Ad Hoc Committee on High Volume Case Filings

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

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1. **Welcome**

   Judge Stormont opened the meeting.

2. **S.B. 270**

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

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

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

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

3. Action Items

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