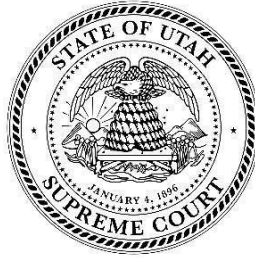


UTAH SUPREME COURT AD HOC COMMITTEE



Ad Hoc Committee on High Volume Case Filings

Hon. Charles Stormont, Chair

July 15, 2026

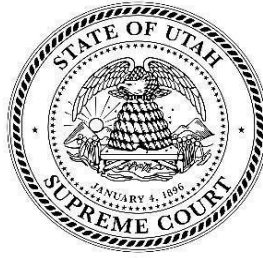
12:00 – 1:00

Judicial Council Room – Matheson Courthouse

[Public Link](#)

1. Welcome
2. Meeting Minutes from July 1, 2026 (Tab A)
3. Brief Update on the S.B. 270 Steering Committee's Work
4. Process Flowcharts for the New Division (Samantha)
5. Procedural Rules (Tab B)
 - Tab B is a pdf of preliminary, draft set of rules, previously circulated.
6. Set Next Meeting: rules discussion & any other action items

Tab A



Ad Hoc Committee on High Volume Case Filings

Hon. Charles Stormont, Chair

July 1, 2026 – DRAFT Minutes

12:00 – 1:00

Hybrid: Judicial Council Room & WebEx

1. Welcome

- Judge Stormont opened the meeting.
- The supreme court anticipates that this ad hoc committee will propose draft procedural rules for the new debt collection division. The rules should be much easier to work with for the large volume of self-represented litigants than the current rules of civil procedure. This committee started with a streamlined set of rules as a starting point and those draft rules have evolved in response to the creation of the new debt collection and eviction division.

2. Approval of Prior Minutes

All past meeting minutes were approved and will be posted on the court's website.

3. Update from S.B. 270 Steering Committee

- Default proceedings may continue to be managed by the assigned judge instead of by the commissioners.
- Expanding ODR to cover the cases in this new division is envisioned.
- How cases moved between the assigned district court judge and the commissioners is still being worked on. That is more pressing in eviction cases where the timelines are shorter than in debt collection cases. There are some process flowcharts in development.
- The definition of debt collection for the new division is likely capped at \$20,000 but interest and costs can make the total sum greater than that amount. The definition from the FDCPA will be looked at as a model.

4. Procedural Rules

- User testing, to test for plain language and readability, can be pursued in partnership with the Self-Help Center. That review can occur during the 45-day public comment period to maximize the limited time available to move these rules to public comment.
- The rules would apply at the outset of a debt collection case, when it is still with the district court, and continue to apply during the back-and-forth between commissioners and district courts. There was discussion that having separate rules applied based on venue or stage of the case would make things more confusing for self-represented people, which could be contrary to the purpose of the new rules. There was also discussion about making sure these rules apply even if the case is filed (or misfiled) as a contract case, which happens in some places. It will be easier to shift the cases to the division through the case management system if they are all the same case type. Court staff can redesignate case types when they see cases that are filed under the wrong case type.
- The group discussed using a Complaint or a Complaint+Plus.
 - There are studies from other states that show a large volume of debt cases are bad debt (outside the statute of limitations or with other defects making the debt unrecoverable), but many cases are resolved by default judgment on otherwise uncollectible debt.
 - These rules would apply to all filers, now and in the future, and can be designed to reduce future trends of that type by having certain pleading requirements. At least one nearby state, in its debt collection reforms, requires all filers, including creditors represented by counsel, to use a court-provided form, including for the complaint. There was discussion of the value in consistency particularly as the court covers all districts statewide instead of just the third district where some consistency has already occurred, particularly related to the statute of limitations. There was some discussion of the value of a set form for complaints instead of a bench card or checklist. A set form, using fill in the blanks and short answers, would be easier to implement consistently and statewide. For creditors, complying with a court-required form complaint would also be helpful against claims that things were not filed correctly. Some transition period to implement the changes would be helpful for the bulk filers to update their internal systems.
 - There was general interest in using a Complaint+Plus as long as the requirements are clear and the new complaint does not add so many fees to the process that it becomes less useful.
 - A Complaint+Plus would also be useful to provide meaningful notice to debtors and facilitate more engagement when a complaint is filed. Identifying the principal and the calculated pre- and post-

judgment interest would be helpful to get engagement; that is a frequent area of questions by volunteers assisting in these cases.

- Quinn noted the initial draft rules contemplated delayed discovery and noted the importance of getting people to mediation or other discussions quickly. There would be value in expediting that process even while discovery is delayed or stayed.
- Dave noted that for forms, particularly in evictions, the current answer forms may be construed to steer people to counterclaims where none exist. Updated forms might want to evaluate how that is done, as well as the length of the answer forms.
- Kim noted that at the justice courts, they are working on programming changes to develop consistency in small claims cases, using a guided interview process via MyCase. There was discussion on how to scale that to include debt collection and eviction cases.
- Eviction matters in Utah already include a Complaint+Plus model, requiring the lease and notice attached at the filing stage.
- Consistent complaint language and associated documents will lead to consistent handling and application of defaults statewide.

5. Action Items

- Next meeting is July 15.
- Judge Stormont solicited specific feedback on the draft procedural rules related to discovery (including initial disclosures or using a Complaint+Plus) and motions practice.

Tab B

Initial Questions/Decision Tree

1. Timeline (in 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. Janine's team can assist in this user testing. This can be done during the 45-day public comment period, to avoid compressing the committee's available time to get these to the court for initial approval.
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 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.

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Rule 2. Process to opt out of these rules.

(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.

(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

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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:

Rule 5. Service of papers.

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.

(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.

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].

(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].

(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.

Effective Date: January 1, 2027

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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.

(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.

(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:

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:

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:

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.

(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

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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