UTAH SUPREME COURT AD HOC COMMITTEE

Ad Hoc Committee on High Volume Case Filings

Hon. Charles Stormont, Chair

September 8, 2026
12:00 – 1:00
Education Room – Matheson Courthouse
Public Link

1. Welcome

2. Meeting Minutes from September 2, 2026 (Tab A)

3. Extension of time for Supreme Court rules review

    - One-on-one committee member outreach pending for further rules discussion & input

4. Update: S.B. 270 Steering Committee (Samantha)

5. Procedural Rules – Debt Collection (Tabs B (overview) and C (draft rules))

6. Set Next Meeting and subcommittee meetings

Tab A

Ad Hoc Committee on High Volume Case Filings

Hon. Charles Stormont, Chair
September 2 – Minutes - DRAFT
12:00 – 1:00
Hybrid: Education Room & WebEx

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1. **Welcome**
    - Maryt opened the meeting. Judge Stormont chaired the meeting via WebEx.
2. **Approval of Prior Minutes**

    Meeting minutes from the August 12 and 19 meetings were approved and will be posted on the court's website.
3. **Update from S.B. 270 Steering Committee Work**
    - Samantha provided the update. The application deadline for the new commissioner positions has been extended by two weeks. Committee members were asked to share the job posting with everyone's networks.
    - Some rules revisions are being made to the administrative rules and will be sent back to the Policy, Planning, and Technology Committee.
    - Statutory changes are not anticipated this summer via a special legislative session.
    - The case manager has been hired for the new division and begins this month.
4. **Procedural Rules**
    - In response to a stakeholder who identified a category of credit card debt cases in the $35,000 range, the group discussed the $25,000 jurisdictional cap for the division. It was selected to standardize the cap various courts were using as the limit for when clerks can sign defaults and to not eclipse Tier 1 cases. Making further changes at this point in the lift up could be challenging.
    - The group discussed whether MyCase can be used for service of process. The Self-Help Center is working on some related revisions related to case notifications. There are some civil rule amendments related to Rule 5 service that may be informative. There is a difference between Rule 4 service and Rule 5 services. In short, it's not a simple distinction.
    - The group began discussing the summary document of the new rule structure. There was some discussion of the Notice of Lawsuit process. An email prior to the meeting reported that the Utah Supreme Court was presented with the various options discussed at previous committee meetings. The court gave a preliminary thumbs up to the new Notice of Lawsuit process. There was substantive discussion of the cautionary language, and whether it should be on the summons and the

Notice of Lawsuit; the triggers for default judgment; and the Initial Response being more akin to an entry of appearance than a substantive answer.

- Coding needs related to the procedures were flagged for discussion.

5. Action Items

- Subcommittee meetings for rule drafting will be Friday, September 4 from 8 to 10am. The next full committee meeting is Tuesday, September 8 at noon.
- The people serving on both committees were thanked for facilitating the discussion of overlapping needs.

Tab B

Overview of Draft Procedural Rules as of September 1, 2026

1. The rules apply to debt collection cases and the debt cases that follow an eviction.
2. A Notice of Lawsuit replaces the 10-day summons. It is submitted to the court for the administrative purpose of generating a case number. It is not considered filed until the filing fee is paid. The filing fee can be paid at any time but not later than the return of service or filing of Response.
3. Once the filing fee is paid, the Notice of Lawsuit automatically converts to, or is considered as, the Complaint. No new Complaint needs to be filed.
4. The Complaint is now a "Complaint Plus," to provide improved notice to the debtor and more information to the court.
5. After July 1, 2027, complaints (and judgments and writs of garnishment) will need to be on a court-approved form. This is to facilitate electronic review as those resources become available. Prior to July 1, 2027, using a court-approved form creates a rebuttable presumption against inadequate pleading, failure to state a claim, or a similar motion.
6. After service, the defendant may file an Initial Response. This is not an Answer. The only requirement is that the defendant provide contact information to the court. The Initial Response can provide more information but that is not required. The forms for the Initial Response may include check the box responses and space for narrative responses.
7. Once an Initial Response is filed, all activity is paused for the parties, but not for the court. No responses to motions to dismiss or other motions or pleadings is required during the pause. The parties may communicate if they want to, and they may choose to exchange initial disclosures.
8. The court will automatically set the case for an Initial Hearing.
9. If no Initial Response is filed, or if the party does not appear at the Initial Hearing, then the matter moves to default.
10. At the initial hearing, the court will order the case to mediation, unless (1) mediation occurred before that hearing and was not successful or (2) mediation is not likely to be successful.
11. A party will need to file a notice with the court that mediation was not successful. The court will then set a Second Hearing. If the court determines at the Initial Hearing that mediation was not successful or will not likely be successful, then it may set the Second Hearing or it may consolidate some or all of the tasks of a Second Hearing with the Initial Hearing.
12. Things begin to shift a bit at Rule 10. That is the second hearing. By this point, the parties have not settled and the case is shifting towards litigation, although the parties can continue mediation and settlement discussions, just as in any other civil case. At the Second Hearing, the court will set deadlines and may dismiss improper motions or

improper pleadings. The court will also give mandatory advisements, similar to what occurs at an initial hearing in a criminal case.

13. Initial Disclosures are mandatory, and the court will give an advisement about that at the Second Hearing.
14. Discovery is not automatic. It must be requested. It can be requested by motion or at the Second Hearing. The parties should be specific. Attorneys might style their requests as requests for admission or other traditional types of discovery. Self-represented people can just be specific about what they would like.
15. Things shift significantly at Rule 13, with the Request for Judgment Without a Trial on Undisputed Claim, "RJWT." This is different than a motion for summary judgment or a motion for judgment on the pleadings, but is another vehicle for summary disposition. It uses the same legal standard as for summary judgment but without the procedural additions or complexity of Rule 56.
16. After the RJWT, the matter can move to a trial setting.
17. For defaults, the default and default judgment are consolidated. Service is required to the defendant. There is a 14 day objection period. No affidavit is required if the amount requested is the same as in the Notice of lawsuit. An affidavit (or hearing) is required if the amount requested is greater than that. Clerks can enter the default judgment up to $25,000. Greater than that, or if an objection is filed, requires a judge to review.
18. Trials are similar to small claims trials, with no rules of evidence.
19. Parties may object to the commissioner decisions. Under the current structure, this is most likely for non-dispositive orders. Trials and dispositive motions are likely handled by the district court judge although the details of that are subject to discussion.
20. All hearings are remote unless otherwise requested.
21. A few rules remain in development as of September 1, 2026.

Tab C

Rules Drafting Process Notes

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

~~2. There will be a separate, but parallel set of rules for evictions.~~

3. To meet the mandate in the strategic plan to remove barriers for non-legally trained people, we could 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. The Utah State Bar's Access to Justice office also anticipates a similar effort through that office and will provide suggestions through public comment.

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, including debt cases that follow a housing action. These Rules 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.

(1) Debt collection cases. These Rules apply to debt collection cases filed in a district court up to $25,000, not including any claims for attorney fees and costs. "Debt collection case" means a civil action filed in the district court on or after January 1, 2027 that asserts only claims arising from any obligation or alleged obligation to pay money arising out of a transaction for money, property, insurance, or other services, whether or not such obligation has been reduced to judgment, and the only relief sought is money damages totaling less than $25,000, exclusive of attorney fees and costs.

(2) Housing action cases. These Rules also apply to any debt collection case that may arise after the order of restitution in a housing action. A "housing action" is means a civil action filed in the district court that asserts a claim for forcible entry and detainer as described in Utah Code title 78B, chapter 6, part 8, Forcible Entry and Detainer.

(c) Applicability. These Rules apply at all times after a case is initiated and after a judgment in a case regardless of whether the case is assigned to a district court judge or a commissioner. These Rules also apply even if the debt collection or post-housing case is initially filed under a different case type. A district court judge may refer a case filed as a different case type to the division.

(d) If additional claims are added. If a counterclaim, crossclaim, or third-party claim is filed that may make increase the dispute to an amount more than $25,000, or that adds a claim that is a different case type, these rules apply until the conclusion of the Second Hearing, described in Rule 10. At the Second Hearing, the court will consider the nature of the counterclaim or crossclaim, the context of the case at that point, and the likelihood of reaching a resolution without a trial. Based on that review, the court may determine the case should be administered solely by the district court judge and may determine the case will be subject to the Utah Rules of Civil Procedure instead of these simplified rules.

Effective Date: January 1, 2027

Advisory Committee Notes.

Paragraph 1(a) of this rule adopts part of Rule 1 of the Utah Rules of Civil Procedure. That rule says that the civil rules should be construed and applied to achieve "the just, speedy and inexpensive determination of every action." The same principles used to interpret Rule 1 of the Utah Rules of Civil Procedure apply to the identical language in this rule.

These debt collection rules serve the same purpose as Rule 1 of the Utah Rules of Civil Procedure by significantly simplifying the procedures for this case type. The rules of civil procedure were designed in the 1930s, in an era when most civil cases included two sides represented by lawyers. Those civil rules were generally designed to move cases towards a just adjudication through the tensions created through discovery and other procedures.

Today, civil cases are different. More than 75% of civil litigation nationwide has at least one side without the help of a lawyer. 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 a lawyer. As a result, applying the traditional rules of civil procedure can restrict the ability of non-law-trained self-represented parties to respond to case filings, present evidence, and present complete information to the courts. That barrier can lead to (1) a lack of procedural fairness (by not meaningful hearing each party's case) and (2) judicial decisions based on inadequate information. These simplified rules for debt collection cases aim to address those challenges while still meeting Rule 1's goal of providing "the just, speedy and inexpensive determination of every action" through revised and streamlined rules, tailored to this case type.

Paragraph 1(b) applies these rules to judges and commissioners. These rules generally refer to "the court," which includes both the district court commissioners and the district court judges who may preside over cases in this division of the district courts. Where a procedure only applies to a district court judge or commissioner, the rule uses the more specific term. The definitions of "debt collection" and "housing action" are the same definitions used in the Utah Code of Judicial Administration Rule ___.

Rule 2. Beginning the case.

(a) Submitting a Notice of Lawsuit. A case is initiated when the plaintiff submits a Notice of Lawsuit to the clerk of the court stating facts showing the legal right to recover money from the defendant. A Notice of Lawsuit submitted to the clerk of court is treated as a court filing solely for the purpose of generating a case number. The case will not be considered filed, accepted by the clerk of court, or submitted for the performance of any court service until the filing fee is paid. Once the filing fee is paid, the Notice of Lawsuit becomes the complaint in the case. [will need document type added/coded]

(b) Content of a Notice of Lawsuit. If there is a court-approved form for a Notice of Lawsuit, plaintiffs may use that form. Court-approved forms will be required after July 1, 2027. Using that court-approved form, or a substantially similar form, creates a rebuttable presumption to inadequate pleading, failure to state a claim, or any similar motion. A Notice of Lawsuit in a debt collection case must include:

(1) A statement that the amount in controversy is less than the amount specified in Rule 1;
(2) Who the plaintiff is that is seeking to collect the debt;
(3) A statement that the plaintiff is the original creditor, an assignee, a collection agency, or another representative acting on behalf of the creditor;
(4) If the plaintiff is not the original creditor, then the plaintiff must also state the date the plaintiff purchased the debt account or when the debt was placed with the plaintiff for collection;
(5) How best to contact the plaintiff or plaintiff's counsel to discuss the debt and this case;
(6) The name of the defendant, including any other co-debtors for the same debt;
(7) A brief statement identifying: (i) the current amount claimed to be owed; (ii) the date to which that amount is itemized. The "itemization date" may be the same itemization date used in any prior notices sent to the defendant pursuant to federal law; the Collection Assignment Date; or another date selected by the plaintiff;

(iii) the original creditor, if known to the plaintiff; and (iv) the general nature of the debt, e.g., credit card, medical debt, retail installment contract, deficiency balance, etc.;

(a) If the debt is of a type that commonly involves later reductions in the principal amount (such as through insurance payments, price adjustments, credits, or write-offs), the Notice of Lawsuit must include a statement, based on the plaintiff's knowledge and the records available to the plaintiff, that all known and applicable adjustments, credits, and write-offs, as of the date the complaint have already been applied; and that any additional adjustment, credit, or write-off subsequently received by the original creditor or plaintiff will be honored and applied to reduce the total amount claimed as owed; or, if a judgment has already been entered, to reduce the amount of the outstanding judgment. Nothing in this subparagraph requires the plaintiff to independently verify adjustments through the original creditor, insurer, or other third party prior to Initial Disclosures.

(8) The principal amount still owed for the debt;

(9) The collection fee, if any;

(10) The pre-judgment interest, including the percentage rate, calculated to the date of the complaint;

(11) The total sum of subparagraphs (7) to (10);

(12) A good faith statement identifying the post-judgment interest rate allowed by law, or dollar amount, per month or other interval that could apply to this debt;

(13) A good faith estimate of attorneys' fees, court costs, collection costs, and fees expected in the case;

(14) If available at the time of the Notice of Lawsuit, a contract, invoice, affidavit, or other document reflecting the debt must be attached as Exhibit A;

(15) If a party claims attorney fees or other costs allowed under a contract or other written agreement, the contract or other document stating the right to collect attorney fees and costs must be attached as Exhibit B; and

(16) A certification, subject to rule 11 of the Utah Rules of Civil Procedure, that collection of this debt is not barred by the statute of limitations; that the plaintiff has a full chain of title and is entitled to collect this debt; and that the lawsuit is filed against the correct defendant.

(c) Mandatory cautionary language. Every Notice of Lawsuit in a debt collection case must include the following cautionary language, conspicuously displayed at the top of the page and before any other text appears: [feedback pending from Self-Help Center to streamline this language and what is in this document versus the summons]

YOU ARE BEING SUED FOR A DEBT.

If you do not file a response with the court within 21 days of receiving this document (or 30 days if you received this while residing outside the State of Utah), a default judgment could be entered against you. Talking with the plaintiff does not pause this deadline.

If a judgment is entered against you, the plaintiff may take lawful steps to collect the judgment, which may include the garnishment of your wages, bank accounts, or other property.

(d) Failure to include cautionary language. If the cautionary language is not included, the defendant may assert excusable neglect to set aside any resulting judgment or order.

(e) Calculating time. To calculate when a response must be filed, the day a person receives the Notice of Lawsuit does not count. If the filing deadline is on a weekend or state holiday, then the next business day is the filing deadline. For example, if the Notice of Lawsuit is received by the defendant-debtor on October 1 in the State of Utah, then the deadline to file is October 21. If October 21 is a Saturday, Sunday, or state holiday, then the deadline is the next business day after that Saturday, Sunday, or state holiday.

Effective Date: January 1, 2027

Advisory Committee Notes.

This rule replaces the ten-day summons used in rule 3 of the Utah Rules of Civil Procedure. The previous ten-day summons procedure proved confusing for all parties and created additional burdens for court staff. Like the ten-days summons, the Notice of Lawsuit serves an administrative purpose only and is not a court filing unless or until the plaintiff pays a filing fee, which converts the Notice of Lawsuit into a complaint. The Notice of Lawsuit creates a net reduction in court time tracking unfiled documents but improves procedures and meaningful notice for all litigants.

Once the filing fee is paid, the Notice of Lawsuit converts into the complaint, envisioned by the committee as a “Complaint Plus.” One purpose of the “Complaint Plus” is to balance the general concept of notice pleading, which is a principle in the Utah Rules of Civil Procedure, with meaningful notice and transparency to self-represented parties who do not have the assistance of an attorney. A “Complaint Plus” should provide enough information to a debtor to notify the party of the nature of the debt so meaningful engagement with the court and the creditor can begin quickly, consistent with the remainder of these Rules. This case type may involve third-party debt buyers who were not the original creditor and are therefore unfamiliar to debtors. The accrual of interest and other costs may have increased the amount due and may therefore seem like an unfamiliar debt. A Notice Plus aims to inform the debtor about the debt but should not require so much information that additional expenses or other burdens are created for creditors.

Another purpose of a “Complaint Plus” is to provide enough information to the court to review a pleading and enter a default judgment if appropriate. The majority of debt collection cases in Utah result in default judgments. Nationwide, retrospective studies have shown that a significant number of default judgments are entered on complaints for debts that are not collectible for various reasons. The Complaint Plus aims to ensure default judgments in Utah are entered on collectible debts.

Rule 3. Summons.

(a) Summons. Once a Notice of Lawsuit 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 when there is more than one defendant.

(b) Contents of the summons. The summons must include:

(1) the name and address of the court and the county in which the case is brought;

(2) the names of the parties in the case,

(3) be directed to the defendant, and list the defendant's name and address;

(3) 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;

(4) state conspicuously that the defendant is required to respond to the Notice of Lawsuit in writing within 21 days (or 30 days if the defendant resides outside the State of Utah);

(5) include the following cautionary language, which is also included in the Notice of Lawsuit: [feedback pending from the Self-Help Center about streamlining this and the nuances of the bilingual notice]

YOU ARE BEING SUED FOR A DEBT.

If you do not file a response with the court within 21 days of receiving this document (or 30 days if you received this while residing outside the State of Utah), a default judgment could be entered against you. Talking with the plaintiff does not pause this deadline.

If a judgment is entered against you, the plaintiff may take lawful steps to collect the judgment, which may include the garnishment of your wages, bank accounts, or other property.

(6) include this additional notice:

RESOURCES: The court's Finding Legal Help web page (www.utcourts,gov/help) provides information about ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, community justice advocates, limited legal help, and free legal clinics.

(7) and include the bilingual notice set forth in the form summons approved by the Utah Judicial Council.

(8) If service is by publication, the summons must also briefly state the subject matter and the sum of money or other relief demanded, and that the Notice of Lawsuit can be obtained from the court or from the plaintiff.

(9) The service of process in debt collection cases to accompany a Notice of Lawsuit does not need to be authorized by the court.

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

Rule 4. Service of papers. Needs discussion

Service means delivering copies of papers submitted or filed with the court to the parties in the case.

(a) Time period for serving the first papers in the case. The first papers that must be served in the case are the summons and a copy of the Notice of Lawsuit. Those papers must be served by the plaintiff (which is typically the creditor) to the defendant (which is typically the debtor) no later than 180 days after the Notice of Lawsuit is submitted to the court for the purpose of generating a case number. The court may extend that time period for good cause shown. [If approved, coding to change to 180 for debt collection cases, not housing actions]

(1) If a third-party complaint is filed, that third-party complaint must be served as if it is a first filing in a case.

(b) Closed if not served. If the summons and Notice of Lawsuit are not served to the defendant with the time allowed, then the Notice of Lawsuit will be administratively closed [would need this function added to Coris] by the court without a motion filed by any party. Since no case was filed, no notice will be sent by the court. A plaintiff may initiate the same case again by filing a new Notice of Lawsuit. [A goal is that no work is required by staff and nothing needs to be sent to the parties]

(c) Acceptance of service. A party or their attorney may voluntarily accept service by signing a document that acknowledges receipt of the summons. Parties are encouraged to voluntarily accept service to avoid the cost of formal service of process.

(d) Date of service. Service is effective on the date the summons is accepted by the defendant. If a counterclaim, crossclaim, or third-party complaint is filed, service of those papers is effective when the summons for those papers is accepted by the plaintiff.

(e) Methods of service. Unless the defendant accepts service, then service 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, to anyone living in the home of suitable age and discretion, or by delivering to an authorized agent if the defendant is an entity.

(2) Service by certified mail or commercial courier. Service may be made via certified mail or commercial courier service as long as 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 Utah Rules of Civil Procedure.

(e) Return 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).

(f) Service of subsequent filings. After service of the summons, 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.

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

Rule 5. Filing fees.

(a) Payment of the filing fee. The plaintiff must pay a filing fee when the plaintiff files the return of service or within four days of a defendant filing an Initial Response with the court, whichever is first. The filing fee may also be paid by the plaintiff any time before those events. Once the filing fee is paid, the debt collection case is considered filed and commenced. If the method of payment is dishonored, or if the filing fee is not paid, then the court will dismiss the case without prejudice.

(b) Filing fee for counterclaims. A party filing a counterclaim, crossclaim, or third-party complaint must pay the filing fee at the time of filing.

(c) Amount of filing fees. The filing fees are set by the legislature at Utah Code section 78A-2-301.

Effective Date: January 1, 2027

Rule 6. The defendant's Initial Response.

After the defendant receives the Notice of Lawsuit, the defendant may file an Initial Response. [coding: this is equivalent to the Answer for pivoting to the division and the commissioners. It is just rebranded. Its function is different than the traditional Answer, but was contemplated as being that point on the Steering Committee flow chart where things shift. Could need the document added as a document type, or training that the Initial Response is the Answer. The later document that can be filed as a traditional answer is the analogue of an Amended Answer.]

(a) If no Initial Response is filed. A defendant is not required to file an Initial Response. These rules recognize that some defendants choose not to file a response in order to reduce the attorney fees that might be included in a final judgment. Failure to file an Initial Response may result in a default judgment against the defendant, and a plaintiff may then collect that judgment through all legal means, including garnishment of accounts or wages.

(b) If an Initial Response is filed. To participate in a case, a defendant must file a written Initial Response with the court. The format of that Initial Response will not affect its adequacy. It can be handwritten or typed. The only information that must be included is complete contact information for the defendant. The Initial Response can include any narrative explanation by the defendant, but no narrative explanation is required. [the form for this will include options to be more helpful]

(c) Time to respond. The defendant must file the Initial Response within 21 days (or 30 day if the defendant is living outside the State of Utah) after the service of the summons.

(d) Service of the Initial Response. The response must be served to the other party or parties in the case, using the procedures described in Rule 4(f) for subsequent papers filed in a case.

(e) Motions to dismiss. A defendant may file any motion permitted by Rule 12 of the Utah Rules of Civil Procedure and any briefing must be included with the motion. The motion also operates as an Initial Response. A motion to dismiss must be filed with the court and also be served to the other party or parties in the case, using the procedures described in Rule 4(f) for subsequent papers filed in a case. No response to a motion to dismiss is required before the initial hearing.

(e) Counterclaims, crossclaims, and third-party complaints. A defendant may make a counterclaim (against the plaintiff), a crossclaim (against another party on the same side of the case as the defendant), or a third-party complaint (against a party who is not named in the original lawsuit). A counterclaim, crossclaim, or third-party complaint also operates as an Initial Response. No response to a counterclaim, crossclaim, or third-party complaint is required before the Initial Hearing. The counterclaim, crossclaim, or third-party complaint must be filed with the court and also be served to the other party or parties in the case, using the procedures described in Rule 4(c) or 4(e) for initial papers filed in a case. The filing fee must be paid when the counterclaim, crossclaim, or third-party complaint is filed with the court. Any counterclaim, crossclaim, or third-party complaint must include the following acknowledgement:

> **By filing this claim, the defendant recognizes that a filing fee is due and that attorney fees that may be included in any final judgment may increase as a result of this claim.**

Effective Date: January 1, 2027

Rule 7. Temporary Pause.

Once the defendant's Initial Response is filed, all discovery or other activity in the case, claim is automatically paused. A pause in this case type means a temporary pause in the case for the parties, but not for the court, to allow the parties to have voluntary settlement discussions.

(a) No papers or responses due during the pause. During the pause, no papers of any kind need to be filed with the court. That includes any response any motion, counterclaim, crossclaim, or third-party complaint.

(b) Initial Hearing to be set. The court will automatically set the matter for an Initial Hearing. No party needs to request that hearing, unless no notice scheduling the hearing is received by the parties within 14 days. When the hearing is set, the court will send notice of the hearing to all parties. That notice will include a statement that failure to appear at the Initial Hearing may result in a default judgment. [consider adding an advisory note that this is parallel to the process used in small claims court]

(c) Informal communications and exchange of information during the pause. The parties may communicate together at any point to discuss the case and any settlement possibilities, even though the case is paused. It can be helpful to provide Initial Disclosures to help in settlement and mediation discussions. Parties may choose to provide their Initial Disclosures under Rule 11 to the other party at any time even though the case is paused.

Effective Date: January 1, 2027

Rule 8. Initial Hearing & order to mediation.

All parties must attend the Initial Hearing.

(a) Initial Hearing. At the Initial Hearing, the court will order mediation, subject to the exceptions under Rule 9. If a party does not appear at the Initial Hearing, a default will be entered, a default judgment may be entered, or the complaint may be dismissed without prejudice.

(b) Mediation. Mediation may occur through any form of formal or informal settlement discussions between the parties, including through their attorneys or designated representative with authority to settle claims. The parties may elect to use a statewide mediation service, or if available, the judicial branch's Online Dispute Resolution service (ODR). Unless otherwise ordered by the court upon a showing of good cause, all mediation envisioned by these rules will be conducted by videoconference or other virtual technology.

(c) Ongoing or additional mediation. Mediation and settlement efforts can continue throughout the case, even after the pause ends and without an order from the court. Additional mediation can be ordered upon a showing of good cause.

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

Rule 9. Ending the pause.

The temporary pause will remain in effect until (1) any party files a notice with the court stating that mediation was attempted but was not successful, or (2) the court, during the Initial Hearing, determines that mediation already occurred and was not successful, or that a mediation is not likely to be successful. Once the court receives the notice or makes the determination at the Initial Hearing, the court will end the pause and set the case for a Second Hearing.

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

Rule 10. Second Hearing.

(a) Deadlines to Set. At the second hearing, the court will:

(1) set deadlines to respond to motions, counterclaims, crossclaims, or third party complaints;

(2) set deadlines for Initial Disclosures;

(3) set deadlines to file an Answer; [if it's easier for the coding, should we call this an Amended Answer?]

(4) consider requests for additional discovery;

(5) consider any other pending motions;

(6) determine whether counterclaims, crossclaims, or third party complaints require a referral of the case to a district court judge; and

(7) set a deadline for any Request for Judgment Without a Trial on Undisputed Claim.

(b) Dismissals. The court may also dismiss invalid motions or improper pleadings without requiring any motion by the parties.

(c) Required Advisements. The court will give the following advisements:

(1) The Answer must respond to each statement in the Complaint, to help the parties and the court understand what is disputed and what is not disputed. For each statement of the Notice of Lawsuit, the Answer must either admit, deny, or state there is not enough information to respond.

(2) The Initial Disclosures must be provided, which means everything that the party would like to present as evidence must be shared with the other party.

(3) Where the parties can look for more information through the court's website or other resources.

(4) The more litigation that follows this point of the case, the more attorney fees and other costs may increase, which can be awarded as part of a judgment in the case.

(d) Consolidated Hearings. If the pause ends at the Initial Hearing, the court may conduct all or some of the Second Hearing tasks at the Initial Hearing.

(e) Motions and responses filed before the Second Hearing. Motions may be filed once the pause ends, but no responses to those motions are required prior to the court setting deadlines at the Second Hearing.

Effective Date: January 1, 2027

Rule 11. Initial Disclosures

(a) Initial Disclosures are mandatory. Each party is required to provide Initial Disclosures. The Initial Disclosures must include a brief narrative explanation of what is provided in the disclosures and what the documents are intended to show. Initial disclosures should also include:

(1) a copy of the documents that support the debt (such as a contract, bill, account statement, agreement for attorney fees, etc.);

(2) a calculation of the total amount requested in the case;

(3) proof of payments, whether the payments were made by the debtor an insurer, or another person.

(b) Initial Disclosures do not get filed with the court. Initial disclosures are provided to the other parties. They do not get filed with the court.

(c) A Certificate of Service must be filed with the court. Both parties must file a certificate of service showing the date the Initial Disclosures were provided to the other party and how they were served to that party, (for example, by mail, email, personal delivery, or other means allowed by Rule 4(f)). A court-approved form is available for the certificate of service.

Effective Date: January 1, 2027

Rule 11A. Initial Disclosures for Orders of Restitution in Housing Actions. - discuss

Any housing action follows the rule of civil procedure until order of restitution, any related motions, and a judgment are concluded. These rules apply to post-judgment proceedings. [which rules apply? Is it treated as a new action, with a Notice of Lawsuit, or just certain parts of these rules?]

Effective Date: January 1, 2027

Rule 12. 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 settlement discussions and helps each party prepare for trial if a trial is necessary.

(a) Discovery must be requested. Formal discovery (such as interrogatories, requests for admission, or depositions) may not be conducted without an order from the court. The parties may ask the court for formal discovery through a motion filed with the court or without a motion during the Second Hearing. A party asking for discovery must be specific and describe what is requested.

(b) Presumed witnesses. Any named party is presumed to be a witness, either individually or through a designated representative for entities. Other people who might testify if there is a trial must be named in the Initial Disclosures.

(c) Disclosure of evidence. Any documents, photographs, screen shots, the names of other witnesses, or other evidence a party may present at trial must be provided to the other side by the Initial Disclosure deadline or by the date for any supplemental discovery that the court may order.

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

Rule 13. Request for Judgment Without a Trial on Undisputed Claim. - discuss

If the parties are unable to reach an agreement, and after the Initial Disclosures and other deadlines have passed, a party can file a Request for Judgment Without a Trial on Undisputed Claim ("RJWT"). [coding change for adding this new document type]

(a) Deadline. The deadline for an RJWT will be set at the Second Hearing.

(b) Hearing. The court may set a contested RJWT for a hearing. An uncontested RJWT may be decided without a hearing. [Comments received from collections bar. Modifications made. Discuss at next meeting.]

(c) What the court can consider. An RJWT is a request for judgment as a matter of law based on the pleadings and other materials filed in the case or provided with the RJWT. The court can consider the Notice of Lawsuit, the Answer (or lack of Answer), any failure to provide Initial Disclosures, and any evidentiary materials provided with the RJWT. No separate statement of material facts is required. [discuss comment of what needs to be included and why, if the liability is uncontested]

(d) Legal Standard. The court must grant the RJWT if the party requesting it shows that there is no genuine dispute of material fact and that party is entitled to judgment as a matter of law. This is the same legal standard used in Rule 56 of the Utah Rule of Civil Procedure, but no separate statement of disputed or undisputed facts is required.

(e) The court cannot set a payment plan. The court cannot set a payment plan through an RJWT or at trial.

(f) Responding to an RJWT. The party who did not request an RJWT may file a written response. That response must be filed within __ days of the RJWT. [insert current response and reply deadlines. No coding change to these deadlines.] The response must explain why a judgment should not be entered, but does not need to respond to each allegation in the RJWT. [Goal: we want SRLs to show up, and the response to it doesn't need to be fulsome or respond to each allegation. Dismissing a response because it doesn't meet pleading requirements by an untrained person is contrary to the simplified procedures, who may better explain the situation and contested matters at a hearing.]

(g) Reply, Request to Submit, and Proposed Order. The party who filed the RJWT may file a reply within ___ days of the response. The party who filed the RJWT must file a Request to Submit and Proposed Order under Rule 7 of the Utah Rules of Civil Procedure.

(h) RJWT must be decided prior to setting a trial date. An RJWT must be decided before the court will set a case for trial.

Effective Date**:** January 1, 2027

Rule 14. Scheduling Trial.

After the deadline for the filing an RJWT has passed and after any RJWT has been decided, any party may file a certificate of readiness for trial and pretrial conference with the court.

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

Rule 15. Default judgment. [comments received from the collections bar to discuss at Tuesday's meeting]

There is no entry of default in these rules. The entry of default and default judgment are consolidated events and require notice to the defendant.

(a) Failure to file Initial Response. If the defendant (including those named in a counterclaim, crossclaim, or third-party complaint) does not file an Initial Response within the time allowed by Rule 4(b), the plaintiff may file a motion for default judgment.

(b) Failure to Appear at Initial Hearing. If the defendant (including those named in a counterclaim, crossclaim, or third-party complaint) does not appear at the Initial Hearing, the plaintiff may seek a default judgment by oral motion at the hearing or by filing a motion for a default judgment. [Add an advisory note about the parallel process used in small claims court for a failure to appear, but wit the lower threshold for setting aside.] [Add a section for a request to submit rule that mirrors URCP 7]

(c) Proposed judgment based on the amount in the Notice of Lawsuit. A plaintiff seeking a default judgment must file a proposed judgment. The court may grant the plaintiff default judgment in an amount not to exceed the amount requested in the plaintiff's Notice of Lawsuit, counterclaim, crossclaim or third-party complaint.

(d) Proposed judgment for a different amount also requires an affidavit. If the party seeks a judgment for an amount greater than the amount initially requested in the Notice of Lawsuit, or if an amount is not specified in the Notice of Lawsuit, counterclaim, cross-claim, or third party complaint, then the party seeking the default judgment must file a motion, a proposed judgment, and an affidavit. The affidavit must support the amount requested and must be a notarized, sworn declaration filed subject to the pains and penalties of perjury. The party may request an evidentiary hearing instead of filing an affidavit.

(e) Mandatory service of the Request for Default Judgment. The party requesting a default judgment must serve the request to the defendant by mail or email or both, postmarked or dated the same day the request was filed with the court. If the defendant provided an email address, the service must also include service to that email address.

(f) Waiting period. The court will wait 14 days before signing a default judgment.

(g) Objections allowed. The defendant may object to the request for default judgment by filing a written objection with the court. The objection must be filed with the court not later than the 14th day after the request for default judgment was filed with the court. That date may be less than 14 days from when the defendant received the request, depending on the method of service.

(h) Clerk's entry of default. If no objection is filed within the 14-day period, the court's clerk may enter the default unless the requested amount is greater than $25,000 including attorney fees and costs. Default judgments greater than that amount, or if an objection is filed, must be reviewed by a district court judge.

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

Rule 16. Trial and evidence.

(a) Conduct of trial. The district court judge will conduct the trial and may question the witnesses. The trial will be conducted in such a way as to give all parties a reasonable opportunity to present their positions. The district court judge may allow evidence to be presented by proffer, which includes a summation of the evidence in a case. The district court judge may allow parties or their counsel to question witnesses. The district court judge may limit the time set for trial and may require that each party have equal time at trial.

(b) All trials are to the judge unless a jury was requested at the Second Hearing. If a party seeks a jury trial, a request for a jury must be made before or during the Second Hearing and the jury trial fee paid within four days of the Second Hearing. If that request for a jury trial was not made or if the fee is not paid, the jury trial is waived.

(c) Evidence. The Utah Rules of Evidence will not be applied, unless required to protect a fundamental right of a party (e.g., privilege). The district court judge may allow hearsay and other evidence that is probative, trustworthy, and credible. Irrelevant or unduly repetitious evidence will be excluded. The district court judge will determine what weight to apply evidence.

(d) Judgment. After trial, the district court judge will decide the case. The district court judge will issue findings of fact and conclusions of law and direct the entry of judgment. After July 1, 2027, all judgments shall use a standardized court-approved forms.

Effective Date: January 1, 2027

Advisory Committee Notes.

The trial procedures for debt collection cases are modeled after the trial procedures used in small claims cases.

Rule 17. Objection to Court Commissioner Decision

A recommendation of a court commissioner is the order of the court until modified by a district court judge. Any party can object to the commissioner's decision.

(a) Deadline for objections. Any 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) Format of objections. 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. If the objection doesn't identify specifically what legal or factual error was made, the objection will be overruled.

(c) Opportunity to respond to objections. The other party may, but is not required to, file a response to an objection within 14 days.

(d) If new evidence is requested. If the party objecting would like to present new evidence, that party must summarize that evidence and explain why the evidence was not presented earlier in the case. The district court judge may, but is not required to, consider new evidence.

(e) No hearing is required. 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.

(f) Independent findings and conclusions required. To decide the objection, 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

Advisory Committee Notes.

This rule is informed by Utah Rule of Civil Procedure 108 but is substantially modified. It simplifies the filing requirements.

Rule 18. Motion to set aside default judgment. - discuss

(a) Deadline to file. A party may request that the default judgment be set aside by filing a motion to set aside within 15 calendar days after entry of the default judgment.

(b) Extension of time to file. The period for moving to set aside a default judgment or dismissal may be extended by the court for good cause if the motion is made in a reasonable time.

(c) Reasons to set aside a default judgment. Good cause to set aside a default judgment may be based on:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence which by due diligence could not have been discovered before the judgment;

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or other misconduct of an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or vacated, or it is no longer equitable that the judgment should have prospective application; or

(6) any other reason that justifies relief.

(d) Remedy. If the court receives a timely motion to set aside the default judgment and good cause is shown, the court may grant the motion and reschedule a trial. The court may require the moving party to pay the costs incurred by the other party.

Effective Date: January 1, 2027

Advisory Committee Notes.

This rule is modeled after Rule 10 of the Rules of Small Claims Procedure and Rule 60(b) of the Utah Rules of Civil Procedure.

Rule 19. 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

Rule 20. Collections. – still needs developed/refer by reference to existing rules

(a) Collection. Judgments may be collected under the Utah Rules of Civil Procedure. Writs of garnishment are subject to the requirements of Utah Rule of Civil Procedure 64D. After July 1, 2027, all writs shall use a court-approved form. [Consider specifying the types of writs used for this.]

Effective Date: January 1, 2027

Commented [1]: This needs updated to include the various mechanisms for this.

Commented [2R1]: URCP 73 also has guidelines regarding attorneys fees if/when writs are issued for post-judgment collections. Do we want to incorporate those rules also?

Rule 21. Change of Judge or commissioner. - discuss

(a) Change of judge. Consistent with Utah Rule of Civil Procedure 63A, in a civil action pending in a court in a county with seven or more district court judges, each side is entitled to one change of judge as a matter of right. A party seeking a change of judge must file a notice of a change of judge with the clerk of the court. A party is not required to state any reason for seeking a change of judge. A plaintiff must file the notice within seven days of a judge being assigned to the case. A defendant must request a change of judge not later than the Second Hearing. Notices or requests filed after those dates will not be considered. Reassignment of the case to a different judge will not affect the transfer of the case to the court commissioner or delay proceedings before that commissioner.

(b) Stipulated request to change judges. [This was flagged by a committee member as something to insert]

(c) Change of commissioner. There is no right to change commissioner. [Would this apply also to a change in commissioner, even though there are only two, not seven or more?]

Effective Date: January 1, 2027

Rule 22. In-person, remote, and hybrid hearings.

All hearings and trials under these rules will occur by videoconference unless otherwise ordered by the court.

(a) Requesting a different hearing format. A party may request that the court allow an in-person or hybrid hearing or trial. Any request must be made verbally during a hearing, by email, by letter, or by written motion, and the party must state the reason for the request. If the party is represented by an attorney, all requests must be made by the attorney.

(b) Deadline to request a different hearing format. All requests, except those made verbally during a hearing, must be sent to the court at least seven days before the hearing unless there are exigent circumstances or the hearing was set less than seven days before the hearing date, in which case the request must be made as soon as reasonably possible.

(c) Order. The court may rule on a request without waiting for a response. The court may rule on the request in open court, by email, by minute entry, or by written order. If the request is made by email, the court will make a record if the request is denied.

(d) Each party may appear in different formats. The preference of one party, and the court's accommodation of that preference, does not change the format of the hearing for any other party unless otherwise ordered by the court, or affect any other party's opportunity to make a timely request to appear by a different format.

Effective date: **January 1, 2027**

Advisory Committee Note

This rule is modeled in part after Utah Rule of Civil Procedure 87. The court may consider any factors relevant to determining the format for the hearing or trial.

Rule 22. Certain Utah Rules of Civil Procedure incorporated. Attorneys are subject to Rule 11 of the Rules of Civil Procedure.

The following Utah Rules of Civil Procedure are hereby incorporated into these Rules: 11, 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.

Commented [3]: This was in the earliest iteration of the draft rules, and there is a similar rule in the small claims rules. But this may not be needed here. Any thoughts on that? And if it is needed, which rules should be included in this list?

Effective Date: January 1, 2027

Rule 23. Supplemental Proceedings - discuss

If supplemental proceedings are needed, the following procedures will be used:

(a) Hearing. Supplemental proceedings will be set for a consolidated hearing when possible.

(b) Videoconference. All supplemental proceedings will occur by videoconference. If a person does not have access to videoconference equipment, that person may use the telephone option provided by the court.

(c) Swearing in. The court will swear in all witness and request a telephone number for each witness. All witnesses will then be excused from the videoconference. The court or a party's attorney will call or text the witness to rejoin the videoconference when needed.

Effective Date: January 1, 2027

Rule 24. Orders to show cause

The court has the authority to issue an order to show cause if any party does not appear at a hearing or does not comply with mandatory deadlines or other orders of the court. [should this include the contempt remedies, including default judgments?]

Effective Date: January 1, 2027