and their overlaps.
- Judge Cornish suggested the steering committee would generate a minimally deliverable product, so the new division of the district court is up and running by the required time, but suggested that bells and whistles be deferred until the commissioners and staff for that division are in place. She suggested being thoughtful about which procedural rules would be appropriate to adopt now and which would be better to address later. One idea is to suspend discovery by a rule change now but to suspend any changes to the 10-day summons to a later point, after the new court division is running.
- Judge Stormont noted that the 10-day summons is a source of significant confusion and is also a key component to direct people towards non-court options to resolve matters at lower cost. He offered one suggestion of using one

form of summons, with the standard 21-30 day answer period, but delaying the filing fee until there was a return of summons. pay the money. Quinn noted the golden opportunity that exists between the time of service via a constable and when the creditors pay the filing fee. He also noted the importance of having language in the summons to direct debtors to call to discuss the debt and various options to resolve the matter without further court proceedings. Keri and Samantha noted the need to resolve cases is filed and that is not followed by a filing fee or documents to close the case. Once the filing is made, there are court resources used. Other cases can be filed and then closed at the 120-day mark, but without the return of the filing fee.

- Judge Cornish suggested a cost comparison be prepared of the cost of filing all cases but without the filing fee versus the cost of building the new repository for cases using the 10-day summons. There was some discussion of the percentage of cases started via a 10-day summons that are actually filed. The repository discussed earlier had a start up cost of about $216,000. An advantage to using the actual filing, but delayed filing fee, would be that a MyCase case could be opened, allowing the answers be filed through that platform. There was some discussion of past efforts to extend the answer deadline, consistent with a federal court practice, and the public comments received in response to that effort. Samantha will put together a workgroup of clerical staff to get a cost comparison on this. A prior effort to defer the filing fee was also considered. The result of that work was that a legislative fix was needed at that time, which may be something to check. Keri noted some feasibility examples for greater automation on the court operations side via the current expungement automation program.

**4. New Business: Procedural Rules**

- A current version of draft procedural rules for debt collection were sent prior to the meeting by google doc. These start with what Judge Stormont proposed at the outset of this committee but have been updated in response to the various discussions.
- Quinn noted the opportunities presented by suspending discovery and eliminating initial disclosures. Janine also noted that could be helpful. Judge Cornish noted that the steering committee may be contemplating that all discovery is suspended until the initial hearing, in order to allow that hearing and anytime before it as a time to talk and reach a settlement.

**5. Action Items**

Review the draft rules circulated by google doc/

# Ad Hoc Committee on High Volume Case Filings

Draft – not yet approved

Hon. Charles Stormont, Chair
June 10, 2025
12:00 – 1:00
WebEx

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1. **Welcome**

   Judge Stormont was out of town. Judge Cornish opened and chaired the meeting.

2. **Approval of Prior Minutes**

   Approval of past meeting minutes is deferred to the next meeting.

3. **Welcome to New Committee Members**

   David Todd was welcomed as a new member. He works on evictions at Titan Legal. Cindy Shut of the judiciary's General Counsel's office is also a new member to this committee.

4. **Update from Steering Committee**

   - The Steering Committee developed some draft flow charts for debt collection and eviction actions. They define debt collection and map out what goes to the division and what stays with the home court. The flow charts also map out what goes to the commissioners, what would stay with the home court (aka, local judge), what would go back to the home court and when, and the workflow between the two. The Steering Committee would like to share that flow chart with this committee on July 1 and so it can be digested and then reconvene again on July 15. The Steering Committee would like feedback on if it is missing the target or other gaps, and the Steering Committee is aware that this committee is waiting on the Steering Committee before proceeding with its work. The Steering Committee will be presenting to the Judicial Council the third week in July.
   - The committee anticipates having some draft administrative rules to the Judicial Council's Policy & Planning committee in June or July, which is the first stop for new administrative rules. Then the next target would be to

have the rules to the Judicial Council for its July meeting. The hiring timeframe for the two new commissioners and associated staff would be October/November. The IT department will need program changes by September. Where to physically house the new division is still being determined. It is contemplated that this will largely be a WebEx court. CLEs, judicial conference presentations, and other outreach are contemplated for the bench and bar towards the end of the calendar year.

- The Steering Committee identified that given the large volume of cases in the division, an early diversion point is at pre-answer defaults which may stay with the home judge, at least at the beginning so the new division is not overwhelmed. The Steering Committee is aware of variability between judges around the states and recognizes that consistent forms could be a tool to develop consistency; variability limits the streamlining of procedures. There may be standard forms developed for the plaintiffs; if they are not mandatory, they can be persuasive guidance. Janine's team has a subcommittee for those forms. All forms have to go to the Judicial Council for approval.
- The Steering Committee has discussed whether an answer must be filed, or whether any engagement can be an answer. Quinn noted there could be some pushback if anything can be an answer. The Steering Committee is also contemplating suspending discovery and having a scheduling order instead. That could be an effective tradeoff between having a formal answer to trigger additional activity. But the Steering Committee also recognizes that those are rules of procedure for this committee to work on. Judge Cornish thinks the current rules of civil procedure may apply at the beginning of the division.
- There was some discussion about the role of benchcards or checklists for judges and staff to help with consistency, as well as the role of plaintiff forms (right now the only forms are for defendants).
- The Steering Committee is still working through the scope of authority for the commissioners in light of current restrictions. How to resolve that will be in the flow charts presented at the next meeting. There was some discussion of the pros and cons of having commissioners do this ork, which SC 270 requires, as opposed to a district court judge in a specialty, statewide court who is able to preside in all districts.
- The Steering Committee recognizes the differing views on WebEx court and also recognizes that some people and some parts of the state have limited connectivity, which creates an access to justice issue. In those cases, the cases could be referred back to the home court, but this is still being worked on. There may be a rule change requested to the rule of civil procedure governing the choice to use remote court proceedings, to allow a special carve out for this division and access issues.

5. **Cost Comparison of repository v deferred filing fees**

- Samatha reported that there is a split among clerk staff about whether the repository or deferred filing fees would be more cost effective. There was discussion about the cost, which is difficult to calculate until we know the anticipated increased filings. Creditor counsel reported an estimated increase of 30 to 50% for their offices.
- The group also discussed whether using a regular summons could allow for automated dismissals. The current automated dismissal systems in place for other case types are not 100% automated.

6. **Action Items**

   Next two meetings will be July 1 and July 15. Nick will look at funding opportunities for the potential repository in case that option is one to pursue.

# Tab B

**Initial Questions/Decision Tree**

1. Timeline (reverse chronological order):
    a. Required Effective Date: January 1, 2027
    b. Last opportunity for supreme court conference & final approval: December 16, 2026
    c. Court conference agenda deadline: December 9
    d. Court pre-review deadline: December 2 (this could be flexible)
    e. Time for committee to review public comments and make revisions: TBD - estimate 14 days
    f. Public comment period ends: November 18
    g. Public comment period (45 days) begins: Friday, October 2
    h. Last opportunity to have court conference approve to go to public comment: September 23
    i. Conference agenda deadline: September 16
    j. Pre-review deadline: September 9.

This timeline presumes the court does not bounce the rules back for more work and approves them to go to public comment on the first attempt. Approval on the first attempt would be atypical for brand new rules.

2. Develop a separate, but parallel set of rules for evictions.
    a. One set of rules may be confusing to the self-represented people (SRPs) these rules are designed to inform.
    b. What we set up in the debt collection rules may serve as a model and template for the eviction rules.

3. The initial draft circulated a few months ago included an opt-out procedure, to allow a party to opt-in to the ordinary civil rules. Let's discuss. The opt-out procedure creates an opportunity for legally-trained filers to use the civil rules which creates procedural barriers for SRPs.

4. To meet the mandate in the strategic plan to remove barriers for non-legally trained people, we should have these rules user-tested for plain language. Could Janine's team assist with this? What time would need to be built into this schedule?

5. For efficiency in the unusual timeline, we may be able to run this past the supreme court for an early look. We might be able to get that initial feedback without being on a court conference agenda. The purpose of this intermediate step is to see if the court will lean this way or bounce it all back for more work.

# Rules of Debt Collection Procedure & Evidence

## Rule 1. General provisions.

**(a) Scope.** These Rules are the simplified rules of procedure and evidence for debt collection cases. They will be interpreted to achieve the just, speedy, and inexpensive resolution of cases. Sometimes these Rules refer to specific Utah Rules of Civil Procedure, which will apply only when they are specifically referenced in these rules.

**(b) Applicability.** These Rules apply to debt collection cases. [Insert definition of debt collection case and amend accordingly], . . . inclusive of any claims for attorney fees and costs.

*Effective Date:* January 1, 2027

**Advisory Committee Notes.**

These rules apply to court commissioners to the same extent as to judges.

This rule includes part of Rule 1 of the Utah Rules of Civil Procedure, which says that those rules should be construed and applied to achieve "the just, speedy and inexpensive determination of every action." These debt collection rules serve the same purpose by significantly simplifying the procedures for this case type. The rules of civil procedure, first crafted in 1938, were designed in an era when litigation generally included two sides represented by attorneys. Those civil rules were designed to move cases towards a just adjudication through the tensions created through discovery and other procedures. However, those tensions only exist when both sides are represented by counsel or are otherwise capable of applying those rules. In more recent decades, more than 75% of civil litigation nationwide has at least one side without the help of an attorney and that percentage continues to grow. In debt collection cases, approximately 98% of cases in Utah have a self-represented party, usually the debtor, against a creditor who is represented by counsel. As a result, application of the rules of civil procedure restricts the ability of non-law-trained self-represented parties to respond to case filings, present evidence, and present complete information to the courts. The result is a lack of

**Commented [1]:** Since URCP Rule 1 is repeated in subparagraph (a), consider adding an advisory note at the end of the rules similar to the one used in URCP Rule 1 with additional language tailored to the disfunction of the standard rules when one party is self-represented. The same can be used in the rules for eviction cases.

This advisory note may also help (1) in the public comment process, and (2) provide some language useful to other states who are likewise looking to redesign high volume case type procedures.

procedural fairness (of hearing a party's case) and impaired justice, often rendered on inadequate information and without meaningful opportunities to be heard. The committee's purpose in these rules for debt collection cases is to provide "the just, speedy and inexpensive determination of every action" through revised and streamlined rules, tailored to this case type.

**Rule 2. Process to opt out of these rules.**

**Commented [2]:** Discuss the pros/cons of an opt out procedure.

**(a) Opt-out procedures.** Any party to a debt collection case may opt out of these simplified Rules and proceed under the standard Utah Rules of Civil Procedure. To opt out, the party must file a Notice to Proceed Pursuant to Utah Rules of Civil Procedure.

(1) **If the plaintiff wants to opt out.** If the plaintiff wants to opt out, the notice must be filed by the plaintiff at the same time the plaintiff files the Complaint.

(2) **If the defendant wants to opt out.** If a defendant wants to opt out, the notice must be filed by the defendant at the time the defendant files the Answer.

(3) **If there are multiple plaintiffs or defendants.** If there is more than one plaintiff or defendant in a case, if any one party files a Notice to have the case proceed under the Utah Rules of Civil Procedure, that Notice applies for all parties.

(4) **If no opt-out notice is filed.** If a party does not file a Notice at the time the party files its Complaint or Answer, that party will not be able to opt out at a later time in the case.

**(b) Waiver of the right to a jury trial.** The decision to not file a Notice to Proceed Pursuant to Utah Rules of Civil Procedure will be considered a waiver of the right to a trial by jury in any case where that right would otherwise exist.

*Effective Date:* January 1, 2027

**Rule 3. Beginning the case.**

**(a) Filing a Complaint.** A case begins when the plaintiff files a complaint with the clerk of the court stating facts showing the legal right to recover money from the defendant. A complaint must comply with Rule 8 of the Utah Rules of Civil Procedure.

**(b) Content of a Complaint.** [Placeholder for mandatory things to include/to encourage consistent filings statewide based on April meeting] [also discuss this input from a district court judge: whether the complaint should be accompanied by a draft judgment which discloses the full judgment that would be requested. The concern was raised that sometimes the complaint pleads $700 but the judgment is something like $12,000 which can be misleading. There could be value to parties and the courts by disclosing the full value.]

**(b) Mandatory notice.** Every complaint in a debt collection case must include the following notice, conspicuously displayed at the top of the page and before any other text appears:

> **"NOTICE: If you do not respond to this document within applicable time limits, this may be considered a default and judgment could be entered against you as requested. If judgment is entered against you in this case, the plaintiff may take lawful steps to collect the judgment, which may include the garnishment of your wages, bank accounts, or other property. To avoid these steps, you may wish to consider consulting with the other party before an answer is required to see if a settlement can be reached. Settlement discussions do not delay the time you have to answer, unless expressly agreed to in writing by all other parties (including by email)."**

**(c) Failure to include notice.** If the notice is not included in the complaint, the defendant may assert excusable neglect to set aside any resulting judgment or order.

**(d) Filing fee is delayed in debt collection cases.** The filing fee does not need to be paid when the complaint is filed to begin a debt collection case.

**Commented [3]:** Substantive comment: Would it be useful to be more specific here to (1) inform the defendant (and court) what the debt is for, and (2) flag any common defects, like statute of limitations issues? IFor example, "A complaint must identify (1) the current owner of the debt, (2) the original owner of the debt, (3) the date the debt accrued, (4) the amount of the original debt, (5) the amount currently owed and any additional amounts requested in the case, and (6) who the defendant should contact to discuss the debt. This should be written in plain language, to inform the debtor and the court about the debt at the outset of the case.

At last year's ABA/NLADA Equal Justice Conference, there were several debt collection best practices sessions. At least one state flagged that some of its bulk filers were intentionally vague about the date, it's date, and where it originated. A later review of default cases showed that many of that filer's debt cases were for debts that were outside the statute of limitations or had other patent defects that should have prevented a judgment. While UT's current creditors may not have that kind of practice, this modification could cover future changes in creditor practices.

And in Nevada, when they reformed their system, they require all filings to include the exact same information (via mandatory forms) which makes it easier for court staff to process and judges to review consistent filings.

**(e)** [Placeholder for anything the clerks need added to the rule for what they do at this stage of a debt collection case. This might also include each case being assigned a reference number via the repository.]

***Effective Date:*** January 1, 2027

**Rule 4. Summons.**

**(a) Summons.** Once a complaint is filed, a summons must be prepared. It must be signed and issued by the plaintiff or the plaintiff's attorney. Separate summonses may be signed and issued if needed when there is more than one defendant.

**(d) Contents of the summons.** [discuss 10-day summons with committee and update] The summons must contain the name and address of the court, the names of the parties to the action, and the county in which it is brought. The summons must be directed to the defendant and state the name, address, email address, and telephone number of the plaintiff's attorney, if any, and otherwise the plaintiff's address, email address, and telephone number. The summons must state that the defendant is required to file and serve an answer in writing and provide the same notice as required by Rule 2(b). The summons must explicitly state that the complaint is on file with the court and include the bilingual notice set forth in the form summons approved by the Utah Judicial Council.

**(e) Cover page for summons.** [Placeholder to state what the cover page needs to include and to fix its clunky language]

***Effective Date:***

**Commented [4]:** Nevada uses a single page cover sheet. We received a single-page cover used in small claims in northern Utah as a sample of how simple these can be. Colorado has reported that their cover is 9-pages, because everyone wants something in the cover information. But the more information is included, the less information is conveyed.

**Rule 5. Service of papers.**

**Commented [5]:** This draft rule lifts some material from the Self Help Center's service of process guidance for SRLs.

Service means delivering copies of papers filed with the court to the parties in the case. Service must occur for all papers filed with the court.

**(a) Time period for serving the first papers in the case.** The first papers that must be served in the case are the complaint and the summons. A copy of the summons and complaint must be served by the plaintiff (which is the creditor) to the defendant (which is the debtor) no later than **120 days** after the complaint is filed. The court may extend that time period for good cause shown.

**(c) Dismissal if not served.** If the summons and complaint are not served to the defendant with the time allowed, then the case may be dismissed on the motion of any party or on the court's own initiative. That dismissal would be without prejudice, which means the complaint could be filed again at a later time if allowed by other law.

**(d) Acceptance of service and duty to avoid unnecessary costs.** All parties have an affirmative duty to avoid the imposition of unnecessary costs associated with service of the summons and complaint.

(1) A party or their attorney may accept service by signing a document that acknowledges receipt of the summons and complaint.

(2) Service is effective on the date the summons and complaint are accepted by the defendant.

(3) If it is shown that the plaintiff had a valid email address for a defendant, clearly requested that the defendant accept service of process and the complaint voluntarily, and that the defendant failed to do so, the court will award the plaintiff an additional one-hundred fifty dollars ($150) as costs (in addition to any costs actually incurred). If it is shown that the plaintiff had a valid email address for the defendant and failed to request that the defendant accept service of the summons and complaint according to the requirements of this Rule, no award for costs related to service of the summons and complaint shall be awarded to the plaintiff.

**(e) Methods of service.** Unless the defendant accepts service of the summons and complaint, service of the summons and complaint must be by one of the following methods:

**(1) Personal service.** If service cannot be achieved voluntarily, service may be made by any person 18 years of age or older at the time of service who is not a party to the action or a party's attorney, by delivering a copy to the individual personally or to an authorized agent if the defendant is an entity.

**(2) Service by mail or commercial courier.** Service may be made via mail or commercial courier service provided the defendant signs a document indicating receipt. Service is complete on the date the receipt is signed.

**(3) Alternative Service.** If service cannot be achieved in person, by mail, or by a commercial carrier, then the party may request alternative service through Rule 4(d)(5)of the Rules of Civil Procedure.

**(f) Proof of service.** The person who served the papers must file proof of service, which is a document stating the date, place, and manner of service, including a copy of the summons. If service is made by a person other than a sheriff, United States Marshal, or their deputies, the proof of service must be by affidavit that is notarized or sworn declaration filed subject to the pains and penalties of perjury. Failure to file proof of service does not affect the validity of the service, but may result in dismissal consistent with Rule 3(b).

**(g) Service of subsequent filings.** After service of the summons and complaint, cross-claim, or third-party complaint, service of other papers filed in a case must comply with Utah Rule of Civil Procedure 5. Everyone involved in the case must receive service. If a person involved in the case is represented by a lawyer or a licensed paralegal practitioner, then service must be provided to that representative instead of to the party.

**Commented [6]:** Discuss if this could be explained in plain language, instead of by cross reference.

(1) Parties with a MyCase account are not deemed to have been served through an electronic filing account under Utah Rule of Civil Procedure 5.

**Commented [7]:** Is this correct? The self-rep guidance online says otherwise. And if the new repository system is built, would this change too since SRPs could open their MyCase account right away?

**Rule 6. Filing fees.**

**(a) Payment at commencement.** A civil action is commenced by filing a complaint with the court, and the appropriate filing fee established by law must be paid to the clerk of the court at the time of filing [revise as needed. Nevada has the fee paid at a different point that usual civil cases, so Utah would not be unusual to do that too].

**Commented [8]:** Have the committee folks update this to match the process for when fees are paid.

**(b) Return of filing fee.** The clerk of the court shall return the filing fee to the plaintiff if the action is voluntarily dismissed by the plaintiff following the procedures set forth in Utah Rule of Civil Procedure 41(a)(1).

**(c) Triggers for fee retention.** The filing fee shall not be returned if the voluntary dismissal occurs after the earlier of:

**(A)** the filing of an answer or other responsive motion by any defendant under Rule 12; or

**(B)** the filing of a request for a default certificate or a motion for entry of default by the plaintiff under Utah Rule of Civil Procedure 55(a).

***Effective Date:*** January 1, 2027

**Rule 7. The Answer.**

**(a) Answer required.** A defendant in a debt collection case must file a written answer with the Court and any other party. Failure to file an answer in a timely manner with the Court will result in the entry of default and a default judgment for any amount requested in the complaint.

**(b) Time to answer.** The defendant must file and serve an answer within 21 days after the service of the summons and complaint, unless the defendant was served outside of Utah, in which case it shall have 30 days to file an answer.

**(c) Form and Content.** The form of an answer will not impact the adequacy of the answer. A handwritten answer using sentences or bullet points is as effective as a typed answer using numbered paragraphs. An answer must include [insert the minimum requirements/minimum information needed for an Answer in this type of case].

**Commented [9]:** This comes from the IAALS work on the Uncomplicating Courts Initiative. It's process map suggests identifying what actually matters and limiting the requirements to that. This would be one to discuss with the stakeholder group, to really be targeted on what's needed to resolve these cases. And remember that if it's not perfect right at first, the rules can be amended later. Don't let perfection be the enemy of the good.

**(1) Response to statements required.** The Answer must admit or deny the statements in the claim. A party without knowledge or information sufficient to form a belief about the truth of a statement must state so, and this has the effect of a denial.

**(2) Motions.** To the extent the defendant seeks to make any motion permitted by Rule 12 of the Utah Rules of Civil Procedure, it may include such a motion within their Answer, and briefing shall be in accordance with Utah Rule of Civil Procedure 7. If a request to submit is filed, the motion shall be addressed by the assigned judge, except in those districts with a centralized debt collection calendar, in which case the motion can be heard by the assigned judge or on the centralized calendar.

(3) **Counterclaims, crossclaims, and third-party Complaints.** To the extent any defendant seeks to make a counterclaim (against the plaintiff), a crossclaim (against another party on the same side of the original suit), or a third-party complaint (against a party who is not named in the original suit, but against whom liability for the original claim is asserted by the party filing the third-party complaint), it shall be included in the answer and conform to the requirements of Rule 2. If the new claims

are being made against a party who has not previously been served under Rule 3, a summons shall be prepared and shall be served with the crossclaim or third-party complaint pursuant to Rule 3.

(d) **Transfer to Court Commissioner.** Once the Answer is filed and the filing fee is paid, the case is transferred to a district court commissioner.

**Commented [11]:** This is a placeholder, dependent on how the process map comes out. Revise as needed.

***Effective Date:*** January 1, 2027

**Rule 8. Staying the Case to Attempt Mediation.**

**(a) Request for mediation.** At any time after the filing of the complaint and before trial, any party may request mediation to resolve the dispute.

**Commented [12]:** Can this just be required? Or can the pathway to mediation be institutionalized, so people are routed to it before the court hearing date (or for the day of the hearing)?

**(b) Automatic stay.** Upon the filing of a request for mediation, all proceedings in the case—including the deadline to file an Answer or the scheduling of a trial—shall be automatically stayed.

**Commented [13]:** Should the answe3r be filed first, so the creditor knows there is a party in the case who is showing up?

**(c) Mediation.** Mediation may be achieved through any form of settlement discussions between the parties, including through their attorneys or designated representative with authority to settle claims. The parties may elect to hire a private mediator if both parties agree, in which case they shall equally share the costs of the private mediation. If both parties do not agree to hire a private mediator, any party may request mediation in any district that has a centralized debt collection calendar if mediators are available.

**(d) Lifting the stay.** The temporary stay shall remain in effect until any party files a notice with the court stating that mediation was attempted but was not successful or stating that the party seeks to compel the filing of an Answer and Initial Disclosures before initiating mediation. Upon receipt of such notice, the stay shall be lifted, and procedural timelines shall resume.

**(e) Stay limitations.** There are at least three important steps in debt collection litigation: filing a complaint, filing an answer, and filing of Initial Disclosures. As such, no more than three requests for mediation may be filed by any party in a single proceeding. If a party files a fourth or subsequent request for mediation, it shall be considered null and void, and shall not act as a stay of the proceedings.

***Effective Date:*** January 1, 2027

**Rule 9. Discovery**

Discovery means sharing information with the other party so that each party knows what evidence exists about the debt, including the way any interest was calculated, and an estimate of attorney fees and costs. Disclosing this information helps both parties prepare for mediation and helps each party prepare for trial if a trial is necessary.

**(a) Discovery.** No formal discovery (such as interrogatories or depositions) may be conducted. However, each party shall be required to provide Initial Disclosures as set forth in Utah Rule of Civil Procedure 26, and the failure to do so no later than 45 days after the last filing (or due date for the filing) of an answer to any complaint, answer to any counterclaim, answer to any crossclaim, or answer to any third-party complaint will result in the exclusion of any materials or witnesses offered that were not disclosed unless a showing of good cause or harmlessness can be made, consistent with the requirements of Utah Rule of Civil Procedure 26, with the following exception. Any named party is presumed to be a witness, either individually or through a designated representative for entities. A certificate of service showing the date and manner of service of Initial Disclosures shall be filed with the Court.

***Effective Date:***

**Commented [14]:** There has been some discussion of staying any discovery, including initial disclosures, and setting for an initial conference instead, once an answer is filed. Discuss and amend as needed.

**Commented [15]:** Same comment as before. Cross referencing to the civil rules is less straightforward than just including what is required.

Second, can the initial disclosures be streamlined in these cases? If so, just list what must be disclosed in this rule. There was some discussion of this at the March meeting, of mandated disclosures, kind of like what happens in family law cases but different. Judge Cornish had some thoughts here. Other stakeholders might also, i.e., the state bar folks and mediators may know what debtors wish they knew before they showed up, and creditors may know what they wish they knew before they showed up.

**Rule 10. Scheduling Trial.**

**(a) Scheduling trial.** After the deadline for the filing of Initial Disclosures has passed and after any stay has been lifted, any party may file a certificate of readiness for trial and pretrial conference with the court. In districts with a centralized debt collection calendar, the certificate shall indicate whether the party seeks a pretrial conference with the assigned judge or on the centralized debt collection calendar. If any party objects to the pretrial conference being heard on a centralized debt collection calendar, the pretrial conference shall be held with the assigned judge. [This will need updated based on the steering committee and the process map which says when the cases move back to the home court.]

***Effective Date:***

**Commented [16]:** This could be bifurcated into two rules, since this may be resolved at summary judgment instead. One rule can address summary judgment, and reference URCP 56, and the next rule can address scheduling trial.

**Rule 11. Default judgment.**

**(a) Failure to answer.** If the defendant (including those named in a counterclaim, crossclaim, or third-party complaint) fails to file an answer within the time allowed by Rule 4(b), the court may grant the plaintiff default judgment in an amount not to exceed the amount requested in the plaintiffs complaint, counterclaim, cross-claim or third party complaint. If an amount is not specified in the complaint, counterclaim, cross-claim or third party complaint, the defaulting party's default shall be noted through the filing of a default certificate to be signed by the Court Clerk, and the party who has made the claim may prove their damages by affidavit that is notarized, sworn declaration filed subject to the pains and penalties of perjury, or by requesting an evidentiary hearing with the court.

***Effective Date:***

**Commented [18]:** See previous comment on whether this needs to remain a thing in these cases.

**Commented [19]:** Add a Rule after this one that talks about motions to set aside, likely referencing Rule 60B. Identify if motions to set aside are automatically set for a hearing.

**Rule 12. Trial and evidence.**

**(a) Conduct of trial.** The judge will conduct the trial and may question the witnesses. The judge may allow parties or their counsel to question witnesses.

**(b) Evidence.** The judge may receive the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their business affairs. The Utah Rules of Evidence will not be applied, unless required to protect a fundamental right of a party (e.g., privilege). The judge may allow hearsay that is probative, trustworthy, and credible.

***Effective Date:*** January 1, 2027

**Rule 13.**

**Objection to Court Commissioner Decision**

A recommendation of a court commissioner is the order of the court until modified by a district court judge.

**Commented [20]:** I have heard there is an interest by the steering committee in just referencing URCP 108. That sounds neat but also worth a bit of discussion and refinement to align with the goals of these procedural rules. I'll flag that directing self represented people to other rules complicates the process, instead of uncomplicating. And, Rule 108 is written in legalese and includes other procedural requirements (like limitations on filing, length, contents, and requests to submit for decision) which are barriers in this type of proceeding, running contrary to the intended purpose of the reforms which is to remove barriers and uncomplicate this case type.

(a) A party may object to a court commissioner's recommendation. That objection must be filed within 14 days after the recommendation is made in open court. If the court commissioner took the matter under advisement before issuing the decision, then the objection must be filed within 14 days after the recommendation is served.

(b) The objection must be written but may be written in any format. It must explain what the objection is and what type of relief is requested. The other party may, but is not required to, file a response within 14 days.

(c) If there has been a substantial change of circumstances since the commissioner's recommendation, the district court judge may, but is not required to, consider new evidence.

(d) The district court judge may decide the objection based on the written filings or the court may have a hearing. The district court is not required to have a hearing.

(e) The district court judge will make independent findings of fact and conclusions of law based on the evidence, whether by proffer, testimony or exhibit, presented to the judge, or, if there was no hearing before the judge, based on the evidence presented to the commissioner.

***Effective Date:*** January 1, 2027

**Rule 14.**

**Appeals of Final Orders**

Any party may appeal a final order or judgment according to the Utah Rules of Appellate Procedure.

***Effective Date:*** January 1, 2027

**Commented [21]:** This could be slightly more helpful by saying which court the appeal goes to, and by saying the appeal deadline, with a citation to the applicable rule that has that deadline.

**Rule 15.**

**Collection.**

**(a) Collection.** Judgments may be collected under the Utah Rules of Civil Procedure. [This is unhelpful to a self represented person as drafted. Consider specifying the types of writs used for this. Also specify if the post-judgment writ proceedings go to the commissioner or stay with the home court.]

***Effective Date:*** January 1, 2027

**Rule 15. Certain Utah Rules of Civil Procedure incorporated.** The following Utah Rules of Civil Procedure are hereby incorporated into these Rules: 15, 16(d), 40 (except the reference to certification therein shall be considered a reference to these Rules, and specifically Rule 6(b)), 41, 43 (except for any reference to the Utah Rules of Evidence), 44, 52, 54, 55, 58A, 58B, 58C, 59, 60, 61, 62, 63, 63A, 73, 74, 75, 76, 77, 82, 83, 86 (except any reference to the Utah Rules of Civil Procedure shall be considered a reference to these Rules, and 87.

***Effective Date:*** January 1, 2027