

Agenda

Policy and Planning Committee

February 5, 2016

12:00 – 1:30 p.m.

Education Room, 3rd Floor
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84114

| | | | | |
|-------|--|--------|-------|---------------------|
| 12:00 | Welcome and Approval of Minutes | Action | Tab 1 | Judge Reed Parkin |
| 12:05 | Rules for Final Action | Action | Tab 2 | Alison Adams-Perlac |
| 12:10 | Rule 4-202.02. Records access. | Action | Tab 3 | Alison Adams-Perlac |
| 12:20 | Jury Service Rules | Action | Tab 4 | Alison Adams-Perlac |
| 12:30 | Rule 4-903. Uniform custody evaluations. | Action | Tab 5 | Alison Adams-Perlac |
| 12:40 | Rule 3-403. Judicial branch education. | Action | Tab 6 | Alison Adams-Perlac |
| 12:55 | Senior Judge Assistance Discussion | | | Judge Reed Parkin |
| 1:25 | Other Business | | | Judge Reed Parkin |

Committee Web Page: <http://www.utcourts.gov/intranet/committees/policyplan/>

Meeting Schedule: Meetings are held in the Matheson Courthouse, Judicial Council Room, from 12:00 to 1:30 unless otherwise stated.

March 4, 2016

April 1, 2016

May 6, 2016

**Policy and Planning Committee Meeting
Executive Summary - Focus Sheet**

February 4, 2016

| Issue | Scope | Status | Assignments | Notes |
|---------------------------------------|--|----------------|--|--|
| Approval of Minutes | | Action Vote | Read 1/8/2016 minutes for accuracy and approval. | |
| Rules for Final Action | Consider rules 3-114 and 4-503 for final action. | Action Vote | Review memo and rule proposals for approval. | Ms. Adams-Perlac will review the proposed rules. <i>The comment period is closed, and neither rule received any public comments.</i> |
| Rule 4-202.02. Records access. | Consider amendments to the records access rule regarding notice of nonresident violator noncompliance and appellate addenda. | Action Vote | Review rule proposals and attachments and be prepared to discuss them. | Ms. Adams-Perlac will review the proposed amendments which privatize a document with sensitive information (at line 140), and delete provisions covered by other recent rule changes (at lines 159-164). She will also discuss whether booking sheets should be reclassified. <i>The amendment regarding nonresident violator compliance was proposed by the Clerks of Court.</i> |
| Jury Service Rules | Consider amendments to rules jury service rules regarding jury terms of service. | Action Vote | Review proposals and be prepared to discuss them. | Ms. Adams-Perlac will review the proposed amendments which conform the rules to recent statutory amendments, and correct and incorrect reference. The changes are found at lines 40-41 in |

**Policy and Planning Committee Meeting
Executive Summary - Focus Sheet**

February 4, 2016

| Issue | Scope | Status | Assignments | Notes |
|---|---|----------------|---|--|
| | | | | Rule 4-404, and at line 20 in Rule 4-405. |
| Rule 4-903. Uniform custody evaluations. | Consider amendments to the custody evaluation rule. | Action Vote | Review rule proposal and be prepared to discuss it. | <p>Ms. Adams-Perlac will review the amendments which do away with the allowance that a second custody evaluator could be appointed to do a custody evaluation.</p> <p><i>The Standing Committee on Children and Family Law has thoroughly vetted and recommended these changes. They expressed concerns that when two evaluators conduct evaluations, neither of the evaluations is useful, because the evaluators only communicate with one side. The amendments would allow only one evaluation.</i></p> |
| Rule 3-403. Judicial branch education. | Consider amendments to the education rule regarding annual education requirements for active senior judges. | Action Vote | Review rule proposal and be prepared to discuss it. | Ms. Adams-Perlac will discuss the proposed amendment at lines 46-49 which would allow an active senior judges education requirements to be considered over two years, rather than just annually, if good cause exception is granted by the Management Committee. |

Policy and Planning Committee Meeting Executive Summary - Focus Sheet

February 4, 2016

| Issue | Scope | Status | Assignments | Notes |
|---|---|---------------|-----------------------------------|--|
| | | | | <i>The Judicial Council approved this idea in concept at its October 2015 meeting.</i> |
| Senior Judge Assistance Discussion | Consider the senior judge assistance issue. | | Be prepared to discuss the issue. | Judge Parkin will lead the committee in a continued discussion of the senior judge assistance rule, including presiding judge authority and budget considerations. |

Next Meeting: March 4, 2016 at 12:00 p.m.

Tab 1

Minutes of the Policy and Planning Committee
January 8, 2016
Draft

Members Present

Marvin Bagley, Ann Boyden, Mark DeCaria, John Lund, Mary Noonan, Reed S. Parkin

Members Excused

None

Staff

Alison Adams-Perlac

Guests

Dan Becker

(1) Approval of Minutes

Judge Parkin moved to approve the minutes of the December 4, 2015 meeting. Judge DeCaria seconded the motion and it passed unanimously.

(2) Justice Court E-filing

Ms. Adams-Perlac reviewed the proposed rule that would make e-filing discretionary in criminal cases in justice court between July 1, 2016 and June 30, 2017, and mandatory after July 1, 2017. She stated the Board of Justice Court judges proposed these dates and that Ron Bowmaster agreed that e-filing in justice court can be ready by July 1, 2016 for criminal cases. Judge Parkin stated that he has talked to Bob Church at the Utah Prosecution Council regarding the proposed dates and the Prosecution Council does not have any concerns.

Ms. Adams-Perlac stated that Mr. Becker expressed some concern regarding the 1 year time period between the discretionary and mandatory filing periods. She stated the time period was only 6 months in the district and juvenile courts. Mr. Becker joined the meeting and agreed with those concerns.

The committee discussed changing the time period so there will only be 6 months between the discretionary and mandatory e-filing periods.

Mr. Lund moved to recommend the proposed rule, amending "June 30, 2017" in line 9 and "July 1, 2017" in line 12 to both read "December 31, 2016," to the Council for public comment. Judge Bagley seconded the motion and it passed unanimously.

(3) Language Access Rules

Ms. Adams-Perlac discussed rules 3-306.01 through 3-306.05. She stated the rule 3-306 has been broken into parts, so that it is easier to navigate. She stated the Language Access Committee reviewed and revised the rule proposals over a number of months before voting to recommend them to the Policy and Planning Committee for its approval.

Ms. Adams-Perlac reviewed rules 3-306.01 and 3-306.02. She stated that the changes in these rules are non-substantive, since they simply move language to another subpart, and include language that is in rule 3-306 currently.

Ms. Adams-Perlac then reviewed rule 3-306.03. She stated that this rule adds a requirement that an interpreter certified by the rule must immediately report any criminal charges or convictions and any Utah State Court cases they are personally involved in as a party to the program coordinator. The amendment also provides that an interpreter who speaks a language in which the court lacks certified interpreters may seek an exemption from the requirement to pay the application fee, and to obtain a passing score on the court interpreter's test, for good cause shown. The Language Access Committee shall consider the request and may set conditions for the exemption. The rule also reiterates that all interpreters, except the four staff interpreters in the Third District, are independent contractors.

Ms. Adams-Perlac reviewed rule 3-306.04. She stated that the only amendment to this portion of the rule is that the Judicial Council shall conduct a market survey every three years, rather than annually, to determine whether the hourly rates for interpreters should be changed. The committee asked questions regarding the market survey process. Mr. Becker stated that Human Resources usually conducts these surveys. Ms. Adams-Perlac stated that she also receives information from a national listserv through the National Center for State Courts. She stated that she reviews the fees rates nationally and regionally.

Mr. Lund suggested changing "conduct" to "review" and adding "conducted by the Language Access Program Manager" after survey on line 89. The committee agreed.

Finally, Ms. Adams-Perlac reviewed rule 3-306.05. She stated that this rule includes unprofessional behavior toward a client, judge, court staff, or Language Access Committee member, or being charged with, or convicted of, a crime to the list of things for which an interview may be disciplined. She explained some of the problems that have arisen due to unprofessional behavior by contract interpreters. She explained that the rule also gives an interpreter coordinator the discretion to decline to assign an interpreter listed on the statewide roster as long as the coordinator otherwise follows rule 3-306.04 in assigning an interpreter.

Judge Noonan suggested adding court security to the list in lines 22 and 23. The committee agreed.

Ms. Adams-Perlac stated that the rule also provides that if the Language Access Program Coordinator files a formal complaint, the Language Access Program Manager has the responsibility to fulfill the duties of the Coordinator under the rule.

Ms. Adams-Perlac reviewed other changes to the rule regarding the appeals process, which would allow a panel of the Language Access Committee to reach a decision following the Coordinator's proposed resolution, and would allow an appeal from that panel's decision to the main committee.

Judge Noonan recommended removing "particularly" from line 62, changing "shall be" to "is" on lines 81, 83, 84, and 120. She also suggested adding "by a majority" after "determine" on line 93, and "chair" after panel on line 95. The committee agreed with Judge Noonan's amendments.

Judge Noonan moved to recommend the proposals, as amended, to the Judicial Council for public comment. Judge Boyden seconded the motion and it passed unanimously.

(4) Senior Judge Assistance

Ms. Adams-Perlac explained the proposed rule. She stated that the Council had approved that would give presiding judges more discretion in appointing a senior judge, if certain conditions were met. Mr. Becker gave more background. The committee discussed the proposal at length, including the Council's discussions on the issue. Judge Noonan expressed that the rule should allow for presiding judges to have more discretion to appoint a senior judge in emergency situations, e.g. a trial, when a calendar is set, etc. Mr. Becker explained that appointing a senior judge can be problematic when it is done without taking the budget process into account. The committee discussed requiring the presiding judge to develop a plan in conjunction with the AOC regarding how the senior judge will be funded. Mr. Becker stated that this is generally happening, and it works. Ms. Adams-Perlac suggested that the rule provide more

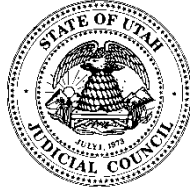
guidance to presiding judges regarding how to make these requests and what should be considered. The committee also discussed that the rule should apply only to unexpected vacancies.

The committee asked Ms. Adams-Perlac to revise the proposal to address its concerns, and to bring the proposal back to the next meeting.

(5) Other Business

There was no other business and the meeting was adjourned.

Tab 2



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

MEMORANDUM

Daniel J. Becker
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Policy and Planning Committee
From: Alison Adams-Perlac *Alison Adams-Perlac*
Date: February 3, 2016
Re: Rules for Final Action

The public comment period for rules 3-114 and 4-503 of the Utah Code of Judicial Administration has now closed. Neither of the proposals received any public comments. These rules are now ready for final action by this committee.

CJA 03-0114. Judicial outreach. Amend. Reorders the intent language. Provides that model outreach programs shall take into account existing curricula. Requires the committee to propose and implement rather than develop policies that encourage judicial participation in outreach programs.

CJA 04-0503. Mandatory electronic filing. Amend. Requires an attorney seeking an exemption from e-filing to submit a written request to the District Court Administrator.

If the proposals are recommended by this committee, they will be forwarded to the Judicial Council for final action.

Encl. CJA 03-0114
CJA 04-0503

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

Rule 3-114. Judicial outreach.

Intent:

To improve public trust and confidence in the judiciary.

To foster a greater role for judges in service to the community.

To provide leadership and resources for outreach.

~~To improve public trust and confidence in the judiciary.~~

Applicability:

This rule shall apply to all members of the judiciary~~justices and judges~~.

Statement of the Rule:

(1) The Committee on Judicial Outreach shall:

(1)(A) create and promote model outreach programs that take into account existing curricula;

(1)(B) promote local outreach programs;

(1)(C) propose and implement~~develop~~ policies and rules that encourage judicial participation in outreach programs;

(1)(D) work with educators to ~~incorporate~~enhance civic education into school curriculums;

(1)(E) work with the Utah State Bar to develop joint outreach programs; and

(1)(F) communicate judicial outreach efforts.

(2) Consistent with the Code of Judicial Conduct and to increase public understanding of ~~and involvement with~~ the administration of justice, the judiciary is encouraged to:

(2)(A) educate civic, educational, business, charitable, media and other groups about the court system and judicial process; and

(2)(B) take an active part in the community where the participation of the judiciary will serve to increase public understanding and promote public confidence in the integrity of the court system.

Rule 4-503. Mandatory electronic filing.

Intent:

To require that documents in district court civil cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the district court.

Statement of the Rule:

(1) Except as provided in Paragraph (2), pleadings and other papers filed in civil cases in the district court on or after April 1, 2013 shall be electronically filed using the electronic filer's interface.

(2)(A) A self-represented party who is not a lawyer may file pleadings and other papers using any means of delivery permitted by the court.

(2)(B) A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any means of delivery permitted by the court. To request an exemption, the lawyer shall submit at the written request outlining why the exemption is necessary to the District Court Administrator ~~Judicial Council's General Counsel on a form approved by the Judicial Council.~~

(2)(C) Pleadings and other papers in probate cases may be filed using any means of delivery permitted by the court until July 1, 2013, at which time they shall be electronically filed using the electronic filer's interface.

(3) The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the filer's service provider.

Tab 3

Rule 4-202.02. Records classification.

Intent:

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) Court records are public unless otherwise classified by this rule.

(2) Public court records include but are not limited to:

(2)(A) abstract of a citation that redacts all non-public information;

(2)(B) aggregate records without non-public information and without personal identifying information;

(2)(C) appellate filings, including briefs;

(2)(D) arrest warrants, but a court may restrict access before service;

(2)(E) audit reports;

(2)(F) case files;

(2)(G) committee reports after release by the Judicial Council or the court that requested the study;

(2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;

(2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;

(2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;

(2)(K) financial records;

(2)(L) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:

(2)(L)(i) amount in controversy;

(2)(L)(ii) attorney name;

(2)(L)(iii) case number;

(2)(K)(iv) case status;

(2)(L)(v) civil case type or criminal violation;

(2)(L)(vi) civil judgment or criminal disposition;

(2)(L)(vii) daily calendar;

(2)(L)(viii) file date;

(2)(~~L~~M) party name;

(2)(~~M~~N) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;

37 (2)(~~NO~~) name, address, telephone number, email address, date of birth, and last four digits of the
38 following: driver's license number; social security number; or account number of a party;

39 (2)(~~OP~~) name, business address, business telephone number, and business email address of a
40 lawyer appearing in a case;

41 (2)(~~PQ~~) name, business address, business telephone number, and business email address of
42 court personnel other than judges;

43 (2)(~~QR~~) name, business address, and business telephone number of judges;

44 (2)(~~RS~~) name, gender, gross salary and benefits, job title and description, number of hours
45 worked per pay period, dates of employment, and relevant qualifications of a current or former court
46 personnel;

47 (2)(~~ST~~) unless classified by the judge as private or safeguarded to protect the personal safety of
48 the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury
49 is discharged;

50 (2)(~~TU~~) opinions, including concurring and dissenting opinions, and orders entered in open
51 hearings;

52 (2)(~~UV~~) order or decision classifying a record as not public;

53 (2)(~~VW~~) private record if the subject of the record has given written permission to make the record
54 public;

55 (2)(~~WX~~) probation progress/violation reports;

56 (2)(~~XY~~) publications of the administrative office of the courts;

57 (2)(~~YZ~~) record in which the judicial branch determines or states an opinion on the rights of the
58 state, a political subdivision, the public, or a person;

59 (2)(~~ZAA~~) record of the receipt or expenditure of public funds;

60 (2)(~~AABB~~) record or minutes of an open meeting or hearing and the transcript of them;

61 (2)(~~BBCC~~) record of formal discipline of current or former court personnel or of a person
62 regulated by the judicial branch if the disciplinary action has been completed, and all time periods for
63 administrative appeal have expired, and the disciplinary action was sustained;

64 (2)(~~GGDD~~) record of a request for a record;

65 (2)(~~DD EE~~) reports used by the judiciary if all of the data in the report is public or the Judicial
66 Council designates the report as a public record;

67 (2)(~~EE FF~~) rules of the Supreme Court and Judicial Council;

68 (2)(~~FF GG~~) search warrants, the application and all affidavits or other recorded testimony on
69 which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

70 (2)(~~GG HH~~) statistical data derived from public and non-public records but that disclose only public
71 data;

72 (2)(~~HH II~~) Notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed
73 charging a person 14 years of age or older with a felony or an offense that would be a felony if committed

by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary shall contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

(3) The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed; and-

(3)(A)(iii) Title 76, Chapter 7, Part 304.5, Consent required for abortions performed on minors; and

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15;

(3)(D) records showing the identity of a confidential informant;

(3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code Section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;

(3)(G) records designated as sealed by rule of the Supreme Court;

(3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings; and

(3)(I) other records as ordered by the court under Rule 4-202.04.

(4) The following court records are private:

(4)(A) records in the following actions:

(4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;

(4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;

(4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed; and

(4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed;

and

(4)(B) records in the following actions, except that the case history; judgments, orders and decrees; letters of appointment; and the record of public hearings are public records:

(4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders, except that an action for consortium due to personal injury under Section 30-2-11 is public;

(4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;

(4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;

(4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

111 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;
112 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement
113 Act;
114 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
115 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
116 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph
117 (B);
118 (4)(C) an affidavit supporting a motion to waive fees;
119 (4)(D) aggregate records other than public aggregate records under subsection (2);
120 (4)(E) alternative dispute resolution records;
121 (4)(F) applications for accommodation under the Americans with Disabilities Act;
122 (4)(G) citation, but an abstract of a citation that redacts all non-public information is public;
123 (4)(H) judgment information statement;
124 (4)(I) judicial review of final agency action under Utah Code Section 62A-4a-1009;
125 (4)(J) the following personal identifying information about a party: driver's license number, social
126 security number, account description and number, password, identification number, maiden name and
127 mother's maiden name, and similar personal identifying information;
128 (4)(K) the following personal identifying information about a person other than a party or a victim
129 or witness of a crime: residential address, personal email address, personal telephone number; date of
130 birth, driver's license number, social security number, account description and number, password,
131 identification number, maiden name, mother's maiden name, and similar personal identifying information;
132 (4)(L) medical, psychiatric, or psychological records;
133 (4)(M) name of a minor, except that the name of a minor party is public in the following district
134 and justice court proceedings:
135 (4)(M)(i) name change of a minor;
136 (4)(M)(ii) guardianship or conservatorship for a minor;
137 (4)(M)(iii) felony, misdemeanor or infraction;
138 (4)(M)(iv) child protective orders; and
139 (4)(M)(v) custody orders and decrees;
140 (4)(N) nonresident violator notice of noncompliance;
141 (4)(O) personnel file of a current or former court personnel or applicant for employment;
142 (4)(~~OP~~) photograph, film or video of a crime victim;
143 (4)(~~PQ~~) record of a court hearing closed to the public or of a child's testimony taken under URCrP
144 15.5:
145 (4)(~~PQ~~)(i) permanently if the hearing is not traditionally open to the public and public access
146 does not play a significant positive role in the process; or

(4)(~~PQ~~)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(~~QR~~) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

(4)(~~RS~~) record submitted for in camera review until its public availability is determined;

(4)(~~ST~~) reports of investigations by Child Protective Services;

(4)(~~TU~~) victim impact statements;

(4)(~~UV~~) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

(4)(~~VW~~) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;

(4)(~~WX~~) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure; and

~~(4)(X) an addendum to an appellate brief filed in a case involving:~~

~~(4)(X)(i) adoption;~~

~~(4)(X)(ii) termination of parental rights;~~

~~(4)(X)(iii) abuse, neglect and dependency;~~

~~(4)(X)(iv) substantiation under Section 78A-6-323; or~~

~~(4)(X)(v) protective orders or dating violence protective orders;~~

(4)(Y) other records as ordered by the court under Rule 4-202.04.

(5) The following court records are protected:

(5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;

(5)(B) records that are subject to the attorney client privilege;

(5)(C) bids or proposals until the deadline for submitting them has closed;

(5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;

(5)(F) court security plans;

(5)(G) investigation and analysis of loss covered by the risk management fund;

(5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;

(5)(I) confidential business records under Utah Code Section 63G-2-309;

(5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:

(5)(J)(i) interfere with an investigation;

(5)(J)(ii) interfere with a fair hearing or trial;

(5)(J)(iii) disclose the identity of a confidential source; or

(5)(J)(iv) concern the security of a court facility;

(5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;

(5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;

(5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;

(5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation or parole;

(5)(O) record the disclosure of which would jeopardize life, safety or property;

(5)(P) strategy about collective bargaining or pending litigation;

(5)(Q) test questions and answers;

(5)(R) trade secrets as defined in Utah Code Section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report;

(5)(U) except for those filed with the court, records maintained and prepared by juvenile probation; and

(5)(V) other records as ordered by the court under Rule 4-202.04.

(6) The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;

(6)(C) medical, psychological, psychiatric evaluations;

(6)(D) pre-disposition and social summary reports;

(6)(E) probation agency and institutional reports or evaluations;

(6)(F) referral reports;

(6)(G) report of preliminary inquiries; and

(6)(H) treatment or service plans.

(7) The following are juvenile court legal records:

(7)(A) accounting records;
(7)(B) discovery filed with the court;
(7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees;
(7)(D) name of a party or minor;
(7)(E) record of a court hearing;
(7)(F) referral and offense histories
(7)(G) and any other juvenile court record regarding a minor that is not designated as a social record.

(8) The following are safeguarded records:

(8)(A) upon request, location information, contact information and identity information other than name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a, Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;

(8)(B) upon request, location information, contact information and identity information other than name of a party or the party's child after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;

(8)(C) location information, contact information and identity information of prospective jurors on the master jury list or the qualified jury list;

(8)(D) location information, contact information and identity information other than name of a prospective juror summoned to attend court;

(8)(E) the following information about a victim or witness of a crime:

(8)(E)(i) business and personal address, email address, telephone number and similar information from which the person can be located or contacted;

(8)(E)(ii) date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information.

| | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|---|--|------------------------------|--|---------------------|------------------------|--|--|-------------------|---|--------------------------------------|--|-------------------|---|---|-----------|-----|--|--|--|--|
| 2 HOME JURISDICTION'S NOTICE OF NONCOMPLIANCE | UTAH NONRESIDENT VIOLATOR | CASE NUMBER 145104971 | | | | | | | | | | | | | | | | | | | | | |
| You have not complied with the terms of the traffic citation identified below. If you do not comply immediately, the driver licensing agency in your state will be requested to suspend your driver's license or driving privilege pursuant to the Interstate Nonresident Violators Compact. You may comply by mailing the court listed the total amount due or by appealing before the court. | | | | | | | | | | | | | | | | | | | | | | | |
| Signature of Judge/Clerk _____ | | DATE: _____ | | | | | | | | | | | | | | | | | | | | | |
| D E F E N D A N T | THE PEOPLE OF THE STATE OF UTAH VS. Name: MEJIA, MANUEL JOE Street Address: 1026 19TH ST City: OGDEN State: UT Zip Code: 84401 <table style="width:100%; border: none;"> <tr> <td style="border: none;">License No A1915691</td> <td style="border: none;">State CA</td> <td style="border: none;">Date of Birth 08/29/1971</td> <td style="border: none;">Sex M</td> </tr> </table> | License No A1915691 | State CA | Date of Birth 08/29/1971 | Sex M | C O U R T | | | | | | | | | | | | | | | | | |
| License No A1915691 | State CA | Date of Birth 08/29/1971 | Sex M | | | | | | | | | | | | | | | | | | | | |
| V E H | <table style="width:100%; border: none;"> <tr> <td style="border: none;">Vehicle License D528DC</td> <td style="border: none;">State UT</td> <td style="border: none;">SSN</td> </tr> </table> | Vehicle License D528DC | State UT | SSN | I N F O | | | | | | | | | | | | | | | | | | |
| Vehicle License D528DC | State UT | SSN | | | | | | | | | | | | | | | | | | | | | |
| V I O | <table style="width:100%; border: none;"> <tr> <td style="border: none;">Commercial Vehicle Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td style="border: none;">Hazardous Material Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td style="border: none;">Date of FTA 10/15/2014</td> <td style="border: none;">Citation Number E10710759</td> <td style="border: none;">Date of Violation/Court Report Identifier 7/24/2014</td> <td style="border: none;">County SALT LAKE</td> <td style="border: none;">Location 4900 S RED</td> </tr> <tr> <td style="border: none;">CDL Presented Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td style="border: none;">16+ Occupants Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td style="border: none;">SPEED Cited 54</td> <td style="border: none;">State Native Code Statute And ACD 41-6A-601</td> <td colspan="2" style="border: none;">Description of Violation SPEEDING</td> <td style="border: none;">Fine \$ 200.00</td> </tr> <tr> <td style="border: none;">Interstate Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td style="border: none;">Accident Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td style="border: none;">Posted 40</td> <td style="border: none;">S93</td> <td colspan="3"></td> </tr> </table> | Commercial Vehicle Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Hazardous Material Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Date of FTA 10/15/2014 | Citation Number E10710759 | Date of Violation/Court Report Identifier 7/24/2014 | County SALT LAKE | Location 4900 S RED | CDL Presented Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | 16+ Occupants Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | SPEED Cited 54 | State Native Code Statute And ACD 41-6A-601 | Description of Violation SPEEDING | | Fine \$ 200.00 | Interstate Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Accident Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Posted 40 | S93 | | | | |
| Commercial Vehicle Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Hazardous Material Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Date of FTA 10/15/2014 | Citation Number E10710759 | Date of Violation/Court Report Identifier 7/24/2014 | County SALT LAKE | Location 4900 S RED | | | | | | | | | | | | | | | | | |
| CDL Presented Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | 16+ Occupants Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | SPEED Cited 54 | State Native Code Statute And ACD 41-6A-601 | Description of Violation SPEEDING | | Fine \$ 200.00 | | | | | | | | | | | | | | | | | |
| Interstate Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Accident Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Posted 40 | S93 | | | | | | | | | | | | | | | | | | | | |
| Copy 1 - Date Mailed 10/15/2014 _____ Copy 2 - Date Mailed 10/15/2014 _____ Copy 3 - Date Mailed _____ Copy 4 - Date Mailed _____ DI 1105 | | COURT Mail To: Driver License Division FTA Dept. P.O. Box 144501 Salt Lake City, UT 84114-4501 | <table style="width:100%; border: none;"> <tr> <td style="border: none;">Docket Fee</td> <td style="border: none;">\$0.00</td> </tr> <tr> <td style="border: none;">Other</td> <td style="border: none;">\$0.00</td> </tr> <tr> <td style="border: none;">Total</td> <td style="border: none;">\$200.00</td> </tr> </table> | Docket Fee | \$0.00 | Other | \$0.00 | Total | \$200.00 | | | | | | | | | | | | | | |
| Docket Fee | \$0.00 | | | | | | | | | | | | | | | | | | | | | | |
| Other | \$0.00 | | | | | | | | | | | | | | | | | | | | | | |
| Total | \$200.00 | | | | | | | | | | | | | | | | | | | | | | |



Otn Number: 44127453

UTAH COUNTY JAIL BOOKING SHEET

Booking No: 317666

UCSO Id: 529774258

Utah County Sheriff's Office

Printed Date: 01/17/2015

Spanish Fork, Utah 84660

Name: DISBROW, ROBERT PAUL

Address: 558 N 100 WEST
PROVO, UT 84601

Phone:

DOB: 12/02/ 972

Birth City: PROVO, UT

Married: M

Religion: LDS

Scars, Marks, Tattoos: RT LEG - SUN
BACK - DISBROWEmergency Contact: NONE
NONE

Sex: M

Race: W

Height: 605

Weight: 210

Hair: BRO

Eyes: BRO

Driver License: 150132955

St: UT

Employer: UNEMPLOYED

Occupation: UNEMPLOYED

Education: HS

RELEASED
FILED

JAN 20 2014

Provo City Justice Court
State of Utah
Utah County

PROVO, UT 84601

BOOKING / ARREST INFORMATION

Booking Date: 01/16/2015 22:43

Arrest Date: 01/16/2015 22:30

Booked By: CMZ

Photo By: TJM

Arresting Officer: ELLEFSON

Searched By: BEO

Prints By: TJM

Arrest Location: Provo

Arresting Agency: UT0250600

Contract City: SARATOGA

Release Date: 01/17/2015 00:31

Released By: TJM

Please Initial

Money Returned: 

Warrant Check:

☐ County☐ NCIC☐ State☐ Other

| | | | | | | | |
|---------|-----------------------------|------------|-------------|-------|-------|---------|---------------|
| CG 1399 | Domestic Violence - Assault | Court: PJ3 | NewPc122666 | Days: | Ball: | \$1,940 | Rise Type: BN |
| CG 4801 | Interfering with An Officer | Court: PJ3 | NewPc122666 | Days: | Ball: | \$583 | Rise Type: BN |
| CG 4801 | Resisting Arrest | Court: PJ3 | NewPc122666 | Days: | Ball: | \$555 | Rise Type: BN |

* Total Ball: \$3,078

** Cash Only Ball: \$0

Pay To Stay Acknowledgement:

I understand during my stay at the Utah County Jail I may have incurred charges in which I am responsible for paying. I will notify the Utah County Jail of any address changes so they may bill these charges. I understand that these charges are due in full within 30 days if I do not call and setup a payment plan. In the event my account with Utah County is unpaid within 30 days of release, I agree to pay collection fees up to 40% of the balance due including attorney's fees and court costs. In addition a finance charge of 18% per annum will be charged on all accounts. I also understand that if my account is in past due it is subject to Utah State tax garnishment pursuant to UCA Section 63A-3-301. I also acknowledge that I have not been physically injured while at the Utah County Jail.

NOTE: Personal property left more than 30 days from release will be disposed of.

Any money not picked up within 72 hours will be returned to the prisoner trust account.


 Signed -- Robert Paul Disbrow on 01/17/2015

Add AS doc type - would need to
 be Private
 Booking, Jail Release,
 PC statement
 Page 1 of 1
 CRA (often all loadman)

Arrested: Disbrow, Robert Paul

Page 1 of 1

Sex: M **DOB:** 02-DEC-72**Book#:** 317666**OTN:** 44123453 **Misdemeanor Approved****Officer Name:** Coombs Joshua**Agency:** PRPD**Arst Date:** 01/16/2015 22:30**PC Enter Date:** 01/16/15 22:54**PC Reviewed By:****Judge Comment:****Assigned Judge:****Next Court Date:****Bail Schedule****Robert Paul Disbrow, Was arrested on the following charges:**

| | | | |
|----|-----|----------|-----------------------------|
| MB | PJ3 | 76-5-102 | Domestic Violence - Assault |
| MB | PJ3 | 23-20-18 | Interfering with An Officer |
| MB | PJ3 | 13-2-3 | Resisting Arrest |

Probable cause for Arrest with out Warrant:

On this date officers made contact with a female who stated that her husband had slapped her the morning of 1-15-15, giving her a black eye. We observed her in ury and went to the couple's home to speak with the suspect, and arrestee, who was intoxicated. During our investigation the suspect became agitated and attempted to leave the room where he was detained during our investigation. He was repeatedly told to stay in the room and away from officers, who were blocking the exit. After 3 commands the arrestee still attempted to leave the room and officers attempted to place his hands behind his back at which point the arrestee began to resist and failed to comply with commands to place his hands behind his back. It took 4 officers to finally get his hands behind his back. This arrestee has a history of alcoholic violations and resisting.

By submitting this affidavit, I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

\S\ Coombs Joshi a Agency: PRPD

By submitting this affidavit, I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

\S\ Coombs Joshi a Agency: PRPD

Tab 4

Rule 4-404. Jury selection and service.**Intent:**

To identify the source lists from which the master jury list is built.

To establish a uniform procedure for jury selection, qualification, and service.

To establish administrative responsibility for jury selection.

To ensure that jurors are well informed of the purpose and nature of the obligations of their service at each stage of the proceedings.

Applicability:

This rule shall apply to all trial courts.

Statement of the Rule:

(1) Master jury list and jury source lists; periodic review.

(1)(A) The state court administrator shall maintain for each county a master jury list as defined by the Utah Code.

(1)(B) The master jury list for each county shall be a compilation of the following source lists:

(1)(B)(i) driver licenses and identification cards for citizens of the United States 18 years of age and older from the Drivers License Division of the Department of Public Safety; and

(1)(B)(ii) the official register of voters from the Elections Division of the Office of the Lt. Governor.

(1)(C) The Judicial Council may use additional source lists to improve the inclusiveness of the master jury list for a county.

(1)(D) At least twice per year the state court administrator shall obtain from the person responsible for maintaining each source list a new edition of the list reflecting any additions, deletions, and amendments to the list. The state court administrator shall renew the master jury list for each county by incorporating the new or changed information.

(1)(E) The master jury list shall contain the name, address, and date of birth for each person listed and any other identifying or demographic information deemed necessary by the state court administrator. The state court administrator shall maintain the master list on a data base accessible to the district courts and justice courts of the state.

(1)(F) The state court administrator shall compare the number of persons on each master jury list for a county with the population of the county 18 years of age and older as reported by the Economic and Demographic Data Projections published for the year by the Office of Planning and Budget. The state court administrator shall report the comparison to the Judicial Council at its October meeting during even numbered years. The sole purpose of this report is to improve, if necessary, the inclusiveness of the master jury list.

(2) Term of service and term of availability of jurors.

(2)(A) The following shall constitute satisfactory completion of a term of service of a juror:

(2)(A)(i) serving on a jury panel for one trial whether as a primary or alternate juror regardless of whether the jury is called upon to deliberate or return a verdict;

(2)(A)(ii) reporting once to the courthouse for potential service as a juror;

(2)(A)(iii) except for a juror living in a county of the fourth, fifth, or sixth class or a county of the third class with populations up to 75,000, complying with a summons as directed, even if not directed to report to the courthouse; or

(2)(A)(iii) expiration of the term of availability.

(2)(B) The term of availability of jurors shall be as follows, unless a shorter term is ordered by the court:

(2)(B)(i) one month for the trial courts of record in Salt Lake county;

(2)(B)(ii) three months for the trial courts of record in Davis, Utah, and Weber counties; and

(2)(B)(iii) six months for all other courts.

(3) Random selection procedures.

(3)(A) Random selection procedures shall be used in selecting persons from the master jury list for the qualified jury list.

(3)(B) Courts may depart from the principle of random selection in order to excuse or postpone a juror in accordance with statute or these rules and to remove jurors challenged for cause or peremptorily.

(4) Qualified jury list.

(4)(A) For each term of availability as defined above, the state court administrator shall provide, based on a random selection, to the court the number of jurors requested by that court. This shall be the list from which the court qualifies prospective jurors. The names of prospective jurors shall be delivered to the requesting court in the random order in which they were selected from the master jury list. The court shall maintain that random order through summons, assignment to panels, selection for voir dire, peremptory challenges, and final call to serve as a juror; or the court may rerandomize the names of jurors at any step.

(4)(B) For each term of availability the court should request no more than the number of prospective jurors reasonably calculated to permit the selection of a full jury panel with alternates if applicable for each trial scheduled or likely to be scheduled during the term. The number of prospective jurors requested should be based upon the size of the panel plus any alternates plus the total number of peremptory challenges plus the anticipated number of prospective jurors to be postponed, excused from service or removed for cause less the number of jurors postponed to that term.

(4)(C) The clerk of the court shall mail to each prospective juror a qualification form. The prospective juror shall file the answers to the questions with the clerk within ten days after it is received. The state court administrator shall develop a uniform form for use by all courts. In addition to the information required by statute, the qualification form shall contain information regarding the length of service, and procedures and grounds for requesting an excuse or postponement.

73 (4)(D) If a prospective juror is unable to complete the answers, they may be completed by
74 another person. The person completing the answers shall indicate that fact.

75 (4)(E) If the clerk determines that there is an omission, ambiguity, or error in the answers, the
76 clerk shall return the form to the prospective juror with instructions to make the necessary addition,
77 clarification, or correction and to file the answers with the clerk within ten days after it is received.

78 (4)(F) The clerk shall review all answers and record the prospective juror as qualified or
79 disqualified as defined by statute.

80 (4)(G) The clerk shall notify the state court administrator of any determination that a prospective
81 juror is not qualified to serve as a juror, and the state court administrator shall accordingly update the
82 master jury list.

83 (4)(H) A prospective juror whose qualification form is returned by the United States Postal Service
84 as "undeliverable," or "moved - left no forwarding address," or "addressee unknown," or other similar
85 statement, shall not be pursued further by the clerk. The clerk shall notify the state court administrator
86 who shall accordingly update the master jury list.

87 (4)(I) If a prospective juror fails to respond to the qualification questionnaire and the form is not
88 returned by the U.S. Postal Service as undeliverable, the clerk shall mail the qualification form a second
89 time with a notice that failure to answer the questions may result in a court order requiring the prospective
90 juror to appear in person before the clerk to complete the qualification form. If a prospective juror fails to
91 answer the questions after the second mailing, the qualification form and a summons may be delivered to
92 the sheriff for personal service upon the prospective juror. The summons shall require the prospective
93 juror to answer the questions and file them with the court within ten days or to appear before the clerk to
94 prepare the form. Any prospective juror who fails to answer the questions or to appear as ordered shall
95 be subject to the sanctions set forth in the Utah Code.

96 (5) Excuse or postponement from service.

97 (5)(A) No competent juror is exempt from service.

98 (5)(B) Persons on the qualified juror list may be excused from jury service, either before or after
99 summons, for undue hardship, public necessity or because the person is incapable of jury service under
100 the Utah Code. The court shall make reasonable accommodations for any prospective juror with a
101 disability. Excuse from jury service satisfies the prospective juror's statutory service obligation.

102 (5)(C) A prospective juror may be postponed to later in the term or to a future term for good
103 cause.

104 (5)(D) Without more, being enrolled as a full or part-time post-high school student is not sufficient
105 grounds for excuse from service.

106 (5)(E) Disposition of a request for excuse from service or postponement may be made by the
107 judge presiding at the trial to which panel the prospective juror is assigned, the presiding judge of the
108 court, or the judge designated by the presiding judge for that purpose. The presiding judge may establish
109 written standards by which the clerk may dispose of requests for excuse from service or postponement.

110 (6) Summons from the qualified jury list.

111 (6)(A) After consultation with the judges or the presiding judge of the court, the clerk shall
112 determine the number of jurors needed for a particular day. The number of prospective jurors summoned
113 should be based upon the number of panels, size of the panels, any alternates, the total number of
114 peremptory challenges plus the anticipated number of prospective jurors to be postponed, excused from
115 service or removed for cause. The clerk shall summon the smallest number of prospective jurors
116 reasonably necessary to select a trial jury.

117 (6)(B) The judge may direct that additional jurors be summoned if, because of the notoriety of the
118 case or other exceptional circumstances, the judge anticipates numerous challenges for cause.

119 (6)(C) Juror summons.

120 (6)(C)(i) The summons may be by first class mail delivered to the address provided on the
121 juror qualification form or by telephone.

122 (6)(C)(ii) Mailed summonses shall be on a form approved by the state court administrator.
123 The summons may direct the prospective juror to appear at a date, time, and place certain or may direct
124 the prospective juror to telephone the court for further information. The summons shall direct the
125 prospective juror to present the summons for payment. The summons may contain other information
126 determined to be useful to a prospective juror.

127 (6)(C)(iii) If summons is made by telephone, the clerk shall follow the procedures of
128 paragraph (9) of this rule.

129 (7) Assignment of qualified prospective jurors to panels. Qualified jurors may be assigned to panels in
130 the random order in which they appear on the qualified jury list or may be selected in any other random
131 order. If a prospective juror is removed from one panel, that prospective juror may be reassigned to
132 another panel if the need exists and if there are no prospective jurors remaining unassigned.

133 (8) Selection of prospective jurors for voir dire. Qualified jurors may be selected for voir dire in the
134 random order in which they appear on the qualified jury list, or may be selected in any other random
135 order.

136 (9) Calling additional jurors. If there is an insufficient number of prospective jurors to fill all jury panels,
137 the judge shall direct the clerk to summon from the qualified jury list such additional jurors as necessary.
138 The clerk shall make every reasonable effort to contact the prospective jurors in the order listed on the
139 qualified jury list. If after reasonable efforts the clerk fails to contact a juror, the clerk shall attempt to
140 contact the next juror on the list. If the clerk is unable to obtain a sufficient number of jurors in a
141 reasonable period of time, the court may use any lawful method for acquiring a jury.

Rule 4-405. Juror and witness fees and expenses.**Intent:**

To develop a uniform procedure for payment of juror and witness expenses.

Applicability:

This rule shall apply to all trial courts of record.

Statement of the Rule:**(1) Fees.**

(1)(A) The courts shall pay the fee established by statute for all jurors of the courts of record. The courts shall pay the fee established by statute for witnesses subpoenaed by the prosecutor or by an indigent defendant in criminal cases in the courts of record and in actions in the juvenile court. The courts shall pay no fee to a witness appearing for a hearing that was canceled or postponed with at least 24 hours' notice to the parties, excluding Saturdays, Sundays, and holidays. The parties shall notify witnesses when a hearing is canceled or postponed. Upon request, a civil witness's necessary and reasonable parking expenses shall be reimbursed by the attorney who issued the subpoena.

(1)(B) A subsequent day of attendance shall be:

(1)(B)(i) for a witness, attendance on a subsequent day of the hearing regardless of whether the hearing is continued to a contiguous business day, but only if the hearing was actually called on the first day; and

(1)(B)(ii) for a juror, attendance on a subsequent day during the juror's term of availability, as defined in Rule 4-404(32)(B), regardless of whether attendance is for the same trial.

(1)(C) A witness requesting payment shall present a subpoena on which appears the certification of the attorney general, county attorney, district attorney or legal defender of the number of days the witness attended court, as defined in subsection (1)(B).

(2) Mileage. The courts shall reimburse the cost of travel at the rate established by statute for those jurors and witnesses to whom the court pays a fee. A witness in a criminal case or juvenile court case traveling from out of state to whom the court pays a witness fee shall be reimbursed the cost of round trip airfare or round trip travel at \$.20 per mile, as determined by the court.

(3) Meals and refreshments.

(3)(A) Meals for jurors shall be provided if the case has been submitted to the jury and the jury is in the process of deliberating the verdict or if the jury is sequestered. A lunch meal may be provided to jurors impaneled to try a case if it is anticipated that the matter will not be concluded by 2:00 p.m. on the final day of trial and the trial judge finds that provision of a lunch meal will assist in expediting the conclusion of the trial.

(3)(B) A witness in a criminal case or a juvenile court case traveling from outside the county to whom the court pays a witness fee may be reimbursed for meals.

(3)(C) Payment for meals for jurors and eligible in-state witnesses shall not exceed the rates adopted by the Department of Administrative Services.

38 (3)(D) Refreshments may be provided to a jury during the course of trial, upon order of the judge.
39 Payment for refreshments shall not exceed \$4.00 per person per day.

40 (4) Lodging. Lodging for jurors shall be paid if the judge orders the jury sequestered, if the juror must
41 travel more than 100 miles one-way from the juror's residence to the courthouse and the judge orders that
42 lodging be paid, or if the judge orders that lodging be paid due to inclement weather. A witness in a
43 criminal case or juvenile court case to whom the court pays a witness fee traveling from outside the
44 county shall be provided lodging only upon a determination by the court executive that returning to the
45 point of origin on the date in question places a hardship upon the witness or that the reimbursement for
46 travel for repeat appearances is greater than the cost of lodging. Unless unavailable, lodging costs shall
47 not exceed the rates adopted by the Department of Administrative Services.

48 (5) Method and record of payment.

49 (5)(A) The payment of juror and witness fees and mileage shall be by check made payable to the
50 individual, or the court may reimburse the county or municipal government for the payment of the fee or
51 mileage allowance.

52 (5)(B) The court shall pay eligible expenses of jurors directly to the vendor. Jurors shall not be
53 required to incur the expense and seek reimbursement. The court may pay the eligible expenses of
54 witnesses directly to the vendor or may reimburse the witness or the county or municipal government for
55 the expense.

56 (5)(C) Jurors. Jurors must present a summons for payment for the first day of service. If a juror
57 does not present a summons, the clerk may certify that the juror was summoned. The clerk shall file the
58 summons and shall record the attendance of jurors for payment, including subsequent days of service.

59 (5)(D) Witnesses in criminal cases and juvenile court cases. Witnesses in criminal cases and
60 juvenile court cases must present a subpoena for payment. If the subpoena is issued on behalf of an
61 indigent defendant, it shall bear the certificate of defense counsel that the witness has appeared on
62 behalf of the defendant at state expense, regardless of the number of days for which the witness is
63 eligible for payment. If the subpoena is issued on behalf of the prosecution, the prosecutor shall certify
64 the number of days and the number of miles for which the witness is eligible for payment. The clerk shall
65 file the subpoena and record of attendance. If a witness does not present a subpoena, the clerk may
66 record the witness' attendance and mailing address that is certified by the prosecutor or defense counsel.

67 (5)(E) The clerk of the court shall enter the payment due the juror or witness in the State
68 Accounting System (FINET) within 10 calendar days after receipt of certification. The state will mail the
69 payment to the juror or witness within 3 days. The clerk of court shall maintain both a list of undeliverable
70 juror and witness checks and the checks. A payment is considered abandoned one year after it became
71 payable and will be sent to the Division of Unclaimed Property pursuant to the Utah Code.

72 (6) Audit of records. At least once per month, the clerk of the court or a designee shall compare the
73 jurors summoned and the witnesses subpoenaed with the FINET log of payments. Any unauthorized
74 payment or other irregularity shall be reported to the court executive and the audit department of the

- 75 Administrative Office of the Courts. The Administrative Office of the Courts shall include the audit of juror
76 and witness payments within the scope of their regularly scheduled audits.

Tab 5

1 **Rule 4-903. Uniform custody evaluations.**

2 **Intent:**

3 To establish uniform guidelines for the ~~preparation~~ performance of custody evaluations.

4 **Applicability:**

5 This rule shall apply to the district and juvenile courts.

6 **Statement of the Rule:**

7 ~~(1) Custody evaluations shall be performed by persons with the following minimum qualifications:~~

8 ~~(1)(A) Social workers who hold the designation of Licensed Clinical Social Worker or equivalent license~~
9 ~~by the state in which they practice may perform custody evaluations within the scope of their licensure.~~

10 ~~(1)(B) Doctoral level psychologists who are licensed by the state in which they practice may perform~~
11 ~~custody evaluations within the scope of their licensure.~~

12 ~~(1)(C) Physicians who are board certified in psychiatry and are licensed by the state in which they~~
13 ~~practice may perform custody evaluations within the scope of their licensure.~~

14 ~~(1)(D) Marriage and family therapists who hold the designation of Licensed Marriage and Family~~
15 ~~Therapist (Masters level minimum) or equivalent license by the state in which they practice may perform~~
16 ~~custody evaluations within the scope of their licensure.~~

17 (1) Custody evaluations shall be performed by professionals who have specific training in child
18 development, and who are licensed by the Utah Department of Occupational and Professional Licensing
19 as either a (a) Licensed Clinical Social Worker, (b) Licensed Psychologist, (c) Licensed Physician who is
20 board certified in psychiatry, or (d) Licensed Marriage and Family Therapist.

21 (2) Every motion or stipulation for the performance of a custody evaluation shall include:

22 (2)(A) the name, address, and telephone number of each evaluator nominated, or the evaluator
23 agreed upon;

24 (2)(B) the anticipated dates of commencement and completion of the evaluation and the
25 estimated cost of the evaluation;

26 (2)(C) specific factors, if any, to be addressed in the evaluation.

27 (3) Every order requiring the performance of a custody evaluation shall:

28 (3)(A) require the parties to cooperate as requested by the evaluator;

29 (3)(B) restrict disclosure of the evaluation's findings or recommendations and privileged
30 information obtained except in the context of the subject litigation or other proceedings as deemed
31 necessary by the court;

32 (3)(C) assign responsibility for payment from the beginning of the evaluation through the custody
33 evaluation conference, as well as the costs of the written report if requested;

34 (3)(D) specify dates for commencement and completion of the evaluation;

35 (3)(E) specify any additional factors to be addressed in the evaluation;

(3)(F) require the evaluator to provide written notice to the court, counsel and parties within five business days of completion (of information-gathering) or termination of the evaluation and, if terminated, the reason;

(3)(G) require counsel ~~or~~ and parties to ~~schedule complete a settlement custody evaluation~~ conference with the court and the evaluator within 45 days of notice of completion (of information gathering) or termination unless otherwise directed by the court so that evaluator may issue a verbal report; and

(3)(H) require that any party wanting a written custody evaluation ~~report to be prepared~~ give written notice to the evaluator within 45 days after the ~~settlement custody evaluation~~ conference.

~~(4) In divorce cases where custody is at issue, one evaluator may be appointed by the court to conduct an impartial and objective assessment of the parties and submit a written report to the court. When one of the prospective custodians resides outside of the jurisdiction of the court two individual evaluators may be appointed. In cases in which two evaluators are appointed, the court will designate a primary evaluator. The evaluators must confer prior to the commencement of the evaluation to establish appropriate guidelines and criteria for the evaluation and shall submit only one joint report to the court.~~

~~(5 4)~~ The purpose of the custody evaluation will be to provide the court with information it can use to make decisions regarding custody and parenting time arrangements that are in the child's best interest. ~~This is accomplished by assessing the prospective custodians' capacity to parent, the developmental, emotional, and physical needs of the child, and the fit between each prospective custodian and child.~~ Unless otherwise specified in the order, evaluators must consider and respond to each of the following factors:

~~(5 4)(A)~~ the developmental needs of the child (including, but not limited to physical, emotional, educational, medical and any special needs), and the parents' demonstrated understanding of, responsiveness to, and ability to meet, those needs.

~~(5 4)(A B)~~ the child's preference the stated wishes and concerns of each child, taking into the consideration the child's cognitive ability and emotional maturity.

~~(5 4)(B C)~~ the relative benefit of keeping siblings together;

~~(5 4)(C D)~~ the relative strength of the child's bond with ~~one or both of~~ the prospective custodians, meaning the depth, quality and nature of the relationship between a prospective custodian and child;

~~(5 4)(D E)~~ the general interest in continuing previously determined custody- parenting arrangements where the child ~~is~~ has been happy and well adjusted;

~~(5 4)(E E)~~ factors relating to the prospective custodians' character ~~or status or~~ and their capacity ~~or~~ and willingness to function as parents, including:

~~(5 4)(E F)(i)~~ parenting skills

~~(5 4)(F)(ii)~~ co-parenting skills (including, but not limited to, the ability to facilitate the child's relationship with the other parent, and to appropriately communicate with the other parent);

(~~§ 4~~)(F)(iii) moral character; ~~and~~
(~~§ 4~~)(F)(iv) emotional stability;
(~~§ 4~~)(~~E~~ F)(ii v) duration and depth of desire for custody and parent-time;
(~~§ 4~~)(~~E~~ F)(iii vi) ability to provide personal rather than surrogate care;
(~~§ 4~~)(~~E~~ F)(iv vii) significant impairment of ability to function as a parent through drug
abuse, excessive drinking or other causes;
(~~§ 4~~)(~~E~~ F)(v viii) reasons for having relinquished custody or parent-time in the past;
(~~§ 4~~)(~~E~~ F)(vi ix) religious compatibility with the child;
(~~§ 4~~)(~~E~~ F)(vii x) kinship, ~~including in extraordinary circumstances stepparent status the~~
child's interaction and relationship with the child's step-parent(s), extended family members, and/or any
other person who may significantly affect the child's best interest;
(~~§ 4~~)(~~E~~ F)(viii xi) financial ~~condition~~ responsibility; ~~and~~
(~~§ 4~~)(~~E~~ F)(ix xii) evidence of abuse of the subject child, another child, or spouse; ~~and~~
(~~§ 4~~)(G) factors affecting a determination for joint legal and/or physical custody as set forth in
Utah Code 30-3-10.2; and
(~~§ 4~~)(F H) any other factors deemed important by the evaluator, the parties, or the court.

(~~§ 5~~) In cases in which specific areas of concern exist such as domestic violence, sexual abuse, substance abuse, mental illness, and the evaluator does not possess specialized training or experience in the area(s) of concern, the evaluator shall consult with those having specialized training or experience. The assessment shall take into consideration the potential danger posed to the child's custodian and the child(ren).

(~~7~~ 6) In cases in which psychological testing is employed as a component of the evaluation, it shall be conducted by a licensed psychologist who is trained in the use of the tests administered, and adheres to the ethical standards for the use and interpretation of psychological tests in the jurisdiction in which he or she is licensed to practice. If psychological testing is conducted with adults and/or children, it shall be done with knowledge of the limits of the testing and should be viewed within the context of information gained from clinical interviews and other available data. Conclusions drawn from psychological testing should take into account the inherent stresses associated with divorce and custody disputes.

~~Advisory Committee Note. The qualifications enumerated in this rule are required for the performance of a custody evaluation. However, if the qualifications are met, a practitioner from another state with a different title will not be barred from performing a custody evaluation.~~

Tab 6

Rule 3-403. Judicial branch education.**Intent:**

To establish the Judicial Branch Education Committee's responsibility to develop and evaluate a comprehensive education program for all judges, commissioners and court staff.

To establish education standards for judges, commissioners and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule shall apply to all judges, commissioners and court staff, except seasonal employees and law clerks.

Statement of the Rule:**(1) Organization.**

(1)(A) Judicial branch education committee. The Judicial Branch Education Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) Responsibilities of members. Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) Committee meetings.

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) Administration. Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) Standards for judges and court commissioners.

(3)(A)(~~ii~~) Program requirements. All judges and court commissioners shall participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee. All judges, court commissioners, active senior judges, and active senior justice court judges shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. Judges of courts of record and court commissioners may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual Utah Judicial Conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(A)(i) Active senior judge. If an active senior judge applies to be reappointed and will have completed at least 60 total education hours in the two years preceding the effective date of reappointment, the Management Committee may, for good cause shown, excuse the judge from having completed the annual 30 hour education requirement.

(3)(A)(ii) Inactive senior judges and retired judges. If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that:

(3)(A)(ii)(a) less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge;

(3)(A)(ii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least three years before the application;

(3)(A)(ii)(c) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(ii)(d) he or she has attended the new judge orientation for judges of the courts of record within one year before the application. (3)(B)(i) Program components. Education programs for judges and court commissioners shall include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judges and court commissioners over the long term.

(3)(B)(~~ii~~) Annual conferences. Justice court judges and active senior justice court judges shall attend the annual justice court conference unless excused by the Management Committee for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, judges, active senior judges and court commissioners of the courts of record are strongly encouraged to attend that conference.

(4) Standards for court staff.

(4)(A) State employees.

(4)(A)(i) Program requirements. All court staff employed by the state shall complete 20 hours of approved coursework annually.

(4)(A)(ii) Program components. Education programs for court staff employed by the state shall include: on-the-job orientation for new employees as well as semi-annual Orientation Academies;

75 skill development programs that teach technical and job-related competencies; and enhancement
76 programs that promote personal and professional growth within the organization.

77 (4)(B) Local government employees.

78 (4)(B)(i) Program requirements. All court staff employed by the justice courts shall complete
79 10 hours of approved coursework annually. All other court staff employed by local government shall
80 complete 20 hours of approved coursework annually.

81 (4)(B)(ii) Program components. Education programs for court staff employed by local
82 government shall include: annual training seminar; skill development programs that teach technical and
83 job-related competencies; and enhancement programs that promote personal and professional growth.

84 (5) Reporting.

85 (5)(A) Judges, commissioners and court staff governed by these standards shall report
86 participation in education programs on a form developed by the Committee.

87 (5)(B) For court staff, compliance with judicial branch education standards shall be a performance
88 criterion in the evaluation of all staff.

89 (5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to
90 participate in the required education. Failure of a supervisor to meet the minimum education standards or
91 to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory
92 performance evaluation in the education criterion.

93 (5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an
94 unsatisfactory evaluation on the education criterion unless the employee provides documented reasons
95 that the employee's failure to meet the education standards is due to reasons beyond the employee's
96 control.

97 (6) Credit. Judicial education procedures shall include guidelines for determining which programs
98 qualify as approved education within the meaning of these standards.

99 (7) Funding.

100 (7)(A) Budget. In preparing its annual request for legislative appropriations, the Council shall
101 receive and consider recommendations from the Committee. The Committee's annual education plan
102 shall be based upon the Council's actual budget allocation for judicial education.

103 (7)(B) In-state education programs. Judicial branch funds allocated to in-state judicial education
104 shall first be used to support mandatory in-state orientation programs for all judicial branch employees
105 and then for other education priorities as established by the Committee with input from the Boards of
106 Judges and Administrative Office.

107 (7)(C) Out-of-state education programs. To provide for diverse educational development, to take
108 advantage of unique national opportunities, and to utilize education programs which cannot be offered in-
109 state, the annual education plan shall include out-of-state education opportunities. The Committee shall
110 approve national education providers and shall include in the education procedures, criteria to be applied
111 by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the

112 attendee's current assignment and attendance at in-state programs. Disagreement with a decision to
113 deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's
114 request.

115 (7)(D) Tuition, fees, and travel. The Committee shall develop policies and procedures for paying
116 tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for
117 discretionary social activities, recreation, or spouse participation. The Committee may set financial limits
118 on reimbursement for attendance at elective programs, with the individual participant personally making
119 up the difference in cost when the cost exceeds program guidelines.

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