

**THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**



AUGUST 14, 2026

**NOTICE TO MEMBERS OF THE BAR AND PUBLIC
Proposed changes to the Local Rules of Practice**

Public Comment Opportunity Ends September 4, 2026

The Advisory Committee on the Local Rules of Practice invites comments on the proposed rule amendments and changes to court forms. The summary that follows was prepared to help the public quickly understand general changes. The summary should not be relied on as a substitute for a complete review of each rule and the proposed changes. There may be formatting anomalies between the clean and redline copies. Please focus on the formatting in the clean copy.

If the Judges adopt the Advisory Committee's proposed amendments, other rules not listed below may be updated to insert or remove cross references as needed in the final versions of the rules, which will be published online on December 1, 2026. Additionally, the Court may make modifications to court forms without seeking public comment.

CIVIL RULES

DUCivR 3-2	Proceeding without Prepayment or Payment of Filing Fees (Amend) The proposed amendment to section (a)(1)(B) reflects that any judge may review a nonincarcerated party's motion to proceed in forma pauperis.
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DUCivR 6-2	First Extension of Time to Answer (Amend) The proposed amendment clarifies that the extension permitted under DUCivR 6-2 applies to first-in-time, amended, or supplemental pleadings.
DUCivR 23-1	Designation of Proposed Class Action (Amend) The proposed amendment corrects an inadvertent cross-reference to the local rule instead of to Fed. R. Civ. P. 23(b)(3)(A) through (D).
DUCivR 37-1	Discovery Disputes (Amend) The proposed amendments to this rule revise the discovery dispute process to increase the Short Form Discovery Motion word limit from 500 words to 1,550 words or 5 pages; permit essential supporting exhibits; extend the response deadline from 5 business days to 7 days; clarify that virtual or telephonic discovery conferences are available; clarify that discovery conferences may be requested instead of filing a motion; and apply the same page and word limits to objections to magistrate judge discovery rulings. The proposed amendments also add a separate procedure for expedited consideration.
DUCivR 42-1	Consolidation of Civil Cases (Amend) The proposed amendments incorporate the requirements of General Order 25-007. After adoption of the proposed amendments, General Order 25-007 will be superseded.
DUCivR 72-3	Consent to the Jurisdiction of the Magistrate Judge (Amend) The proposed amendment to section (b)(2)(G) clarifies that an action to enforce or quash an administrative subpoena will not be assigned to a magistrate judge.
DUCivR 83-1.7	Attorney Discipline (Amend) The proposed amendments to this rule clarify the standard of review for an investigator; establish the burden of proof at an attorney discipline evidentiary hearing; and implement a process for the Chief Judge to review a Disciplinary Panel's order.

DUCivR 83-2	Assignment and Transfer of Civil Cases (Amend) The proposed amendments incorporate the requirements of General Order 25-007. After adoption of the proposed amendments, General Order 25-007 will be superseded.
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CRIMINAL RULES

DUCrimR 57-3	Reassignment of Post-Conviction Violation Case (Amend) The proposed amendments incorporate the requirements of General Order 25-007. After adoption of the proposed amendments, General Order 25-007 will be superseded.
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COURT FORMS

Attorney Planning Meeting Report – General Civil Case	The proposed changes add a deadline for addressing allocation of fault as required by DUCivR 9-1 and add a stand-alone deadline for filing motions to exclude expert testimony in whole or in part.
Proposed Scheduling Order – General Civil Case	The proposed changes to this court form are the same as those identified for the Attorney Planning Meeting Report – General Civil Case.

Members of the bar and the public are encouraged to make suggestions or proposals regarding the local rules by sending an email to Utd_public_comments@utd.uscourts.gov. The deadline for submitting suggestions or proposals to be considered during the revision cycle is May 1 each year. Additionally, the Advisory Committee encourages judges, law clerks, and practitioners to share their experiences using the court's local rules of practice on an ongoing basis by sending an email to the address listed above.

DUCivR 3-2 PROCEEDING WITHOUT PREPAYMENT OR PAYMENT OF FILING FEES

(a) Motion to Proceed In Forma Pauperis.

(1) A Non-Incarcerated Party. A non-incarcerated party may request that the court waive or reduce the filing fee and the cost of service of process. The party must complete and file a Motion to Proceed In Forma Pauperis at the same time as filing the action (e.g., complaint for a civil case, petition for a writ of habeas corpus, or petition for agency review). A form motion is available from the Clerk's Office and on the court's website.

(A) *In Forma Pauperis Qualifications*. The court may find a party indigent based on the information provided on the form motion or if a party's monthly income is equal to or below 200% of the United States poverty guideline as issued each year in the Federal Register by the Department of Health and Human Services for the 48 Contiguous States and the District of Columbia.

(B) *Review of the Motion*. A ~~magistrate~~ judge will review the motion to determine whether the party qualifies as indigent and may review whether the complaint meets the conditions of section 3-2(b). The ~~magistrate~~ judge may request additional facts or documentary evidence necessary to make this determination. A party who seeks leave to proceed without prepayment of filing fees must use the procedures, forms, and instructions available on the court's website or from the Clerk's Office and in these rules.

(C) *Conditions for Filing the Action*. The clerk will file the action under the following conditions:

(i) as of the date of the order if the order waives the filing fee;

- (ii) upon payment of the required fee if the order reduces the filing fee; or
 - (iii) upon payment of the full filing fee if the order denies the motion.
- (D) *Payment.* A party will have 30 days from the date of the order to submit the required fee. Failure to timely pay the filing fee will result in closure of the case without filing the action. When a party attempts to pay the filing fee after the case has been closed, the clerk will accept the payment, open a new case, and file the action as of the date of the payment.
- (2) An Incarcerated Party. Under 28 U.S.C. § 1915, an incarcerated party may request authorization to proceed in a civil action without prepayment of the filing fee by filing a Motion to Proceed Without Prepayment of Fees. A form motion is available from the Clerk's Office and on the court's website.
 - (A) *Account Statement and Consent.* In addition to the motion, a party must submit:
 - (i) a certified copy of the incarcerated party's trust fund account statement (or institutional equivalent) from each institution in which the incarcerated party was confined in the 6 months before the motion is filed. The account statement must be submitted with the motion; and
 - (ii) written consent authorizing the appropriate prison official to collect fees and submit payments to the clerk if the motion is granted. If the motion is granted, the court will send a written consent form to the incarcerated party to sign and return to the court.

- (B) *Initial Partial Filing Fee.* If the motion is granted, the court will assess and, when funds exist, collect an initial partial filing fee of 20% of the greater of:
 - (i) the average monthly deposits to the account during the six-month period preceding the filing of the action; or
 - (ii) the average monthly balance in the account for the six-month period preceding the filing of the action.
- (C) *Monthly Payments.* After the initial partial filing fee is paid, the incarcerated party must make monthly payments of 20% of the preceding month's income credited to the account but only if the account balance exceeds \$10.
- (D) *Collecting Payments.* The agency having custody of the incarcerated party must forward any payment required under this rule in the proper amount to the clerk until the filing fees are paid.
- (E) *Conditions for Filing the Action.* The clerk will file the action as of the date of the order granting the motion. If the motion is denied, the clerk will notify the incarcerated party of the decision and will file the action only upon receipt of the required fee.

(b) Screening the Case.

- (1) At any time, including when reviewing the motion, a magistrate judge may recommend dismissal of the action or a district judge may order dismissal of the action if:
 - (A) the allegation of indigence is untrue;
 - (B) the court lacks jurisdiction;
 - (C) the claims are frivolous or malicious;
 - (D) it fails to state a claim on which relief can be granted; or
 - (E) it seeks monetary relief against a defendant who is immune.

(c) Service of Process.

- (1) The clerk will not issue a summons to an unrepresented party until directed to do so by the court.
- (2) After the motion is granted, or after the case has been screened and a decision has been made to proceed with service, the court will order:
 - (A) *Regarding a non-incarcerated party's action:*
 - (i) the plaintiff to complete and return to the Clerk's Office a summons and a Service of Process form (both available from the Clerk's Office and on the court's website) for each defendant;
 - (ii) the clerk to issue the summons when the forms are returned; and
 - (iii) the United States Marshal to serve on each defendant the completed summons, the complaint, and a copy of the order; or
 - (iv) if the plaintiff fails to submit the forms as directed, the action may be dismissed.
 - (B) *Regarding an incarcerated party's action:*
 - (i) each defendant to waive service of process, under Rule 4 of the Federal Rules of Civil Procedure; or
 - (ii) the United States Marshal to serve on each defendant the completed summons, the complaint, and a copy of the order.

DUCivR 6-2 FIRST EXTENSION OF TIME TO ANSWER

(a) Motion Granted Without a Response.

Without waiting for a response, the court may grant a motion to extend the time to answer, reply, or otherwise respond to a complaint, crossclaim, counterclaim, or third-party complaint—whether the pleading is original, amended, or supplemental—if the motion:

~~The court may grant a motion seeking to extend the time to answer, reply, or otherwise plead to a complaint, crossclaim, or counterclaim, without a response from opposing parties, if the motion:~~

- (1) is the first request for ~~the~~an extension;
- (2) seeks an extension of 14 days or fewer; and
- (3) is filed before the time originally prescribed expires.

(b) Proposed Order.

The moving party must provide a proposed order in compliance with DUCivR 7-1(e)(2).

DUCivR 23-1 DESIGNATION OF PROPOSED CLASS ACTION

(a) Caption.

The complaint or other pleading asserting a class action must include the words “Proposed Class Action” in the caption.

(b) Class Allegation Section.

The complaint or other pleading must contain a separate section setting forth the following:

- (1) the definition of the proposed class;
- (2) the size of the proposed class;
- (3) the adequacy of representation by the class representative;
- (4) the common questions of law and fact;
- (5) the typicality of claims or defenses of the class representative;
- (6) the nature of the notice to the proposed class; and
- (7) if proceeding under Fed. R. Civ. P. 23(b)(3), the facts addressing the considerations listed in ~~sections~~ Fed. R. Civ. P. 23(b-1(c)(1)(3)(A) through (D).

(c) Motion for Certification.

- (1) In any case involving a proposed class action, as part of the conference required by Fed. R. Civ. P. 26(f), the parties must discuss and include in the Attorney Planning Meeting Report the following:
 - (A) a proposed briefing schedule for a Motion for Class Certification;
 - (B) any departure from the page limits of DUCivR 7-1;
 - (C) whether discovery should be bifurcated to address the facts necessary for a determination of the sufficiency of the class;
 - (D) whether the initial scheduling order should address only discovery relevant to the Motion for Class Certification, with a subsequent

scheduling order to enter after determination of the certification motion; and

(E) how the plan is consistent with the requirement in Fed. R. Civ. P. 23(c) that the certification question be decided “[a]t an early practicable time after a person sues or is sued as a class representative.”

(2) Unless otherwise agreed by the parties or ordered by the court, the filing of a motion under Fed. R. Civ. P. 12(b) stays an obligation to file or respond to a Motion for Class Certification until the Rule 12(b) motion is resolved.

DUCivR 37-1 DISCOVERY DISPUTES

(a) Resolution Without Court Assistance.

- (1) The parties must make reasonable efforts to resolve a discovery dispute arising under Fed. R. Civ. P. 26 through 37 before seeking court assistance.
- (2) At a minimum, those efforts must include a prompt written communication sent to the opposing party:
 - (A) identifying the discovery disclosure or request at issue, the response, and specifying why the response or objection is inadequate; and
 - (B) requesting to meet and confer, either in person or by telephone, and include suggested dates and times.

~~(b) Short Form Discovery Motion.~~

(b) Procedure for Unresolved Disputes.

If ~~the~~a discovery dispute remains after reasonable efforts, and ~~the parties need a court order~~relates to resolve the dispute, the parties (either individually Fed. R. Civ. P. 45 subpoena, a discovery sanction sought under Fed. R. Civ. P. 37(b), an assertion or jointly a challenge of privilege, or a designation made under a protective order, a motion must comply with DUCivR 7-1(a)(4)(D). Otherwise, a party must file a Short Form Discovery Motion, ~~which should~~ under section 37-1(c).

(c) Short Form Discovery Motion.

(1) A Short Form Discovery Motion must:

- ~~(1)(A)~~ not exceed 5005 pages or 1,550 words exclusive of caption and signature block calculated in accordance with DUCivR 7-1(a)(6);

~~(2) The motion must:~~

~~(A)~~(B) include a certification that states—

- (i) the parties made reasonable efforts to reach agreement on the disputed matters;
- (ii) the date, time, and method of the reasonable efforts; and
- (iii) the names of all participating parties or attorneys;

~~(B)~~(C) include as ~~the only~~ exhibits ~~to the motion only the a copy of the~~ disputed discovery request ~~and any response, any response, and~~ any exhibit essential to resolution of the dispute; and

~~(C)~~(D) be filed no later than 45 days after the prompt written communication in section 37-1(a)(2) was sent to opposing counsel, unless the court grants an extension of time for good cause. Failure to meet the deadline may result in automatic denial of the motion.

~~(3)(2)~~ The opposing party must file its response ~~5 business, including any exhibit~~ permitted in section 37-1(c)(1)(C), 7 days¹ after the filing of the motion, unless the court orders otherwise. The response must not exceed ~~5005~~ pages or 1,550 words, ~~exclusive of caption and signature block and must not include any additional exhibits. calculated in accordance with DUCivR~~ 7-1(a)(6).

~~(4)(3)~~ At the time of filing a motion or response, each party must email to chambers and the opposing party a proposed order in a word processing format.

~~(5)(4)~~ To resolve the dispute, the court may:

- (A) request additional briefing and set filing deadlines;
- (B) schedule an informal virtual or telephonic conference;

¹~~This provision is not subject to the addition of 3 days provided by Fed. R. Civ. P. 6(d).~~

~~(A)(C)~~ set a hearing without waiting for a response to the motion; or

~~(B)~~ decide the motion after the opposing party has had an opportunity to respond; ~~either at a hearing or in writing; or~~

~~(C)(D)~~ request additional briefing and set a briefing schedule.;

~~(6)(5)~~ A party may request leave to file an overlength ~~short form discovery motion~~ Short Form Discovery Motion or response consistent with DUCivR 7-1.

~~(5)~~ A motion to quash a subpoena or a motion related to the standard protective order is exempt from the Short Form Discovery Motion requirements above and must follow DUCivR 7-1(a)(4)(D).

~~(c)~~ **(d) Expedited Consideration.**

~~When filing its~~ (1) The court will address a discovery motion in CM/ECF, the moving ordinary course unless expedited consideration is requested. To request expedited consideration, a party must first select the “Short Form Discovery” event file a one-page motion to expedite identifying:
~~(A)(A)~~ whether briefing, a hearing, or both need to be expedited and then select “Expedite.” by which date that needs to happen;

The screenshot shows a web interface titled "Motions". Below the title is a search bar with the placeholder text "Start typing to find another event." Below the search bar are two columns. The left column is titled "Available Events (click to select events)" and contains a list of events: Enforce Judgment, Entry of Default, Entry of Judgment, Exclude, Expedite (highlighted in blue), Extension of Time, Extension of Time re Transcript, Extension of Time to Amend, Extension of Time to Complete Discovery, Extension of Time to File Answer, Extension of Time to File Response/Reply, File Amicus Brief, File Excess Pages, Forfeiture of Property, and Hearing. The right column is titled "Selected Events (click to remove events)" and contains a list of events: Short Form Discovery and Expedite. At the bottom of the "Available Events" list are two buttons: "Next" and "Clear".

(B) the reasons the matter needs to be expedited;

(C) the specific harm that may result from a delayed ruling;

(D) if relevant, an explanation of the type of hearing that is necessary on the motion (e.g., an evidentiary hearing or legal arguments); and

(E) if relevant, an estimate of the amount of time necessary for the hearing.

(2) No response to the motion to expedite may be filed unless the court orders otherwise.

~~(d)~~ (e) Discovery Dispute Conference.

~~The~~In lieu of filing a Short Form Discovery Motion, the parties may request that the court conduct a discovery dispute conference by either contacting chambers or filing a stipulated one-page motion ~~requesting a discovery dispute conference, which includes suggested~~containing the dates and times the parties are available.

~~(ef)~~ Deposition Dispute.

This rule does not apply to disputes arising during a deposition. Those disputes, including those that arise under Fed. R. Civ. P. 30(d)(3), may be resolved by contacting the assigned judge by phone.

~~(fg)~~ Objection to Magistrate Judge's Discovery Ruling.

~~(1)~~ Fed. R. Civ. P. 72(a) and DUCivR 72-2 govern objections to the magistrate judge's oral or written discovery ruling except that the word limits in section 37-1(c) are applicable to any objection or response.

~~(2) — When filing an objection, the party must seek expedited treatment.~~

DUCivR 42-1 CONSOLIDATION OF CIVIL CASES

(a) Motion.

If cases involve a common question of law or fact and are pending before different judges, any party to a ~~later-filed~~ case may file a motion and proposed order to consolidate the case to the judge with the ~~lowest-numbered~~earliest-filed case. ~~–The judges assigned to the cases will confer about the appropriateness of the request. The judge assigned to the earliest-filed case will decide the motion.~~

(b) Filing the Motion and Notice.

The motion must be filed in the ~~lowest-numbered~~earliest-filed case even if that case is on consent with a magistrate judge presiding. The movant must also file a notice of the motion in all other cases proposed for consolidation. If the movant is not a party to the other cases, the movant must contact ~~–with the assistance of~~ the Clerk's Office to file the motion or notice. ~~The judges assigned to the cases will confer about the appropriateness of the request. The judge assigned to the lowest-numbered case will decide the motion.~~

(c) Filing a Response.

Any response must be filed in the earliest-filed case. If the respondent is not a party to the earliest-filed case, the respondent must contact the Clerk's Office to file the response.

~~(c)~~(d) Consolidation Without a Motion.

The court may enter an order of consolidation on its own. An order entered is effective 14 days after service unless an objection is filed within that time. If a timely objection is filed, no transfer will occur until the judge assigned to the ~~lowest-numbered~~earliest-filed case rules on the objection.

DUCivR 72-3 CONSENT TO THE JURISDICTION OF THE MAGISTRATE JUDGE

(a) Civil Consent Jurisdiction of Magistrate Judges.

Under 28 U.S.C. § 636(c), a magistrate judge is designated to exercise jurisdiction over a civil jury or nonjury case after the relevant parties consent to the assignment. After obtaining consent, the magistrate judge is authorized to conduct all proceedings and enter judgment in the matter.

(b) Assignment of Civil Case to a Magistrate Judge at Case Opening.

- (1) Except as otherwise restricted under section 72-3(b)(2), the Clerk's Office will randomly assign a civil matter to a magistrate judge if the matter:
 - (A) is brought by an unrepresented party who is not incarcerated;
 - (B) seeks judicial review of decisions of the Commissioner of the Social Security Administration (Social Security Appeal); or
 - (C) is an eligible civil case randomly assigned under DUCivR 83-2(a).
- (2) The Clerk's Office will not assign a civil matter to a magistrate judge if the case:
 - (A) includes a request for immediate injunctive or similar extraordinary relief when a standalone motion for the relief accompanies the complaint or is included in the complaint;
 - (B) includes a claim for relief under 28 U.S.C. §§ 2241, 2254, or 2255;
 - (C) is an in rem or civil forfeiture action involving personal or real property;
 - (D) is an appeal from the bankruptcy court to the district court;
 - (E) includes a claim for relief brought by a relator under the False Claims Act, 31 U.S.C. §§ 3729, et seq.;
 - (F) includes a claim or defense related to the adjudication of, the infringement of, or rights to, a patent;

- (G) involves enforcing or quashing an administrative subpoena;
- (H) is one in which all district judges have a conflict; or
- (I) is one that an assigned district judge has previously invested considerable time.

(c) Notification of Availability of a Magistrate Judge.

- (1) Notification. In every eligible civil case, the Clerk's Office will give notice to each relevant party that a magistrate judge may exercise jurisdiction by sending a copy of the Consent to the Jurisdiction of Magistrate Judge form (Consent Form).
- (2) Sending the Consent Form. For cases identified in section 72-3(b)(1), the Clerk's Office must send the Consent Form to the plaintiff when the complaint is filed and to every other relevant party when the party appears or otherwise responds. When a new party is added to a civil case after consent to a magistrate judge has been obtained, the Clerk's Office will send the Consent Form to the newly added party.
- (3) Returning the Consent Form.
 - (A) *Deadline.* A party has 21 days from the date the Clerk's Office sends the Consent Form to that party to return it to the Clerk's Office.
 - (B) *Procedure.* A party must not electronically file the Consent Form in the case. The Consent Form must be confidentially returned to the Clerk of Court, either by emailing the form in PDF to consents@utd.uscourts.gov or by mailing it to the address provided in the form.
- (4) Filing the Form After Consent is Obtained. If each relevant party consents to the jurisdiction of a magistrate judge, the consent clerk will file the Consent Form.

(d) Case Assignment After the Relevant Parties Consent or Decline to Consent.

(1) Consent Obtained.

- (A) *Case Assigned to a Magistrate Judge.* In a case initially assigned to a magistrate judge in which the relevant parties consent, the Clerk's Office will assign the case to the magistrate judge as the presiding judge.
- (B) *Case Assigned to a District Judge.* In a case initially assigned to a district judge, but eligible to have a magistrate judge preside after consent, in which the relevant parties consent, the Clerk's Office will assign the case to:
 - (i) the referred magistrate judge; or
 - (ii) a randomly selected magistrate judge if one has not been referred.

(2) Consent not Obtained.

- (A) *Case Assigned to a Magistrate Judge.* In a case initially assigned to a magistrate judge under section 72-3(b)(1)(A) or (B) in which consent is not obtained, the Clerk's Office will randomly assign the case to a district judge and, unless a district judge directs otherwise, enter an automatic referral under 28 U.S.C. § 636(b)(1)(B) to the magistrate judge who was initially assigned. In all other cases initially assigned to a magistrate judge in which consent is not obtained, the Clerk's Office will randomly assign the case to a district judge and, unless the district judge directs otherwise, enter an automatic referral under 28 U.S.C. § 636(b)(1)(A) to the magistrate judge who was initially assigned.
- (B) *Case Assigned to a District Judge.* In a case initially assigned to a district judge, in which consent is not obtained, the case remains

assigned to the district judge. Any existing referral to a magistrate judge is unaffected.

(e) Confidentiality.

A party may decline to consent without negative consequences. If any party declines to consent or fails to timely return the Consent Form, the identity of that party will not be communicated to any judge.

(f) Authority of the Magistrate Judge Pending Consent.

Until all relevant parties consent, a magistrate judge's assignment as presiding judge is a referral from the Chief Judge under 28 U.S.C. § 636(b)(1)(B).

DUCivR 83-1.7 ATTORNEY DISCIPLINE

(a) Standards of Professional Conduct and Jurisdiction.

An attorney who is or has been a member of the court's bar or admitted pro hac vice is subject to the Local Rules of Practice, the Utah Rules of Professional Conduct, and the court's disciplinary jurisdiction.

(b) Initiation of a Disciplinary Action.

A disciplinary action may be initiated against an attorney who has been:

- (1) disciplined by the Utah State Bar, the Tenth Circuit Court of Appeals, or a court or bar association of another jurisdiction;
- (2) the subject of an attorney misconduct complaint that is signed under penalty of perjury (a court-provided complaint form is preferred but not required);
- (3) convicted of a crime, including—
 - (A) a felony; or
 - (B) a misdemeanor that reflects adversely on the attorney's character and fitness; or
- (4) referred for discipline by a judicial officer of the court.

(c) Notice of Discipline or Conviction.

An attorney who has been disciplined by another court or bar association or convicted of a crime other than a minor traffic offense must immediately notify, in writing, the Clerk of Court. The notice must include a copy of the discipline order or conviction. The Clerk of Court may also receive notice of discipline by another court or bar association. The Clerk of Court will maintain these documents in a confidential file in CM/ECF.

(d) Commencement of a Disciplinary Action.

(1) Reciprocal Discipline.

- (A) After receiving notice of discipline under section 83-1.7(c), the Clerk must serve on the attorney:
 - (i) a copy of the notice if the attorney did not provide the notice; and
 - (ii) an order, to become effective 28 days after the date of service, imposing reciprocal discipline in this court.
- (B) A motion for relief from the clerk's order may be filed within 14 days of the date of service of the clerk's order. Failure to file a motion for relief is deemed a waiver. The motion must succinctly identify the facts, relevant authority, and argument supporting the relief from the order of reciprocal discipline. The effect of the clerk's order is stayed until the disciplinary panel, identified in section 83-1.7(f), orders otherwise. The panel may schedule an evidentiary hearing upon a showing of good cause. If an evidentiary hearing is held, the panel may enter interim orders, pending the hearing, as justice may require. If a hearing is not scheduled, the panel may affirm the clerk's order or take other action.

(2) Attorney Misconduct Complaint or Criminal Conviction.

- (A) After receiving an attorney misconduct complaint or notice of a criminal conviction, the clerk will transmit a copy to the panel with a recommendation whether to issue an order to respond.
- (B) The panel may issue an order to respond requiring the attorney to explain why the court should not restrict the attorney's ability to practice.

- (C) The clerk may serve the order to respond on the attorney by email at an identified email address. If the email is returned as undeliverable, the Clerk must serve the order to respond by certified mail, return receipt requested, on the attorney at an identified mailing address.
 - (D) A response must be filed within 21 days after service of the order to respond.
 - (E) After receipt of the response or the expiration of 21 days, the panel must review the documents and may:
 - (i) dismiss the complaint;
 - (ii) refer the action to a more appropriate jurisdiction;
 - (iii) impose no discipline;
 - (iv) impose interim or final discipline;
 - (v) refer the action to the committee identified in section 83-1.7(f) for review and recommendations; or
 - (vi) set the matter for an evidentiary hearing before a trier of fact.
- (3) Judicial Referral. A judicial officer may make a referral in writing to the panel or any other appropriate authority regarding an attorney's misconduct. The procedure for addressing a judicial referral is the same as in section 83-1.7(d)(2).

(e) Discipline.

Discipline may include:

- (1) a public or private reprimand;
- (2) conditions for continuing to practice law in this jurisdiction;
- (3) probation;

- (4) suspension from the right to practice in this court;
- (5) disbarment; or
- (6) other discipline as deemed appropriate.

(f) Disciplinary Authorities, Procedures, and Record Requests.

(1) Authorities.

- (A) *Disciplinary Panel.* The Chief Judge must appoint a panel of 3 judicial officers to constitute the Panel and designate 1 to serve as the chair. The Panel has jurisdiction over all matters relating to the discipline of attorneys, including disbarment and suspension. The Chief Judge may designate additional judicial officers to serve as alternates when a member is unable to serve. If a member is unable to serve, the remaining members have authority to proceed without the participation of the unavailable member. If the unavailable member is the chair, the remaining members will select a substitute chair.
- (B) *Committee.* The panel may appoint a committee of attorneys to advise and assist it. At the panel's direction, the Committee may investigate complaints or motions for reinstatement, prepare a report and recommendation, or serve as a trier of fact.
- (C) *Investigator.* The panel may appoint an investigator to interview witnesses, gather evidence, and prepare reports or summaries. The legal standard at this preliminary investigatory phase is probable cause.
- (D) *Hearing Officer.* The panel may appoint a neutral hearing officer to conduct an evidentiary hearing. The hearing officer must be a judicial officer or member of the court's bar. If an evidentiary

hearing is required, the burden of proof is clear and convincing evidence.

- (E) *Examiner*. The panel may appoint a member of the committee or another attorney to present evidence in support of discipline.
- (F) *Clerk of Court*. The Clerk of Court will process a disciplinary matter as stated in this rule.
- (2) Disciplinary Authority Immunity. Disciplinary authorities are immune from claims arising out of disciplinary actions.
- (3) Hearing. The trier of fact, which may be the panel that may include a member of the committee, may permit discovery, receive testimony, and consider other evidence as deemed relevant or material. The Federal Rules of Evidence do not apply.
- (4) Records.
 - (A) *Public*. An order of discipline is a public record and will be reflected in the court's public attorney directory, unless ordered otherwise.
 - (B) *Confidential*. All other disciplinary records are confidential.
 - (C) *Record Requests*. A person may file a request to obtain copies of disciplinary records with the Clerk of Court. The panel may authorize the clerk to provide copies of the records. If the panel denies the request, the person may file an objection within 14 days. The Chief Judge will address the objection.

(g) Review.

A request for the Chief Judge to review the final decision must be made in writing within 28 days from the date on the Disciplinary Panel's written decision. The request for review may not exceed more than 10 pages or 3,100 words, excluding

attachments. The person requesting the review may not include issues that were not previously raised.

(h) Reinstatement.

- (1) An attorney who has been disciplined in this court may file a motion for reinstatement in the original disciplinary action. Reinstatement in this court is not automatic after reinstatement in another jurisdiction.
- (2) The motion must succinctly:
 - (A) identify disciplinary and reinstatement actions taken in any jurisdiction; and
 - (B) explain why reinstatement is appropriate in this court and will not be detrimental to the integrity of the bar of this court, the interests of justice, or the public.

DUCivR 83-2 ASSIGNMENT AND TRANSFER OF CIVIL CASES

(a) Case Assignment.

- (1) Except as provided in this rule or general order, an automated system randomly assigns civil cases to active district judges and full-time magistrate judges for the purpose of maintaining work parity among these judges. Active district court judges approve this system, and the clerk manages and maintains it under the direction of the Chief Judge to accomplish this purpose.
- (2) The Chief Judge may assign or reassign a case for the efficient administration of justice.
- (3) A majority of active district judges may adjust the Chief Judge's caseload as necessary for the performance of the duties of that office.
- (4) The Chief Judge and a senior district judge must inform the clerk of the percentage of a full caseload and type of cases that the senior judge elects to be assigned.

(b) Judicial Recusal or Disqualification.

In the event of a judicial recusal or disqualification, another judge will be assigned to the case through the automated system described in DUCivR 83-2(a). If all judges recuse or are disqualified, the Chief Judge will request that the Chief Judge of the Tenth Circuit Court of Appeals assign the case to a judge from another district.

(c) Emergency Circumstances.

In an emergency, if the assigned judge is unavailable, the clerk may request any available judge to act for the assigned judge.

(d) Special Assignment.

- (1) Unrepresented Party. If an unrepresented plaintiff in a new case is already a plaintiff in a pending case or a case that was terminated within the year previous to the filing of the new case, the clerk will notify the judge assigned to the lowest-numbered case of the new case who may enter an order reassigning the new case.
- (2) Bankruptcy Case. If multiple cases arising out of a single bankruptcy case are filed in this court, the first case will be randomly assigned to a judge. All subsequent cases arising out of the same bankruptcy case will be assigned to the same judge.
- (3) Civil Forfeiture. If a civil forfeiture case is related to a pending criminal case, the civil forfeiture case will be assigned to the judge in the criminal case.
- (4) Removed Case. If a case that has been remanded is removed again, the case will be reassigned to the same judge.
- (5) Post-Conviction Relief. If a petitioner files multiple cases for post-conviction relief or other relief under 28 U.S.C. §§ 2241 or 2254, all subsequent cases will be assigned to the judge in the lowest-numbered case.
- (6) Section 2255 Motions. All motions under 28 U.S.C. § 2255 will be assigned to the sentencing judge.
- (7) Supplemental Proceedings. If a party files a motion for supplemental proceedings, the district judge may enter a referral under 28 U.S.C. § 636(b)~~(1)(A)~~ to:
 - (A) the magistrate judge initially assigned; or
 - (B) a randomly assigned magistrate judge, if one was not previously assigned.

(e) Transfer of Related Case.

(1) Motion. If cases involve a common question of law or fact and are pending before different judges, any party ~~to a later-filed case~~ may file a motion and proposed order to transfer the case to the judge with the ~~lowest-earliest-numbered-filed~~ case. The judges assigned to the cases will confer about the appropriateness of the request. The judge assigned to the earliest-filed case will decide the motion.

(1) Filing the Motion and Notice. The motion must be filed in the ~~lowest-earliest-numbered-filed~~ case even if that case is on consent with a magistrate judge presiding. The movant must also file a notice of the motion in all other cases proposed for transfer. ~~with the assistance of the Clerk's Office. The judges assigned to the cases will confer about the appropriateness of the request. The judge assigned to the lowest-numbered case will decide the motion.~~ If the movant is not a party to the other cases, the movant must contact the Clerk's Office to file the motion or notice.

(2) Filing a Response. Any response must be filed in the earliest-filed case. If the respondent is not a party to the earliest-filed case, the respondent must contact the Clerk's Office to file the response.

~~(1)~~ —

(2)(3) Transfer Without a Motion. The court may enter an order of transfer on its own. An order entered is effective 14 days after service unless an objection is filed within that time. If a timely objection is filed, no transfer will occur until the judge assigned to the ~~lowest-earliest-filed-numbered~~ case rules on the objection.

(f) Unavailable Judge.

If there is activity in a case assigned to a judge who no longer serves in the district, the case will be randomly reassigned.

(a) Motion to Reassign.

When a defendant has both post-conviction violations and other pending criminal charges, a party may file a motion to reassign an earlier-filed case ~~the lower-numbered case~~ earliest-filed case to the judge in ~~the highest-numbered~~ the most recently filed case with pending criminal charges.

(b) Filing the Motion.

The motion to reassign must be filed in ~~the~~ the most recently filed case ~~highest-numbered case~~ with pending criminal charges.

(c) Notice.

The filing party must file a notice of the motion in all cases that could be reassigned under this rule.

(d) Reassignment.

A judge may, without a motion, ~~may~~ reassign a post-conviction violation case.

(e) Order.

The filing party must email a proposed order in an editable format to the judge's chambers who is chambers of the judge assigned to them ~~the highest-numbered most recently filed case~~ filed case with pending criminal charges.

Counsel's Name and Utah State Bar
Number *(or Party's Name if Self-
Represented)*

Address

City, State, Zip

Phone

Check your email. You will receive
information and documents at this email
address.

Email

I am the ☐ Plaintiff or ☐ Defendant
☐ Attorney for the ☐ Plaintiff or ☐ Defendant

This is a ☐ Limited Appearance

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

	Attorney Planning Meeting Report
Plaintiff,	Case Number: <i>(including assigned judge initials and referred magistrate judge initials, if applicable)</i>
v.	
Defendant.	District Judge
	Magistrate Judge

Under Fed. R. Civ. P 26(f), the Local Rules of Practice, and the Order to Propose Schedule, if applicable, the parties must confer and develop a proposed discovery plan addressing the areas that follow. The parties must email a copy of the proposed scheduling order in an editable format to the assigned magistrate judge's chambers. If a

magistrate judge is not associated with the case, please email the copy to the district judge's chambers.

1. PRELIMINARY MATTERS

a.		Claims and Defenses: <i>(describe the nature and basis of claims and any affirmative defenses)</i>		
b.		Fed. R. Civ. P. 26(f)(1) Conference: <i>(date the conference was held)</i>	<u>00/00/00</u>	
c.		Participants: <i>(include the name of the party and attorney, if applicable)</i>		
d.		Fed. R. Civ. P 26(a)(1) Initial Disclosures: <i>(the parties have exchanged initial disclosures or will exchange no later than the date provided)</i>	<u>00/00/00</u>	
e.		Under Fed. R. Civ. P. 5(b)(2)(E), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by the court's electronic-filing system or email transmission. Electronic service constitutes notice and service as required by those rules. The right to service by USPS mail is waived.	Yes ☐	No ☐

2. PROTECTIVE ORDER

a.		The parties anticipate the case will involve the disclosure of information, documents, or other materials that will be designated as confidential.	Yes ☐	No ☐
b.		If the case will involve the disclosure of information, documents, or other materials that will be designated as CONFIDENTIAL, then good cause exists for the court to enter the court's Standard Protective Order (SPO) under DUCivR 26-2: <i>(describe the need for a protective order)</i>		
c.		If a protective order is needed and the parties are not using the court's SPO, then the court's SPO, in effect under DUCivR 26-2, will govern until a different protective order—proposed by the parties via motion under DUCivR 7-1(a)(4)(D)—is adopted by the court. The parties' proposed protective order should identify a process to resolve all claims of waiver of attorney-client privilege or work-product protection, whether or not the information, documents, or other materials will be designated as CONFIDENTIAL or ATTORNEYS' EYES ONLY, and this process must be included in the proposed protective order under Fed. R. Evid. 502(d): <i>(describe the process)</i>		
d.		If the parties do not anticipate the case will involve the disclosure of information, documents, or the materials that will be designated as CONFIDENTIAL, the parties still should identify, in the space below, a process to resolve all claims of waiver of attorney-client privilege or work-product protection, whether or not the information, documents, or other materials will be designated as CONFIDENTIAL or ATTORNEYS' EYES ONLY, and this process must also be included in the proposed Scheduling Order: <i>(describe the process)</i>		

3. DISCOVERY PLAN

a.		<u>Discovery Plan</u> : The parties agree to the following discovery plan. • If the parties disagree, clearly indicate the disagreement in the space below:	Yes ☐	No ☐
b.		<u>Discovery Subjects</u> : <i>(describe the subject areas in which discovery will be needed)</i>		
c.		<u>Discovery Phases</u> : • Will discovery be conducted in phases? If so, please explain. • Will discovery be limited to or focused on particular issues? If so, please explain and identify whether discovery will be accelerated on any issue and the due dates.		
d.		<u>Electronically Stored Information</u> : (describe how the parties will handle discovery of electronically stored information)		

e.		<u>Privilege or Protection – Trial Preparation Material</u> : (describe how the parties will handle claims of privilege or protection as to trial preparation material asserted after production)
f.		<u>Generative Artificial Intelligence</u> : (describe the parties' agreement about using public Generative AI tools used to analyze any confidential information contained in a discovery production, including how the information will be destroyed upon completion of the litigation)

4. FACT DISCOVERY

a.	Fact Discovery Limitations—		
	1.	Maximum number of depositions by Plaintiff:	<u>10 or #</u>
	2.	Maximum number of depositions by Defendant:	<u>10 or #</u>
	3.	Maximum number of hours for each deposition: (<i>unless extended by agreement of parties</i>)	<u>7 or #</u>
	4.	Maximum interrogatories by any party to any party:	<u>25 or #</u>
	5.	Maximum requests for admissions by any party to any party:	<u>#</u>
	6.	Maximum requests for production by any party to any party:	<u>#</u>
b.	Other Fact Discovery Deadlines—		
	1.	Deadline to serve written discovery:	<u>00/00/00</u>
	2.	Deadline for fact discovery to close:	<u>00/00/00</u>
	3.	Deadline for supplementation of disclosures and responses under Fed. R. Civ. P. 26(e): (<i>optional</i>)	<u>00/00/00</u>

5. ALLOCATION OF FAULT, AMENDING OF PLEADINGS, AND JOINING OF PARTIES¹

a.	Deadline to file a motion to amend pleadings—
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¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

	1.	Plaintiffs:		<u>00/00/00</u>
	2.	Defendants:		<u>00/00/00</u>
b.	Deadline to file a motion to join additional parties—			
	1.	Plaintiffs:		<u>00/00/00</u>
	2.	Defendants:		<u>00/00/00</u>
c.	<u>Allocation of Fault (Utah Code 78B-5-817 through 823 and DUCivR 9-1)</u>			
		<u>Deadline for a party to seek to allocate fault to a non-party</u>		<u>00/00/00</u>

6. EXPERT DISCOVERY

a.	Filing of Notice of Designation required by DUCivR 26-1(a)(2)—			
	1.	Parties bearing the burden of proof:		<u>00/00/00</u>
	2.	Parties not bearing the burden of proof:		<u>00/00/00</u>
b.	Service of Fed. R. Civ. P. 26(a)(2) Disclosures and Reports—			
	1.	Parties bearing the burden of proof:		<u>00/00/00</u>
	2.	Parties not bearing the burden of proof:		<u>00/00/00</u>
	3.	Rebuttal reports, if any:		<u>00/00/00</u>
c.	Deadline for expert discovery to close:			<u>00/00/00</u>

7. OTHER DEADLINES AND TRIAL-RELATED INFORMATION

a.		Deadline for filing dispositive or potentially dispositive motions: (including a motion to exclude experts when expert testimony is required to resolve the motion)	<u>00/00/00</u>
b.		<u>Deadline for filing partial or complete motions to exclude expert witnesses:</u>	<u>00/00/00</u>
cb.		Trial:	Bench ☐ Jury ☐
de.		Trial days:	<u># days</u>

 Date: ____/____/____
 Signature and typed name of Plaintiff's Attorney (or Party's Name if self-represented)²

 Date: ____/____/____
 Signature and typed name of Defendant's Attorney (or Party's Name if self-represented)

² Instructions for attaching the Attorney Planning Meeting Report to a Stipulated Motion for Scheduling Order or Motion for a Scheduling Conference can be found on the court's [Civil Scheduling](#) webpage.

PROPOSED SCHEDULING ORDER INSTRUCTIONS

- Please remove this page from the copy that is filed with the court.
- Please email a copy of the proposed scheduling order in an editable format to the assigned magistrate judge's chambers. If a magistrate judge is not associated with the case, please email the copy to the district judge's chambers.
- WARNING – Do not use this proposed scheduling order for a patent, ERISA, or administrative review case under DUCivR 7-4.

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

_____ Plaintiff, vs. _____ Defendant.	Proposed Scheduling Order _____ Case Number: <i>(including assigned judge initials and referred magistrate judge initials, if applicable)</i> _____ District Judge _____ Magistrate Judge
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Under Fed. R. Civ. P. 16(b), the Local Rules of Practice, and the Order to Propose Schedule, if applicable, an Attorney Planning Meeting has been held and the Attorney Planning Meeting Report has been completed. The following deadlines may not be modified without a court order consistent with Fed. R. Civ. P. 16(b)(4) and DUCivR 83-4.

**DEADLINES ARE 11:59 P.M. ON THE DATE INDICATED UNLESS
EXPRESSLY STATED OTHERWISE**

1. PRELIMINARY MATTERS

a.		Fed. R. Civ. P. 26(f)(1) Conference: <i>(date the conference was held)</i>	<u>00/00/00</u>
b.		Participants: <i>(include the name of the party and attorney, if applicable)</i>	
c.		Fed. R. Civ. P 26(a)(1) Initial Disclosures: <i>(the parties have exchanged initial disclosures or will exchange no later than the date provided)</i>	<u>00/00/00</u>

d.		Under Fed. R. Civ. P. 5(b)(2)(E), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by the court's electronic-filing system or email transmission. Electronic service constitutes notice and service as required by those rules. The right to service by USPS mail is waived.	Yes ☐	No ☐
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2. PROTECTIVE ORDER

a.		The parties anticipate the case will involve the disclosure of information, documents, or other materials that will be designated as confidential.	Yes ☐	No ☐
b.		If the case will involve the disclosure of information, documents, or other materials that will be designated as CONFIDENTIAL, then good cause exists for the court to enter the court's Standard Protective Order (SPO) under DUCivR 26-2: <i>(describe the need for a protective order)</i>		
c.		If a protective order is needed and the parties are not using the court's SPO, then the court's SPO, in effect under DUCivR 26-2, will govern until a different protective order—proposed by the parties via motion under DUCivR 7-1(a)(4)(D)—is adopted by the court. The parties' proposed protective order should identify a process to resolve all claims of waiver of attorney-client privilege or work-product protection, whether or not the information, documents, or other materials will be designated as CONFIDENTIAL or ATTORNEYS' EYES ONLY, and this process must be included in the proposed protective order under Fed. R. Evid. 502(d): <i>(describe the process)</i>		
d.		If the parties do not anticipate the case will involve the disclosure of information, documents, or the materials that will be designated as CONFIDENTIAL, the parties still should identify, in the space below, a process to resolve all claims of waiver of attorney-client privilege or work-product protection, whether or not the information, documents, or other materials will be designated as CONFIDENTIAL or ATTORNEYS' EYES ONLY, and this process must also be included in the proposed Scheduling Order: <i>(describe the process)</i>		

3. DISCOVERY PLAN

a.		<u>Discovery Plan:</u> The parties agree to the following discovery plan. If the parties disagree, clearly indicate the disagreement in the space below:	Yes ☐	No ☐
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b.		<u>Discovery Subjects</u> : (describe the subject areas in which discovery will be needed)		
c.		<u>Discovery Phases</u> : • Will discovery be conducted in phases? If so, please explain. • Will discovery be limited to or focused on particular issues? If so, please explain and identify whether discovery will be accelerated on any issue and the due dates.		
d.		<u>Electronically Stored Information</u> : (describe how the parties will handle discovery of electronically stored information)		
e.		<u>Privilege or Protection – Trial Preparation Material</u> : (describe how the parties will handle claims of privilege or protection as to trial preparation material asserted after production)		
f.		<u>Generative Artificial Intelligence</u> : (describe the parties' agreement about using public Generative AI tools used to analyze any confidential information contained in a discovery production, including how the information will be destroyed upon completion of the litigation)		

4. FACT DISCOVERY

a.	Fact Discovery Limitations—		
	1.	Maximum number of depositions by Plaintiff:	<u>10 or #</u>
	2.	Maximum number of depositions by Defendant:	<u>10 or #</u>
	3.	Maximum number of hours for each deposition: (unless extended by agreement of parties)	<u>7 or #</u>
	4.	Maximum interrogatories by any party to any party:	<u>25 or #</u>
	5.	Maximum requests for admissions by any party to any party:	<u>#</u>
	6.	Maximum requests for production by any party to any party:	<u>#</u>
b.	Other Fact Discovery Deadlines—		
	1.	Deadline to serve written discovery:	<u>00/00/00</u>
	2.	Deadline for fact discovery to close:	<u>00/00/00</u>
	3.	Deadline for supplementation of disclosures and responses under Fed. R. Civ. P. 26(e): (optional)	<u>00/00/00</u>

5. **ALLOCATION OF FAULT, AMENDING OF PLEADINGS, AND JOINING OF PARTIES**¹

a.	Deadline to file a motion to amend pleadings—		
1.	Plaintiff:		<u>00/00/00</u>
2.	Defendant:		<u>00/00/00</u>
b.	Deadline to file a motion to join additional parties—		
1.	Plaintiff:		<u>00/00/00</u>
2.	Defendant:		<u>00/00/00</u>
c.	<u>Allocation of Fault (Utah Code 78B-5-817 through 823 and DUCivR 9-1)</u>		
	<u>Deadline for a party to seek to allocate fault to a non-party</u>		<u>00/00/00</u>

6. **EXPERT DISCOVERY**

a.	Filing of Notice of Designation required by DUCivR 26-1(a)(2)—		
1.	Parties bearing the burden of proof:		<u>00/00/00</u>
2.	Parties not bearing the burden of proof:		<u>00/00/00</u>
b.	Service of Fed. R. Civ. P. 26(a)(2) Disclosures and Reports—		
1.	Parties bearing the burden of proof:		<u>00/00/00</u>
2.	Parties not bearing the burden of proof:		<u>00/00/00</u>
3.	Rebuttal reports, if any:		<u>00/00/00</u>
c.	Deadline for expert discovery to close:		<u>00/00/00</u>

7. **OTHER DEADLINES AND TRIAL-RELATED INFORMATION**²

a.	Deadline for filing dispositive or potentially dispositive motions: (including a motion to exclude experts when expert testimony is required to resolve the motion)		<u>00/00/00</u>
b.	<u>Deadline for filing partial or complete motions to exclude expert witnesses:</u>		<u>00/00/00</u>
bc.	Deadline for filing a request for a scheduling conference for the purpose of setting a trial date if no dispositive motions are filed:		<u>00/00/00</u>

SO ORDERED this _____ day of _____, 202X.

BY THE COURT:

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

² The court will enter the date in Section 7.cb.

[Judge's Name]
[Type of Judge]