

**Policy and Planning Committee**  
Matheson Courthouse  
Council room  
450 South State St.  
Salt Lake City, Utah 84111

August 5, 2016

**Members Present**

Hon. Marvin Bagley  
Hon. Ann Boyden  
Hon. Mary Noonan  
John Lund – by phone

**Members Excused**

Hon. Reed S. Parkin  
Hon. Mark DeCaria  
Hon. Derek Pullan

**Staff**

Nancy J. Sylvester  
Keisa L. Williams

**Guests**

**(1) Approval of minutes**

Judge Reed Parkin was unable to attend the meeting. Judge Ann Boyden presided and welcomed the members to the meeting. The committee then addressed the June 24 minutes.

Judge Boyden moved to approve the June 24 minutes. Judge Bagley seconded the motion and it passed unanimously.

**(2) CJA 3-104. Presiding Judges.**

**CJA 11-201. Senior Judges.**

Judge Boyden stated that Rules 3-104 and 11-201 were approved by the Policy and Planning Committee, were approved for public comment by the Judicial Council, and the public comment period has now expired and are before the Committee for final approval. Nancy Sylvester noted there were no comments received for either rule.

Judge Mary Noonan moved to recommend CJA 3-104 and CJA 11-201 as written to the Judicial Council. John Lund seconded the motion and it passed unanimously.

**(3) CJA 4-403. Electronic Signature and Signature Stamp Use.**

Keisa Williams reviewed the discussion the committee had about this rule at the June 24<sup>th</sup> meeting. Brent Johnson made an edit based on the committee's feedback and has resubmitted the rule for consideration. Mr. Johnson suggested when clerks are using a judge's e-signature they should always use their first and last name, but when using a judge's wet signature (stamp) a clerk can use full name or initials. Judge Boyden wanted further confirmation as to how the clerks are signing for a judge electronically.

Judge Marvin Bagley noted it was not a uniform system if there are full names required on one and initials on another.

Judge Noonan said she believes CARE allows the same signature each time once it has been established. Ms. Sylvester stated this has been a problem for several departments and Kim Allard and her department raised the issue with Brent. Judge Noonan and Judge Boyden would like clarification from Brent and the court clerks about the exact issue and need for this rule change, including how it looks in each system: justice courts, juvenile courts, district courts, and appellate courts (if applicable).

The committee agreed to table this issue until a future meeting where Brent Johnson and perhaps Kim Allard can attend to discuss this further.

**(4) CJA 9-301. Record of Enhancement Warning.**

Nancy Sylvester stated she spoke with Brent Johnson who believes Rule 9-301 should be repealed because the more important consideration is what is in Criminal Procedure Rule 11. Rule 9-301 contains much of the same language and also some unnecessary and onerous requirements. The committee discussed the fact that justice courts are not a court of record. Judge Bagley noted rule 11 conflicts with this rule; therefore he is in favor of repealing this rule.

Judge Boyden said she believes this should be addressed by Judge Parkin with the Justice Court Board. The committee agreed to table CJA 9-301 until the next meeting.

**(5) CJA 4-503. Pro-se e-filing.**

Regarding Rule 4-503, Ms. Sylvester noted that a pro-se litigant received special permission to file electronically and has now asked that permission be expanded to all pro se litigants. Ms. Sylvester said the system is not ready for this to happen on a regular basis. Ms. Sylvester said Ron Bowmaster (IT Director) had discussed this issue with her and had said that pro se e-filing would be part of the CORIS re-write, but that it could be mandated by rule as long as the Council did so with a 1 year to 18 months time frame. Ms. Sylvester noted that part of the CORIS rewrite would include a process to walk pro-se litigants through the judicial system and e-filing. Judge Noonan expressed concern that this will have a ripple-type effect with the other courts since CORIS is only used in district courts. Judge Boyden said there are several reasons at this time why pro-se litigants are not required to efile. The committee discussed concerns about pro-se litigants attempting to speed up or circumvent the implementation of the system. Judge Boyden opined that there is no need to create a rule now when the system is not set to accommodate this.

Judge Noonan asked how pro-se litigants are filing in juvenile and justice courts. Ms. Sylvester stated only attorneys are e-filing in the juvenile courts and the justice courts are just barely starting e-filing. Judge Boyden stated she thinks this request should start

with a different level, not Policy & Planning because there needs to be more discussion with other committees on this issue. Ms. Sylvester will contact others to get their input.

The committee agreed to move this issue to a future meeting after contact is made with other committees and departments.

**(7) Other business**

Judge Boyden noted September 9 is the next meeting. Judge Boyden said any new members to this committee would start October 14. Judge Noonan moved to adjourn the meeting. Judge Bagley seconded the motion and it passed unanimously.

There was no other business and the meeting was adjourned at 1:30 pm.