UTAH SUPREME COURT AD HOC COMMITTEE

Ad Hoc Committee on High Volume Case Filings

Hon. Charles Stormont, Chair

August 19, 2026
12:00 – 1:00
Judicial Council Room – Matheson Courthouse
Public Link

1. Welcome

2. Update: S.B. 270 Steering Committee

3. Procedural Rules – Debt Collection (Tab A)

4. Next Meeting: September 2 (full group) & Next Subcommittee meeting: 3 to 5 pm today

Tab A

Rules Drafting Process Notes

1. Timeline:
    a. Supreme court's pre-review deadline: September 9
    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. 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. 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. [Insert definition of debt collection case from Steering Committee/Rules of Judicial Administration. It adopts FDCPA principles and expands that to include commercial debt.] 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 to debt collection cases even if initially filed under a different case type.

(1) If a counterclaim or crossclaim is filed that may make increase the dispute to an amount more than $25,000, these rules apply until the conclusion of the initial hearing. At the initial 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.

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 after receiving a return of service. Once the filing fee is paid, the Notice of Lawsuit becomes the complaint in the case.

Commented [MF1]: This has been updated to address Utah Code section 78A-2-233(c)

(b) Content of a Notice of Lawsuit. If there is a court-approved form for a Notice of Lawsuit, plaintiffs may use that form. Using that court-approved form, or a substantially similar form, is a defense to inadequate pleading, failure to state a claim, or any similar motion. [Consider if this is a blanket safe harbor or if use of the form creates a rebuttable presumption instead. Could a party fill out the form incompletely and still have the safe harbor?] A Notice of Lawsuit in a debt collection case must include:

Commented [MF2]: For further discussion

(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

Commented [MF3]: For further discussion with forms committee 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.;

There was some discussion about including the date of default or other information to show the statute of limitations has not passed. New York was the first state to advance debt collection reform and it uses an affidavit requirement at the time a motion for default is requested. So the creditor does not have to pin down all details at the time of the complaint but instead use the affidavit to affirm the pertinent facts before the default is entered. There was some discussion of using a signature requirement of counsel to achieve this and make the Complaint Plus still work for meaningful notice.

(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 complaint 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; and

Commented [4]: If attorney fees over $475 are being requested, current training indicates that any default judgment submitted must be reviewed by the judge even if a supporting affidavit is filed. Could be something to incorporate here?

Commented [MF5R4]: Subcommittee reply: Can this be addressed through internal policy, training, checklists etc?

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

(15) If a party claims attorney fees or other costs allowed under a contract or other written agreement,

(c) Mandatory notice. Every Notice of Lawsuit in a debt collection case must include the following notices.

(1) This notice must be conspicuously displayed at the top of the page and before any other text appears:

YOU ARE BEING SUED FOR A DEBT.

If you do not file something by [*Date to be filled in by process server***] in writing with the court in response to this complaint, even if you speak first with the plaintiff to discuss settlement, a default judgment could be entered against you. Talking with the plaintiff does not pause this deadline.**

If you do not respond, the plaintiff may be entitled to a default judgment. 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 notices. If the notices are not included, the defendant may assert excusable neglect to set aside any resulting judgment or order.

(e) Delayed Filing Fee. The filing fee does not need to be paid when the Notice of Lawsuit is filed to begin a debt collection case. The filing fee is paid in accordance with Rule __.

Effective Date: January 1, 2027

Advisory Committee Notes.

[insert note about why this pathway was chosen to replace the 10-day summons]

This rule converts the Notice of Lawsuit into 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.

Commented [MF6]: Re-insert 10-day summons. Discuss whether to have this in as rule 3A, as a future rule without needing to go through public comment a second time.

(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 answer the complaint in writing within 21 days, although parties are encouraged to state the exact date the answer is due;

(5) include the following notice, which is also included in the complaint:

NOTICE: YOU ARE BEING SUED FOR A DEBT.

If you do not file something by [*Date to be filled in by process server***] in writing with the court in response to this complaint, even if you speak first with the plaintiff to discuss settlement, a default judgment could be entered against you. Talking with the plaintiff does not pause this deadline.**

If you do not respond, the plaintiff may be entitled to a default judgment. 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.

Commented [MF7]: Will this be difficult to obtain and what timeframe do we need to work with? Seems similar to what is in the existing 10-day summons, but shorter

(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 complaint is on file with the court.

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

Commented [MF8]: Addition because of Utah Code section 78A-2-306(2).

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

Rule 4. 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.

Commented [9]: This draft rule lifts some material from the Self Help Center's service of process guidance for SRLs. This could use ample feedback, to do this in plain language in lieu of cross referencing the alternative service rule. And maybe add an advisory comment so the district court judges know that the usual alternative service rules are persuasive as guidance, even though they are simplified here. Would that work?

Commented [10]: Programming is currently being explored to make this an automatic feature. To be completely automatic, adding language that notice of the dismissal would not be sent would be ideal.

Commented [11R10]: Or notice only sent through eFiling to the plaintiff, and not to any other party.

Commented [12]: How would this be presented to the court? Would a form be needed? If the case follows default, can the JA check this and process the default?

(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 certified mail or commercial courier. Service may be made via certified 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.

Commented [13]: Discuss if this could be explained in plain language, instead of by cross reference.

Commented [14]: 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?

Commented [15R14]: I believe URCP 5 says that if the party has an electronic filing account, they can be served that way. But it's not explicitly stated that having a MyCase account is legally considered having an "electronic filing account" for the purposes of receiving service. So maybe that can clarified?

Rule 5. Filing fees.

(a) Payment of the filing fee. The plaintiff in a debt collection action is required to pay a filing fee once a return of service is filed with the court by the plaintiff or counterclaim defendant, whichever is first. The payment must be paid within ___ days of that filing. A party filing a counterclaim must pay the counterclaim fee at the time the counterclaim is filed.

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

(c) Return of filing fee. The plaintiff may file a motion asking for the return of the filing fee. The clerk of the court must 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), and if the plaintiff requests the return of the filing fee through a motion.

Effective Date: January 1, 2027

Rule 6. The answer or other indication of involvement.

(a) Answer or other response required. A defendant in a debt collection case must file a written answer or other document with the court indicating the party will participate in the case. That answer or other document must also be served to the other party or parties in the case, using the procedures described in Rule 4(g) for subsequent papers filed in a case. Failure to file an answer or other document in a timely manner with the court may 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 the answer or other document within 21 days after the service of the summons and complaint.

(c) Form and Content. The form of an answer or other document will not impact its adequacy. A handwritten answer using sentences or bullet points is as effective as a typed answer using numbered paragraphs. An answer or other document 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. [Add that responses to motions are not due until ordered after the initial hearing].

(3) **Counterclaims, crossclaims, and third-party Complaints.** To the extent any defendant seeks to make a counterclaim (against the plaintiff), a crossclaim (against

Commented [16]: The committee has discussed using a less than formal Answer and that any indication of participation would be sufficient. The current language here 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 more, 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.

Commented [17]: Depending on the outcome of the previous comment, Subparagraphs 1, 2, and 3 can likely be omitted. A motions practice inserts more procedure. Specific responses may be too technical for this type of case and litigants, and counterclaims are likewise additional procedure and complexity.

Commented [18R17]: I agree with this and the comment above. I think even if the defendant admits that the debt is owed, that our first step is to connect the defendant and plaintiff who could then possibly work out the issue with a settlement, payment plan, or stipulation.

Commented [19]: Should this be separated, however? Processed differently? A filing fee would be imposed if any of these claims were made.

another party on the same side of the original Lawsuit), or a third-party complaint (against a party who is not named in the original Lawsuit, 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. Add that responses to motions are not due until ordered after the initial hearing].

(d) **Transfer to Court Commissioner.** Once the answer or other responsive document is filed, and after the plaintiff pays the filing fee is paid, the case is transferred to a district court commissioner. [update based on outcome of process maps to be reviewed by Judicial Council]

Commented [20]: This is a placeholder, dependent on how the process map comes out. Revise as needed.

(e) **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 file the notice at the time the answer or other written document. Notices 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.

Effective Date: January 1, 2027

Rule 7. Initial Temporary Stay.

Once an answer or other response to the complaint is filed, all discovery or other activity in the case, including responding to any motion and any counterclaim or cross claim, is stayed. The court will set the matter for an initial hearing. The parties may meet at any point to discuss the case and any settlement possibilities even though the case is stayed. Parties may choose to provide their initial disclosures at any time even though the case is stayed.

Effective Date: January 1, 2027

Rule 8. Initial Hearing.

(a) Initial Hearing. At the initial hearing, the court will: [insert—order mediation, order initial disclosures, set deadlines to respond to motions, answer counter/cross claims, etc. The commissioner may also dismiss invalid motions or improper pleadings without requiring any motion by the parties.]

(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) Lifting the stay. The temporary stay 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. Once the court receives the notice or makes the determination at the initial hearing, the court will lift the stay and all procedural timelines set at the initial hearing will apply.

(d) Ongoing or additional mediation. Mediation and settlement efforts can continue throughout the case, even after the stay is lifted 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. Disclosures and 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) Initial Disclosures. No formal discovery (such as interrogatories or depositions) may be conducted without an order from the court. However, each party is required to provide initial disclosures. [What must be included?] The court will provide an order after the initial hearing with a deadline for those disclosures. A certificate of service showing the date and manner of service of initial disclosures shall be filed with the Court. Either party may provide their initial disclosures at earlier times, including before the initial hearing.

Commented [21]: Using a certificate of service can sometimes be misunderstood by SRLs who think if they just file with the court, that's enough, or who don't understand what a certificate of service is. Instead of a certificate of service, should the initial disclosures just be filed with the court, so both sides are sure to have it and the court can affirm this is complete, if needed?

Commented [22R21]: I agree with this, but wonder if there would be documents filed that should not be viewed by the court?

(b) Additional Discovery. Additional discovery may occur through a request for admission, which can include the attachment of documents that respond to the questions asked. Each party may send one set of requests for admission not to exceed 15 requests. The requests for admission can be in any format and can be posed as questions or statements. The requests for admission cannot be compound questions, which means multiple questions consolidated into one question. If a party would like more than 15 requests for admission, or wants any other type of discovery, then the party must file a motion describing that request and wait for an order from the court.

(c) Disclosure of Evidence. Any named party is presumed to be a witness, either individually or through a designated representative for entities. 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 10. Summary Judgment or Judgment on the Pleadings.

After the deadline for the filing of Initial Disclosures has passed and after any stay has been lifted, any party can move for summary judgment or for judgment on the pleadings. The court must resolve any motions for summary judgment or judgment on the pleadings before setting the case for trial. The court may set the motion for a hearing.

(a) Summary Judgement. [Insert]

(b) Judgment on the Pleadings. [Insert]

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

Rule 11. Scheduling Trial.

(a) Scheduling trial. After the deadline for the filing of Initial Disclosures has passed and after any stay has been lifted, and after any motion for summary judgment or judgment on the pleadings has been decided, any party may file a certificate of readiness for trial and pretrial conference with the court.

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

Commented [23]: Wondering about case management at this point. Do we need to add simplified discovery timelines? When should a certificate of readiness be anticipated to be filed? Or do case managers monitor these cases for lack of prosecution instead, and send out a notice of intent to dismiss if the case is inactive after a set amount of time?

Rule 12. 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 or other responsive document 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 plaintiff's 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 will 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 [24]: See previous comment on whether this needs to remain a thing in these cases.

Commented [25]: 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.

Commented [26]: Should we incorporate language from URCP 55 here also, just for guidelines when a JA can sign the default and when the judge should / must?

Rule 13. 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 judge may allow parties or their counsel to question witnesses.

(b) Evidence. The district court 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 district court judge may allow hearsay that is probative, trustworthy, and credible. Irrelevant or unduly repetitious evidence will be excluded.

Commented [MF27]: This sentence doesn't quite match with small claims rule 7, which says "the rules of evidence shall not be applied strictly." Was that difference intentional?

(c) Judgment. After trial, the district court judge shall decide the case and direct the entry of judgment.

Commented [MF28]: Any written findings required? If so, anything in particular?

Effective Date: January 1, 2027

Rule 14.

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 [29]: Rule 108 was mentioned in a previous update from the Steering Committee. URCP 108 is written in legalese and includes other procedural requirements (like limitations on filing, length, contents, and requests to submit for decision) which could be barriers in this type of proceeding. This draft aims to simplify the language but there could be other improvements too!

Commented [30]: With the revision to have commissioners sign nothing or very little, is this still rule needed? In the other commissioner contexts, are the recommendations, even without signing anything, still recommendations that can be objected to via Rule 108?

(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

Advisory Committee Notes.

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

Rule 15.

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 [31]: This could be more informative. All suggestions welcome!

Rule 16. Collections.

(a) Collection. Judgments may be collected under the Utah Rules of Civil Procedure. [Consider specifying the types of writs used for this.]

Effective Date: January 1, 2027

Commented [32]: This needs updated to include the various mechanisms for this.

Commented [33R32]: 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 17. 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.

Commented [34]: 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?

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