QUESTIONNAIRE FOR JUDGE/COMMISSIONER BENCH BOOK

JUDGE/COMMISSIONER: Russell Minas – Third District Court

Date of Bench Book: August 11, 2025

1. Discovery

Q: What is your practice with respect to modifying an initial case schedule under Rule 26?

A: The Notice of Event Due dates governs unless the parties stipulate otherwise, or unless a Rule 37 motion is granted expanding the discovery scope or deadlines. Those motions should be filed before the deadlines pass.

Q: Has your district adopted any local rules with respect to resolving discovery disputes?

A: No.

Q: What is your practice regarding statements of discovery issues ("SODI") disputes? Do you ordinarily set a telephonic or in-person hearing?

A: I try to rule on SODI's on the pleadings and papers if I can. For more complex issues, I might set them for an expedited hearing.

Q: What is your approach to protective orders? Do you often use something similar to the federal court standard protective order?

A: Most often I am amenable to discovery protective order requests that limit use of information to the litigation, and to not disseminate.

Q: What is your approach to granting extraordinary discovery?

A: I first look to see if the limits of discovery have been reached, and if so then to whether the request is proportional to the issue(s) and what is at stake.

Q: What is your practice regarding sanctions for discovery abuses?

A: Generally, I award attorney's fees and give the non-compliant party an additional opportunity to comply. Then if there is still noncompliance I will entertain a motion for sanctions, such as striking pleadings and entering default.

Q: Are you generally available to hear disputes that arise during depositions?

A: N/A. I am a commissioner. Those issues would go to the assigned judge.

Q: What insights do you have for litigants with respect to discovery matters in general?

A: Unless privileged, at least in the domestic context, disclosing more than less is advisable. Even assets believed to be a separate property should still be disclosed. It reduces suspicion that the other party is attempting to hide something. Be amenable to informal requests for additional information, and document it in correspondence as to what is being disclosed.

2. Motions

Q: Do you prefer that counsel provide copies of the cited authorities prior to a hearing?

A: No.

Q: What about unpublished cases?

A: No.

Q: Do you appreciate courtesy copies of briefs being delivered to your chambers prior to a motion hearing? If so, how far in advance do you want them?

A: Yes. At least a few days in advance. I prefer thumb drives.

Q: What is your policy on allowing overlength memoranda? Extensions of the briefing schedule?

A: Brevity to the point is preferred. But I generally grant motions for overlength memoranda, even if only for the purpose of preservation in the event of a Rule 108 objection. Filings before commissioners are governed by Rule 101. I see many requests for overlength filings that in reality go to total pages filed, including exhibits. No leave of court is required for voluminous exhibits. See Rule 101(h)(3). Voluminous exhibits should not be filed with the court, only the summaries.

Q: Do you schedule motion hearings automatically upon receipt of notices to submit, or do you prefer or require that counsel call to schedule hearings?

A: If a request to submit is received and the motion requires a hearing, my team will reach out to the parties/counsel to initiate scheduling. If the motion does not require a hearing, then the RTS should be accompanied with a proposed order.

Q: Under what circumstances do you decline to grant a request for oral argument?

A: Per Rule 101, most motions before me require a hearing. Exceptions include motions for TRO's, overlength pleadings, remote appearance and SODI's. If I can decide on the pleadings and papers, then I might rule instead of setting for a hearing,

Q: Do you have any recommendations or preferences regarding written advocacy that you would like counsel to be aware of?

A: Be succinct and to the point, and avoid cumulative argument. Even with the Rule 101 page limits, commissioners still might have to process hundreds of pages per day of paperwork.

Q: Do you have any particular guidelines or preferences that you expect counsel to follow at oral argument?

A: Be courteous. Avoid attributing to malice or dishonesty what could be attributable to mistake. Avoid absorbing the client's emotions. Avoid ad hominem attacks upon opposing counsel. Remember that there might be several matters on any given calendar, and that the court is not inclined to allow one matter to use up the majority of calendar time at the expense of all other matters.

Q: Do you have any guidelines or preferences that you expect counsel to follow regarding temporary restraining orders or preliminary injunctions? In particular, do you have any preferences regarding the presentation of evidence during these proceedings?

(For example, do you prefer exhibits to be marked in a certain manner, or for counsel to proffer affidavits with the witnesses present for potential cross examination rather than proceeding with direct examination by default?)

A: First, please consider seriously whether the harm alleged unless a TRO issues is both immediate and irreparable. If not, then file the request for relief under Rule 101. Next, make sure that the party signs an affidavit, unsworn declaration or verifies the motion. Please also include a Rule 65A declaration of notice to the other party, as well as a proposed order and a request to submit. Please follow up by reaching out to my team, preferably via email, that a motion for TRO has been filed.

3. Final Pretrial Conference

Q: In your view, what is the purpose of the final pretrial conference?

A: Third district commissioners do not conduct final pretrials, unless the matter is set for an informal trial before the commissioner. In these instances, the final pretrial is for the purposes of scheduling the trial date

and time establishing deadlines for exchange of exhibits, and making sure all waivers of a formal trial are delivered for signature to the parties.

Q: What topics or issues should counsel come prepared to discuss at the final pretrial conference?

A: Please make sure to bring to the court's attention any prior issues raised during the litigation that may have been reserved as trial issues. Please do not ask the court to place on the trial agenda issue that were not raised in the petition or counterpetition.

Q: What steps do you take, if any, at a final pretrial conference to encourage settlement of the case?

A: In almost every matter, whenever the parties appear before me I am usually preaching the virtues of out-of-court resolution. I mention the risk and uncertainty when ceding authority to the court, the adverse effect that resolution via judicial intervention can have, especially upon effective co-parenting, as well as the decreased likelihood of investment in a court-ordered disposition, as opposed to one forged by and agreed upon by the parties themselves.

Q: Do you require clients to be present at final pretrial conferences?

A: No.

Q: Do you typically hear motions in limine and other trial-related motions at the final pretrial conference, or at another time?

A: Another time.

Q: Do you appreciate or require pre-trial briefs from counsel?

A: Yes.

4. Jury Trials

Jury Selection:

Q: How is voir dire conducted in your courtroom? Do you allow counsel to participate in voir dire? If so, to what extent?

A: N/a.

Q: When do you require requested voir dire questions to be submitted?

A: N/a.

Q: Do you allow or encourage the use of jury questionnaires? If so, by when must jury questionnaires be filed?

A: N/a.

Jury Instructions:

Q: When do you require instructions to be submitted?

A: N/a.

Q: Do you have a set of standard jury instructions that you use? If so, how can counsel obtain a copy?

A: N/a.

Q: What form do you prefer requested instructions to take (e.g., do you prefer instructions accompanied by supporting cases, etc.)? Is a citation to MUJI 1st or 2nd sufficient legal authority?

A: N/a.

Q: Do you prefer to receive an electronic copy of requested instructions?

A: N/a.

Q: When do you prefer to hear disputes over jury instructions:

A: N/a.

Trial Procedure:

Q: What is your preferred trial schedule (e.g., 9 to 5 with an hour for lunch, 8 to 2 with no lunch, etc.)? Are there any set days/times when you schedule other matters and not trial?

A: N/a.

Q: Do you prefer to hear disputes over trial exhibits before trial or during:

A: N/a.

Q: What is your practice regarding the use of trial exhibits or demonstratives during opening statements?

A: N/a.

Q: What are your preferences with respect to trial exhibits? What are the

preferences of your clerks with respect to trial exhibits?

A: N/a.

Q: Do you have any guidelines or preferences regarding the use of technology at trial?

A: N/a.

Q: What are your preferences and/or procedures related to witness scheduling?

A: N/a.

Q: Do you allow counsel to move freely around the courtroom during trial?

A: N/a.

Q: What is your preference or practice regarding witnesses appearing remotely at trial?

A: N/a.

5. Bench Trials

Q: Do you have any particular guidelines or preferences that counsel should be aware of regarding bench trials as opposed to jury trials?

A: Informal trials before me usually involve only the testimony of the parties with no cross-examination, and any documents the parties want the court to consider, so long as timely disclosed. The rules of evidence do not apply to informal trials. The attorneys may file trial briefs, and can make opening statements and closing arguments, and consult with their clients during the trial, but otherwise attorney involvement in informal trials is very limited.

6. Post-trial Issues

Q: Do you appreciate or require proposed findings of fact and conclusions of law from counsel?

A: Yes.

Q: Do you appreciate or require post-trial briefs from counsel?

A: No.

7. Technology in the Courtroom

Q: Do you have recommendations or requirements for counsel who will be participating in a remote hearing? (E.g., use of headphones, providing chambers with physical copies of all exhibits in advance, certain practices to avoid when appearing remotely, etc.)

A: Please join the WebEx meetings early to check the link, and to make sure your and your client's camera, speaker and microphone are working properly, and also that you have sufficient bandwidth to appear remotely. Lack of advance preparation in this regard can bring court proceedings to a grinding halt. Please also identify yourselves with both first and last name, and advise clients to do the same.

Q: To what extent do you allow the use of technology in your courtroom?

A: I am equipped to allow for documents to conduct all-remote and hybrid hearings. I can allow publishing of documents via Webex, but I will usually have them beforehand by some other method. For parties in the courtroom I also have headphone equipment for interpreter use.

Q: Do you find the use of any particular type of computer-assisted presentations effective and/or useful?

A: Sometimes, listening/viewing audio or video using court equipment can be helpful, but many still will simply play on their computers or phones.

Q: Do you find the use of any particular type of computer-assisted presentations unhelpful?

A: Please disclose if AI was used to assist in drafting documents, and attest that you have personally checked AI case law and statutory citations or accuracy.

8. Criminal Matters

Q: How do you handle requests for continuance on pretrials, arraignments or roll calls?

A: N/A. Domestic commissioners do not handle criminal matters.

Q: When may the issue of bail best be addressed in your courtroom?

A: N/a.

Q: What is your policy, if any, on pleas in abeyance?

A: N/a.

Q: What information do you want from counsel at the time of sentencing?

A: N/a.

Q: Are private pre-sentence evaluations useful or encouraged?

A: N/a.

Q: Do you have any standard sentences the bar should be advised about, *i.e.*, DUI sentencings, acceptance of alcohol-related recklessness?

A: N/a.

Q: How should counsel on busy law and motion calendar handle calling a case?

A: N/a.

Q: What advice do you have for prosecutors to be most effective in your courtroom?

A: N/a.

Q: What advice do you have for defense counsel to be most effective in your courtroom?

A: N/a.

9. Special Issues for Domestic Cases

Q: Are there any special issues that arise in your courtroom in domestic cases of which you would like the bar to be aware?

A: N/a

For Courts without Commissioners:

Q: What documents do you want filed before appearing on a motion for temporary orders?

A: Under Rule 101 all documents and exhibits should be filed and/or exchanged at the time of filing of the motion/countermotion. Apart from rebuttal documents, lodging of supplemental argument and exhibits is not permitted by rule and generally frowned upon.

Q: What documents do you want filed before appearing on a motion for a custody evaluator?

A: Financial declarations and income verification. Rule 4-903 now requires that the parties make a showing that there is an up-front ability to pay for the costs of the entire evaluation.

Q: What are the special procedures for filing a Motion for an Order to Show Cause?

A: Rule 7B is the domestic-specific rule for motions to enforce. This rule needs to be followed in conjunction with Rule 101. Also, if the motion involves allegations of parent-time denial, once filed, the motion needs to be referred to the co-parenting mediation program. See Utah Code 81-9-102.

Q: Do you have any preferences for completing and filing financial declarations? Any practice pointers for counsel as to how you would like these completed or filed?

A: Be thorough. Go through actual bank/creditor/retirement statements. Do the research before listing expenses on financial declarations, as opposed to estimating. Make sure the various other sections of the declaration are consistent with the representations of monthly expenses. The credibility of your client's financial declaration is at stake, which can substantially affect issues such as alimony, child support and attorney's fees. Also, please timely update financial declarations as material changes occur, such as the loss or change employment. Receiving updated declarations on the eve of or day of a hearing can lead to lengthened hearings (perhaps at the expense of other matters), rejection of the declaration, or unnecessary continuances, perhaps with fee awards.

For Courts with Commissioners:

Q: What is your practice with regard to setting hearings on Objections to Commissioners' recommendations?

A: N/a.

For all Courts:

Q: Do you want any type of motion binder delivered? Is this helpful, or does e-filing render these obsolete?

A: Rule 101(h)(3) indicates that voluminous exhibits should not be filed with the court. Only the summary of exhibits should be filed and the actual documents be available for inspection at the time of hearing. Even so, I prefer receiving the binder or thumb drive of the documents at least a few days in advance of the hearing,

Q: Do you appreciate courtesy copies of briefs being delivered to your chambers prior to a motion hearing? If so, how far in advance do you want them, and how do you want them assembled (folder, binders, with or without exhibit tabs, etc.)

A: Yes. Briefs ordinarily would be in the file. Documents at least a few days in advance, if not already in the file.

Q: Is there a special way that you would like proposed orders to be filed?

A: Please review the standards for filing .rtf documents for judicial signature. https://www.utcourts.gov/content/dam/howto/filing/efiling/district/docs/formattingrtfdocuments.pdf Specifically, please refrain from using automatic paragraph numbering, page numbers, footers, complex tables, and bookmarks.

Q: Do you have a policy on child interviews with respect to custody?

A: Yes. I rarely directly interview children, and only when persuaded to do so by a child's guardian ad litem and/or therapist for the benefit of the child. If so, the interview would be in camera outside the presence of the parties and counsel.

10. Courtroom Protocol

Q: Is lack of civility ever a problem in your courtroom? If so, what steps do you take to address it?

A: Yes. Admonitions, and if necessary, taking breaks or removal of offending persons from the courtroom. In rare cases, finding contempt in the presence of the court.

Q: What are your opinions regarding courtroom dress?

A: It is context specific. I don't have the same expectations of pro se indigent litigants that I might of attorneys or parties who are professionals with greater resources. In general, I expect the parties to dress in a manner that is not disrespectful to the court or procedural due process.

Q: Do you allow children in your courtroom?

A: No.

Q: What is your courtroom practice with respect to attorney cell phones? Clients? Those in the gallery?

A: For all persons, phones need to be silenced and no video or audio recording is allowed. There is a process for requesting the official court record.

Q: What, if anything, do you do to enforce promptness in your courtroom?

A: I start court promptly, and expect the same of the counsel and the litigants. At the same time I recognize that even those who may leave home or work believing they are doing so with time to spare, can sometimes be held up by security and other unforeseen circumstances. If running late or if stuck in another courtroom email my team. I try to accommodate as best I can, but also have to consider calendar management.

11. Comments from Case Managers and Judicial Assistants

Q: The name and phone number of my case manager(s) is:

A: My case manager is Ebet Knight. ebetk@utcourts.gov

Q: My case manager wants you to please do these things:

A: In general, please be courteous to court staff. The staff is aware of the stressors on attorneys in in domestic matters. The staff is doing their best sometimes with limited resources. Rudeness or impatience with toward court staff does not help your client, and may result in admonitions or restrictions on permissible communications.

Q: The name and phone number of my judicial assistant(s) is:

A: The best way to reach my team is by email at 3rdminasteam@gmail.com. My team phone number is 801-237-7021

Q: My judicial assistant wants you to please do these things:

A: Please cc all parties/counsel when communicating with the judicial team. Conversely, please refrain from cc'ing the judicial team on correspondence that is not intended for the court staff.

12. Other items

Q: Do you have a judicial biography that you would like hyperlinked to your bench book? If so, please advise us of the link to this information or provide us with a copy of the same so we may link it to your bench book.

A: Yes. https://www.utcourts.gov/en/about/courts/judges-bios/district-courts/third-district-court/russell-minas.html

Q: Do you have any stock jury instructions, verdict forms, articles, standing orders, checklists, remote hearing protocols, or other information you would like hyperlinked to your bench book? If so please advise us to the link to this information or provide us with copies of the same so we may link it to your bench book.

A: No.

Q: Is there anything else that you would like attorneys or parties to know about case management or proceedings in your courtroom?

A: