



SEVENTH JUDICIAL DISTRICT

Judge George M. Harmond
District Court

Judge Douglas B. Thomas
District Court

Judge Lyle R. Anderson
District Court

Judge Craig M. Bunnell
Juvenile Court

Judge Mary L. Manley
Juvenile Court

MEMORANDUM

TO: Attorneys Practicing in the Seventh District

FROM: Douglas B. Thomas
Presiding Judge, Seventh Judicial District

DATE: June 4, 2018

RE: Case Management in Contested Domestic Relations Cases

The Seventh District Court has been selected by the Judicial Council for the State of Utah as a pilot site to implement a number of recommended changes in how domestic cases are managed by the court. These recommendations were made to promote an earlier resolution of cases, provide immediate and clear content of court orders and reduce the overall cost of litigation. The overarching features of the new approach will be the hands-on management of domestic cases by the court and the tailoring of timelines to match the actual issues in the case. No court hearing will end without the next hearing being set. A few highlights of these changes are as follows:

Initial Telephone Scheduling Conference. Within 2 days of an answer being filed, the court will send notice of a telephonic hearing to schedule the domestic case management conference. The scheduling hearing will last no more than 5 or 10 minutes and generally will occur early in the morning or during a lunch hour to not interfere with other cases. The parties will need to have their calendars available during the telephone conference.

Domestic Case Management Conference. This conference will occur approximately 30 days after the answer is filed. It generally will last about 30 minutes. The court will focus on exploring the issues that are actually in dispute and determining the appropriate amount of time needed to complete any

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discovery for those specific issues. Unless a custody evaluation or complex business valuation will occur, a final pre-trial conference will be set at the hearing. Specific timelines for completion of mediation, discovery and any other necessary events will be ordered. Those timelines will trump the deadlines allowed by Rule 26.1 of the Utah Rules of Civil Procedure. The court also will accept any agreements that the parties can reach including the full resolution of the case. Obviously, this hearing is critical to the new processes and counsel and the parties should plan on appearing in person. If a motion for temporary orders has been filed with the Petition, the conference will be heard at the same time as the hearing on the motion.

Final Pre-Trial Hearings. A final pre-trial hearing in cases that do not involve custody evaluations, complex financial issues, or business valuations will be set approximately 60 days after the case management conference. The parties will be expected to have completed mediation and any discovery in that time. The court will accept any partial or complete resolution of the case and set those issues that cannot be resolved for trial.

Preparation of Orders at Hearings. Counsel should come prepared to draft a handwritten order at the conclusion of every hearing that can be approved as to form by all parties. The court has forms with appropriate blanks to assist in this process. If counsel has the technological savvy, they are welcome to bring their laptops to court to prepare the order. The parties can also stipulate that the court's minute entry prepared at the hearing may serve as the order. Copies of the order will then be given to the parties. The parties should never leave court without a clear understanding of what has occurred as expressed in the order. On occasion, counsel also may be asked to prepare a more expansive order following the hearing.

Custody Evaluations. Although the court generally discourages a custody evaluation because of the significant amount of time and expense it adds to a case, it may be appropriate in certain instances. If the parties seek to have a custody evaluation performed, they will need to arrange for the payment of the custody evaluator within two weeks of the case management conference. The failure to pay the evaluator when ordered will result in an immediate order striking the evaluation and setting a final pre-trial conference. In short, do not request a custody evaluation unless the parties have a present ability to pay for it.

The new processes do not apply to cohabitant abuse protective orders. Those cases will proceed in the same fashion that has always occurred.

Thank-you for your help and patience as we implement these new changes. We hope to be able to track the success of the new processes and find areas where they can be improved before they take effect statewide.