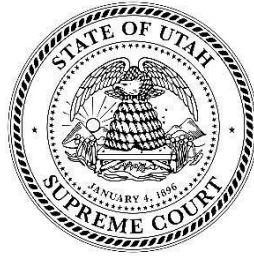


UTAH SUPREME COURT AD HOC COMMITTEE



High Volume Case Filings

Hon. Charles Stormont, Chair

January 14, 2026

12:00 – 1:00

Judicial Council Room – Matheson

Courthouse

Webex Link

1. Welcome
2. Review Committee Member's Recommendations on reducing obstacles for self-represented litigants in debt collection cases. (Tab 1)
3. Review and Discuss draft of amended rules. (Tab 2)
4. Consider absent stakeholders/voices and solicit input.
5. 2026 Meeting Schedule - Second Wednesday of Each Month?

Informational: IAALS' New Uncomplicated Courts Initiative on high volume case filings. [Link](#)

Tab 1

Recommendation from Lacey

Homework/Lacey's Idea: Require a SIMPLE cover sheet or letter with summons to be included with cases initiated by use of 10-day summons. This way, we don't feel like we are in violation of the FDCPA.

Recommendation from Tonya, Trevor, Keri

For background:

There was a proposal to get rid of the provision that a plaintiff can initiate an action by first serving a summons and complaint and then filing the complaint within 10 days.

The reason for the proposal was basically centered around the confusion it causes to defendants in debt collection matters. There are several problems with this, including that the language of the summons states that a case has been filed against you, when in fact it has not--it might be eventually, or it might not. Also, because it is called a 10-day summons, defendants often think their answer is due within 10 days, when in fact the Plaintiff has 10 days to file it.

Relatedly, because the case has not yet been filed when served (and might never be filed), the defendant does not know if and when a case has been filed and is therefore forced to call the court daily to see if a case is filed before filing an answer.

Also, often times, debt collection plaintiff firms use credit cards to pay for the filing fees when they file. Sometimes, those cards don't fully process and allow the charge to go through for 24-48 hours. The court's e-filer will often not assign a case number until that card has cleared. So sometimes cases would not show up until day 12-13, making it even more confusing when defendants were calling in expecting to have some type of answer in that ten-day period.

Another problematic issue centered around defendants who file an answer with the court (often handwritten or typed on physical paper) when no case has been filed (and sometimes never got filed). Because no case has been filed there is no docket on which to file the answer. This created a "basket" at clerk's offices of handwritten answers that someone needed to go through daily to match up to potential cases. Not exactly the best way to make sure answers make it into files, especially if someone signed their written answer with a name that may have been misspelled or spelled differently (or it's a maiden name, or some other name) in the actual case filing.

Lastly, by the time the case appears, it's been 10-13 days, and now defendants on a 21-day summons now have 8-10 days to seek help with an answer, if they desire to seek help, or to put one together on their own.

Recommendation from Tonya, Trevor, Keri Continued.

The following things were discussed (and we believe should still be discussed).

Getting rid of 10-day summons and make it so all plaintiffs simply initiate cases the same way, by filing a complaint, being assigned a case number, and then serving a summons; OR

Keep the 10- day summons but extend answer time to 45 – 60 days. This extension is to allow more time (and hopefully eliminate the confusion that exists when the debtor wastes 10-13 days of answer time calling the court to see if a case has even been filed).

If getting rid of the 10-day summons is the idea to be explored, then we discussed delaying filing fees for plaintiffs until 1) an answer is filed; or 2) a motion for entry of default is filed; or 3) a stipulation is filed. This delay would help with the filing fees being passed on to the consumers/debtors (since in the status quo, after serving, there is a log of negotiating and settling, pre-filing, that is saving debtors from having the filing fee be tacked on to the debt).

There was also discussion about a potential large increase in motions to extend the time for service (after the filing of a complaint) – that deadline is currently 120 days, so there was also discussion about extending that deadline another 30 days (to 150). There was also discussion about somehow not imposing that deadline to these casetypes. The reason for this part of the discussion is because debt collection plaintiffs use the summons as a “skip tracing” tool to find debtors who move around a lot. The committee suggested using a letter instead for skip-tracing, but they pointed out that letters are ineffective (or at least, not as effective as being hit with a lawsuit), and the FDCPA disallows letters that are too threatening, or that threaten action you don’t intend to take. (ie. “Pay or we will sue” and then not actually filing the case because the person moved again)

A better way to track “pre-filing answers” (if we keep the 10-day summons). This puts burden on the clerks. It became a “mycase” discussion. Ie. Is there a way for a debtor to file an answer, without a case number, and it is “stored” and searchable in mycase so it can be matched up with an eventual case once it is filed.

Of these options, the one we most favor is keeping the 10-day summons, but extending the answer time substantially (to 45-60 days after service); creating a better tracking system for pre-filing answers; OR, getting rid of the 10-day summons, and removing (or greatly extending) the time period that a plaintiff must serve the complaint and summons and somehow a filing fee not being collected until the filing of an Answer or a Motion to Enter Default.

For context, when the URCP committee voted on the various proposals, we voted to send the "concept" to the Supreme Court. The concept that we presented to the Committee was:

Get rid of 10-day summons

Case is initiated by filing a complaint

To address concerns of debt collection bar:

Extend time to file from 120-150 days (concern was they need time to negotiate with people)

Waive filing fee until default or judgment (gives debt collectors an opportunity to try to negotiate a resolution before incurring a fee)

Recommendation from Samantha.

Below is my suggestion (mentioned in brief earlier today) that relates to Commitment Two, Goal One of the Courts Strategic Plan:

Develop an electronic system (that does not currently exist) that a Plaintiff would be required to use that will generate a 10-day summons that meets the requirements of the URCP. Change the rules regarding the 10-day summons to require all Plaintiff's to utilize this tool to generate their 10-day summons.

The information entered would be retained in a separate database from CORIS, but accessible for searching by court clerical staff. This would allow clerical staff to validate if a given 10-day summons were legitimate.

The 10-day summons would also include information for a defendant to allow them to make contact with Plaintiff's counsel if they would like to make payment arrangements.

Furthermore, the 10-day summons would list an ODR-like option should defendant's wish to pursue an ORD/mediation-like dialog with Plaintiff's counsel.

Language in the 10-day summons could have language about the implications of not responding to the summons, such as a judgment, wage garnishment, bank account garnishment, property garnishment, etc.

Have the generation work similar to when a DRI is generated automatically when a Divorce case is filed in CORIS.

This database would also allow court clerical staff to attach an answer and/or answer-like documents to a particular 10-day summons if they are received in advance of filing a court case.

Should a Plaintiff proceed with filing a court case, the filer would be required to link the 10-day summons created in the new electronic system to their debt collection case.

This would act similar to how a Probable Cause statement is currently linked to a Criminal case once a prosecutor files the case.

Idea might be to utilize MyCase programming that allows attorneys to have an account and participate in ODR. Then have this database be link-able to a new type of debt collection ODR or mediation.

And above and beyond everything else goes into the realm of if finding sufficient mediators presents a problem to a debt collection case type ODR existing - perhaps we investigate the possibility of some type of custom AI agent that could facilitate the ODR experience at a basic level.

Recommendation from Maryt.

1. Using some iteration of the small claims rules didn't get much traction at the first meeting, but that could be because no one had a chance to look at that and ponder it. It could be worth keeping that idea afloat for a bit or maybe fleshing that idea out a bit for discussion.
2. Even if the small claims rules aren't reformulated for this effort, writing down the procedures for self-presented people in some manner, in plain language tailored to a 5th (or 8th) grade reading level, would be useful. That could mean a special (and short) set of procedural rules for debt collection cases, like we have special standalone rules for small claims. Or it could just be a guidance document. Then consider whatever this document is to be printed and included with the 10-day summons or whatever first filing the debtor receives (Avoid just referring to the rules or guidance document by hyperlink because some people still don't have good access or versatility with e-materials).

Here is the link to the small claims rules.

Tab 2

1 **DRAFT 1/9/2026**

2 **Utah Rules of Civil Procedure for Debt Collection Cases**

3 **Rule 1. General Provisions and Opt-Out.**

4 (a) **Scope.** These Rules constitute the simplified rules of procedure and evidence for debt collection
5 actions. They shall be interpreted to carry out the purpose of dispensing speedy justice between
6 the parties.

7 (b) **Applicability.** These Rules apply to the initial trial of a debt collection action, which is a case
8 classification that may be selected by a Plaintiff at the time it files their Complaint if the matter
9 involves a debt that is less than \$20,000, inclusive of any claims for attorney fees and costs. The
10 Rules shall be interpreted to achieve the just, speedy, and inexpensive resolution of cases, and to
11 the extent additional guidance is required, the Utah Rules of Small Claims Procedure provide
12 guidance on the intent of these Rules. In certain instances, these Rules refer to specific Utah Rules
13 of Civil Procedure, which apply only to the extent they are specifically referenced herein.

14 (c) **Opt-Out and waiver of jury trial.** Any party to the action may elect to opt out of these
15 simplified rules and proceed under the standard Utah Rules of Civil Procedure by filing a Notice
16 to Proceed Pursuant to Utah Rules of Civil Procedure. Such a Notice must be filed by the plaintiff
17 at the time it files its Complaint. Such a Notice may be filed by a defendant at the time it files its
18 Answer. In the event there is more than one plaintiff or defendant in an action that files a Notice
19 under this Rule, such Notice shall apply to all parties to the action, i.e., any one party to a case
20 may file a Notice and have the case proceed under the Utah Rules of Civil Procedure for all parties.
21 If a party does not file a Notice at the time the party files its Complaint or Answer, that party shall
22 not be entitled to later request that the Rules of Civil Procedure be applied, and that party shall
23 proceed according to these Rules of Civil Procedure for Debt Collection cases. The failure to file
24 the Notice to Proceed Pursuant to Utah Rules of Civil Procedure shall be considered a waiver of
25 the right to a trial by jury in any case where such a right would otherwise exist.

26
27 **Rule 2. Beginning the Case.**

28 (a) **Filing complaint.** A case is begun by the plaintiff filing a complaint with the clerk of the court
29 stating facts showing the legal right to recover money from the defendant.

(b) **Mandatory notice.** In addition to the requirements for a pleading under Rule 8 of the Utah Rules of Civil Procedure, every complaint or affidavit in a debt collection case must include the following notice, conspicuously displayed at the top of the page and before any other text appears:

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

(c) **Failure to include notice.** Failure to include the caution language in the complaint or summons may provide the responding party with a basis for excusable neglect to set aside any resulting judgment or order.

Rule 3. Service and summons.

(a) **Summons.** Upon filing a complaint, summons shall be prepared and must be signed and issued by the plaintiff or the plaintiff's attorney. Separate summonses may be signed and issued as necessary if there is more than one defendant.

(b) **Time of service.** Unless the summons and complaint are accepted, a copy of the summons and complaint must be served no later than **120 days** after the complaint is filed, unless the court orders a different period for good cause shown. If the summons and complaint are not timely served, the action against the unserved defendant may be dismissed without prejudice on motion of any party or on the court's own initiative.

(c) **Contents of summons.** The summons must contain the name and address of the court, the names of the parties to the action, and the county in which it is brought. The summons must be directed to the defendant and state the name, address, email address, and telephone number of the plaintiff's attorney, if any, and otherwise the plaintiff's address, email address, and telephone number. The summons must state that the defendant is required to file and serve an answer in

writing and provide the same notice as required by Rule 2(b). The summons must explicitly state that the complaint is on file with the court and include the bilingual notice set forth in the form summons approved by the Utah Judicial Council.

(d) Filing Fees and Refundability.

(1) Payment at commencement. A civil action is commenced by filing a complaint with the court, and the appropriate filing fee established by law must be paid to the clerk of the court at the time of filing.

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

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

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

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

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

(1) 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. A party or their attorney may accept service by signing a document that acknowledges receipt of the summons and complaint. Service is effective on the date of the acceptance. 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 plaintiff shall be awarded 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.

(2) **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.

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

(f) **Proof of service.** The person effecting service must file proof of service 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 or sworn declaration. 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, all service of filings shall be in accordance with Utah Rule of Civil Procedure 5. Parties with a MyCase account are not deemed to have been served through an electronic filing account under Utah Rule of Civil Procedure 5.

Rule 4. The Answer.

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

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

(c) **Content.**

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

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

122 (3) **Counterclaims, crossclaims, and third-party complaints.** To the extent any
123 defendant seeks to make a counterclaim (against the plaintiff), a crossclaim (against
124 another party on the same side of the original suit), or a third-party complaint (against a
125 party who is not named in the original suit, but against whom liability for the original claim
126 is asserted by the party filing the third-party complaint), it shall be included in the answer
127 and conform to the requirements of Rule 2. If the new claims are being made against a
128 party who has not previously been served under Rule 3, a summons shall be prepared and
129 shall be served with the crossclaim or third-party complaint pursuant to Rule 3.

131 **Rule 5. Mediation and Stay of Proceedings.**

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

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

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

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

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

151
152 **Rule 6. Discovery and Scheduling Trial.**

153 (a) **Discovery.** No formal discovery (such as interrogatories or depositions) may be conducted.
154 However, each party shall be required to provide Initial Disclosures as set forth in Utah Rule of
155 Civil Procedure 26, and the failure to do so no later than 45 days after the last filing (or due date
156 for the filing) of an answer to any complaint, answer to any counterclaim, answer to any
157 crossclaim, or answer to any third-party complaint will result in the exclusion of any materials or
158 witnesses offered that were not disclosed unless a showing of good cause or harmlessness can be

made, consistent with the requirements of Utah Rule of Civil Procedure 26, with the following exception. Any named party is presumed to be a witness, either individually or through a designated representative for entities. A certificate of service showing the date and manner of service of Initial Disclosures shall be filed with the Court.

(b) Scheduling trial. After the deadline for the filing of Initial Disclosures has passed and after any stay has been lifted, any party may file a certificate of readiness for trial and pretrial conference with the Court. In districts with a centralized debt collection calendar, the certificate shall indicate whether the party seeks a pretrial conference with the assigned judge or on the centralized debt collection calendar. If any party objects to the pretrial conference being heard on a centralized debt collection calendar, the pretrial conference shall be held with the assigned judge.

Rule 7. Default Judgment.

(a) Failure to answer. If the defendant (including those named in a counterclaim, crossclaim, or third-party complaint) fails to file an answer within the time allowed by Rule 4(b), the court may grant the plaintiff default judgment in an amount not to exceed the amount requested in the plaintiff's affidavit/complaint.

Rule 8. Trial and Evidence

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

(b) Evidence. The judge may receive the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their business affairs. The Utah Rules of Evidence shall not be

181 applied, unless required to protect a fundamental right of a party (e.g., privilege), and the judge
182 may allow hearsay that is probative, trustworthy, and credible.

183
184 **Rule 9. Collection and Appeals**

185 (a) **Collection.** Judgments may be collected under the Utah Rules of Civil Procedure.

186 (b) **Appeals.** Any party may appeal a final order or judgment according to the Utah Rules of
187 Appellate Procedure.

188
189 **Rule 10. Certain Utah Rules of Civil Procedure Incorporated.** The following Utah Rules of
190 Civil Procedure are hereby incorporated into these Rules: 15, 16(d), 40 (except the reference to
191 certification therein shall be considered a reference to these Rules, and specifically Rule 6(b)), 41,
192 43 (except for any reference to the Utah Rules of Evidence), 44, 52, 54, 55, 58A, 58B, 58C, 59,
193 60, 61, 62, 63, 63A, 73, 74, 75, 76, 77, 82, 83, 86 (except any reference to the Utah Rules of Civil
194 Procedure shall be considered a reference to these Rules, and 87.