

Agenda

Policy and Planning Committee

August 4, 2017
12:00 p.m. – 2:00 p.m.
Scott M. Matheson Courthouse
450 South State Street
Judicial Council Room

12:00	Welcome and Approval of Minutes	Action	Tab 1	Judge Derek Pullan
12:05	New Rule. CJA 9-109. Presiding Judges in Justice Court.	Discussion/ Action	Tab 2	Nancy Sylvester Jim Peters
12:20	CJA 6-501. Reporting Requirements for Guardians and Conservators.	Discussion/ Action	Tab 3	Nancy Sylvester
12:35	CJA 1-205. Standing and Ad Hoc Committees	Discussion/ Action	Tab 4	Nancy Sylvester
1:15	CJA 3-104. Presiding Judges.	Discussion/ Action	Tab 5	Nancy Sylvester Brent Johnson
1:45	Other business: <ul style="list-style-type: none">Internal Operating GuideP&P Rule Amendment Request Form	Discussion/ Action	Tab 6	Judge Derek Pullan

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.

2017 Meetings:

September 1, 2017

October 6, 2017

November 3, 2017

December 1, 2017 (9:00 a.m. – 5:00 p.m.)

Tab 1

Policy and Planning Committee

Executive Dining Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111

June 2, 2017

Draft

Members Present

Hon. Derek Pullan - Chair
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Reed S. Parkin

Members Excused

John Lund
Hon. Mary Noonan

Staff

Keisa L. Williams
Nancy J. Sylvester

Guests

(1) Approval of minutes.

Judge Derek Pullan welcomed the members to the meeting. Judge Pullan addressed the May 5, 2017 minutes. There being no changes to the minutes, Judge Marvin Bagley moved to approve the May 5, 2017 minutes. Judge Reed Parkin seconded the motion and it passed unanimously.

(2) CJA Rule 2-212. Communication with the Office of Legislative Research and General Counsel.

Nancy Sylvester addressed the committee and reviewed her memo on the amendments to CJA Rule 2-212. Ms. Sylvester noted that on May 16, 2017 she and Rick Schwermer discussed with the Supreme Court the rule drafts and comments received. The Supreme Court will determine whether or not to create their own rule to address the submission of court rules to the legislature. The statute (Utah Code § 36-20-3) addresses submission of both Judicial Council and Supreme Court rules, but Rule 2-212 only addresses Council rules. Ms. Sylvester reviewed both the June 1, 2017 and the October 4, 2016 drafts of CJA Rule 2-212, along with the comments received on this rule. Ms. Sylvester explained that, if approved, the draft will go to the Judicial Council for approval for public comment. After brief discussion the committee did not make changes to the June 1 version, which reflected the commenters' proposed edits.

Judge Ann Boyden moved to approve the June 1, 2017 version of CJA Rule 2-212 to go to the Judicial Council for final approval. Judge Parkin seconded the motion and it passed unanimously.

(3) CJA 1-201. Judicial Council Membership - Election.

Ms. Williams stated Rick Schwermer addressed this rule change at the May 9, 2017, Management Committee meeting. The Management Committee recommended the proposed amendments, which would change the start of a new term of office for Judicial Council members from the October Council meeting to the Council meeting immediately following the Annual Judicial Conference. The committee asked if this applied to justice courts. Ms. Williams noted that it does. While justice court appointees are elected at a different conference, the term start date will be the same for all members. After discussion and clarification as to when elections occur, the committee did not make any changes to the proposed rule amendment.

Judge Bagley moved to approve CJA Rule 1-201, with no changes, to go to the Judicial Council for approval to send out for public comment. Judge Parkin seconded the motion and it passed unanimously.

(4) CJA 3-201. Court commissioners.

CJA 3-111. Performance evaluations of senior judges and court commissioners.

Ms. Sylvester next discussed CJA Rules 3-201 and 3-111. Ms. Sylvester noted that the committee began their review of these rules in October of 2016. The committee had previously approved edits made to CJA Rule 3-201 from the beginning of the rule through paragraph (3)(G) and to CJA Rule 3-111 from the beginning of the rule through paragraph (3)(F). The committee determined that those changes did not need to be readdressed and began their discussion with paragraph (3)(H) in 3-201 and (3)(G) in 3-111. The committee discussed each proposed change in detail. In 3-201, the discussion focused primarily on each instance where the term “district or court level” was used and whether or not it was more appropriate to say “district and court level.” In 3-111, the discussion focused primarily on when commissioner certifications should be presented to the Judicial Council. The committee ultimately changed the rule from the council’s August meeting, to its July meeting, because the council’s August meeting is already extremely long due to budget presentations.

Ms. Sylvester will circulate clean, edited copies of the proposed rules. Judge Boyden moved to approve both CJA Rule 3-201 and 3-111 with the edits the committee made. Judge Bagley seconded the motion and it passed unanimously.

(5) Other Business.

Judge Pullan created bylaws for the committee in order to ensure that rules presented to the committee are properly vetted before they make it onto the committee’s queue. Judge Pullan reviewed the draft bylaws. After discussion, the committee asked Ms. Williams to get feedback from Brent Johnson on which AOC employees would be required to get supervisory approval before submitting a draft rule. Ms. Williams will make amendments to the bylaws based on Mr. Johnson’s feedback and bring it back to the committee for final approval at the next meeting.

In addition to the bylaws, Judge Pullan asked Ms. Williams to create a Request Form that would need to be submitted along with proposed rule drafts. Ms. Williams reviewed the draft request form she created with the committee. After a brief discussion, the committee made several edits to the form. Ms. Williams will make the changes and bring it back to the committee for final approval at the next meeting.

After the last committee meeting, Judge Noonan had suggested that the committee either extend the length of its monthly meetings or add meetings to the schedule in order to increase the committee's productivity and make the travel time for members more worthwhile. After reviewing several options presented by Ms. Williams, the committee decided to extend the length of two meetings each year. The May and November committee meetings will each be changed from 12:00 – 2:00 to 9:00 – 5:00. Ms. Williams will make the changes to these meeting times.

The committee asked Ms. Williams to change the calendar invites for the committee meetings during the annual legislative session now, rather than wait until the last minute, so that the members could reserve the appropriate time on their calendar. The times will change from the normal time of 12:00 – 2:00 to 9:30 – 11:30. This would affect the following dates: February 2, 2018 and March 2, 2018. The legislative session begins January 12 and ends March 9, therefore the January Policy & Planning meeting scheduled for January 5, 2018 will not be affected.

The committee decided to cancel the July 7, 2017 meeting due to the holiday. Ms. Williams will send out notice. The next meeting is scheduled for August 4, 2017 in the council room at 12:00. There being no other business and the meeting was adjourned at 2:19 pm.

Tab 2

RULE AMENDMENT REQUEST

Policy and Planning

Policy and Planning is an executive committee of the Judicial Council and is responsible for recommending to the Council new and amended rules for the Code of Judicial Administration and the Human Resource Policies and Procedures Manual.

Instructions: Unless the proposal is coming directly from the Utah Supreme Court, Judicial Council, or Management Committee, this Request Form must be submitted along with a draft of the proposed rule amendment before they will be considered by the Policy and Planning Committee. **Once completed, please e-mail this form and the proposed rule changes to Keisa Williams at keisaw@utcourts.gov.**

REQUESTER CONTACT INFORMATION:

Name of Requester:

E-mail:

Phone Number:

Date of Request:

James M. Peters

jamesp@utcourts.gov

(801) 578-3824

06/26/2017

RULE AMENDMENT:

Rule Number:

Location of Rule:

9-TBD

Code of Judicial Administration

Brief Description of Proposed Amendment:

This proposal establishes a presiding judge for the justice courts in each of the state's judicial districts.

Reason Amendment is Needed:

At present there are approximately 120 justice courts throughout the state. The judges that serve these courts are organized by district for purposes of local training only. These trainings are coordinated by an Education Director that is elected at the annual spring conference. In addition, each Education Director serves as a member of a statewide Education Committee that plans conferences for the entire bench. The Education Director has no other role.

The purpose of this proposed rule is to create a Presiding Judge for the justice courts in each of the state's judicial districts. As is the case with the Presiding Judges in District and Juvenile Court, these new Presiding Judges would be "charged with the responsibility for the effective operation of the justice courts within a district. He or she [would be] responsible for the implementation and enforcement of statutes, rules, policies and directives of the Council and the Board of Justice Court Judges as they pertain to the administration of the courts." In addition to ensuring that judges in his or her district are appropriately trained, the Presiding Judge would work with the Justice Court Administrator to address significant problems or complaints resulting from a judge's failing to comply with a reasonable administrative directive of the presiding judge, interfering with the effective operation of the court, abusing his or her judicial position, exhibiting signs of impairment or violating the Code of Judicial Conduct. Other responsibilities are enumerated in Section 3 of the proposed rule.

The attached draft is based on Rule 3-104 and was presented to the Management Committee on June 13, 2017. The decision of that committee was to refer the proposal to Policy and Planning.

Is this proposal urgent?

If Yes, provide an estimated deadline date and explain why it is urgent:

☐ No

☒ Yes

Ideally, this rule would become effective on November 1, 2017, so that

Ideally, this rule would become effective on November 1, 2017, so that elections can be held at the annual conference in April 2018.

List all stakeholders:

Justice Court Judges, Administrative Office of the Courts, general public

Select each entity that has approved this proposal:

- | | |
|--|---|
| <input type="checkbox"/> Accounting Manual Committee | <input type="checkbox"/> Legislative Liaison Committee |
| <input type="checkbox"/> ADR Committee | <input type="checkbox"/> Licensed Paralegal Practitioner Committee |
| <input type="checkbox"/> Board of Appellate Court Judges | <input type="checkbox"/> Model Utah Civil Jury Instructions Committee |
| <input type="checkbox"/> Board of District Court Judges | <input type="checkbox"/> Model Utah Criminal Jury Instructions Committee |
| <input checked="" type="checkbox"/> Board of Justice Court Judges | <input checked="" type="checkbox"/> Policy and Planning member |
| <input type="checkbox"/> Board of Juvenile Court Judges | <input type="checkbox"/> Pretrial Release and Supervision Committee |
| <input type="checkbox"/> Board of Senior Judges | <input type="checkbox"/> Resources for Self-represented Parties Committee |
| <input type="checkbox"/> Children and Family Law Committee | <input type="checkbox"/> Rules of Appellate Procedure Advisory Committee |
| <input type="checkbox"/> Court Commissioner Conduct Committee | <input type="checkbox"/> Rules of Civil Procedure Advisory Committee |
| <input type="checkbox"/> Court Facility Planning Committee | <input type="checkbox"/> Rules of Criminal Procedure Advisory Committee |
| <input type="checkbox"/> Court Forms Committee | <input type="checkbox"/> Rules of Evidence Advisory Committee |
| <input type="checkbox"/> Ethics Advisory Committee | <input type="checkbox"/> Rules of Juvenile Procedure Advisory Committee |
| <input type="checkbox"/> Ethics and Discipline Committee of the Utah Supreme Court | <input type="checkbox"/> Rules of Professional Conduct Advisory Committee |
| <input type="checkbox"/> General Counsel | <input type="checkbox"/> State Court Administrator |
| <input type="checkbox"/> Guardian ad Litem Oversight Committee | <input type="checkbox"/> TCE's |
| <input type="checkbox"/> Judicial Branch Education Committee | <input type="checkbox"/> Technology Committee |
| <input type="checkbox"/> Judicial Outreach Committee | <input type="checkbox"/> Uniform Fine and Bail Committee |
| <input type="checkbox"/> Language Access Committee | <input type="checkbox"/> WINGS Committee |
| <input type="checkbox"/> Law Library Oversight Committee | <input type="checkbox"/> NONE OF THE ABOVE |

If the approving entity is not listed above, please list it here:

Requester's Signature:

Supervisor's Signature (if requester is not a manager or above):

James M. Peters

FOR POLICY AND PLANNING USE ONLY

Proposal Accepted?

Queue Priority Level:

Committee Notes/Comments:

☐ Yes

☐ Red

☐ No

☐ Yellow

☐ Green

Rule 9-[____]. Presiding judges.

Intent:

To establish the procedure for election, term of office, role, responsibilities and authority of presiding judges and associate presiding judges for Justice Courts.

Applicability:

This rule shall apply to presiding judges and associate presiding judges in the Justice Courts.

Statement of the Rule:

(1) Election and term of office.

(1)(A) Presiding judge.

(1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of the judges in the district at the 2018 annual conference. Thereafter, regular elections shall take place at the annual conference in odd years for odd-numbered districts and in even years for even-numbered districts. Interim elections, if necessary, shall take place as provided in this rule.

(1)(A)(ii) The presiding judge's term of office shall be from the time of his or her election or appointment until he or she resigns or until the next regular election, whichever occurs first. A district, by majority vote of its judges, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the chair of the Board of Justice Court Judges to serve until the next regular election.

(1)(B) Associate presiding judge.

(1)(B)(i) The judges of a district may, at their discretion, elect one judge of the district to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A).

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge.

(1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

(2) District meetings.

(2)(A) Each district shall have regular meetings to discuss and decide court business, receive training, and address issues and concerns specific to the district.

(2)(B) The presiding judge shall call and preside over meetings of other justice court judges in the district. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee shall preside.

(2)(C) Each district shall have a minimum of two meetings each year.

(2)(D) An agenda shall be circulated among the judges in advance of the meeting with a known method on how matters may be placed on the agenda.

(2)(E) In addition to regular meetings, the presiding judge or a majority of the judges may call additional meetings as necessary.

(2)(G) Other than judges and the Justice Court Administrator, those attending the meeting shall be by approval of the presiding judge only.

(2)(H) The issues on which judges should vote shall be left to the sound discretion and judgment of each district and the applicable sections of the Utah Constitution, statutes, and this Code.

(3) Administrative responsibilities and authority of presiding judge.

(3)(A) Generally. The presiding judge is charged with the responsibility for the effective operation of the justice courts within a district. He or she is responsible for the implementation and enforcement of statutes, rules, policies and directives of the Council and the Board of Justice Court Judges as they pertain to the administration of the courts. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(B) Coordination of required training.

(3)(B)(i) The presiding judge or his or her designee shall: (a) be responsible to see that judges in his or her district are appropriately trained, (b) assist in planning statewide trainings as part of the Education Committee, (c) plan district training to be held in connection with the meetings required by paragraph (2)(C), (d) recommend mentors for new judges, and (e) arrange for individual training, as needed.

(3)(B)(ii) Presiding judges are encouraged to observe the hearings of judges within the district to assess training needs.

(3)(C) Court committees. The presiding judge shall, where appropriate, make use of court committees composed of other judges and court personnel to investigate problem areas and handle court business.

(3)(D) Outside agencies and the media. The presiding judge shall be available to meet with outside agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar association leaders, probation and parole officers, government officials of cities or counties located within the district, civic organizations and other state agencies. The presiding judge shall be the primary representative of the district.

(3)(E) Judicial officers. The presiding judge shall discuss significant problems or complaints regarding the judges in his or her district with the Justice Court Administrator, both of whom shall work together to resolve the concern. In the event that another judge in the district fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment or violates the Code of Judicial Conduct, the presiding judge may:

(3)(E)(i) Consult with appropriate staff at the Administrative Office of the Courts and/or discuss the issue with other presiding judges.

(3)(E)(ii) Meet with the judge to explain the reasons for the directive given or the position taken, consult with the judge about alternative solutions and reevaluate the directive or position, as appropriate.

(3)(E)(iii) Present the problem to the Board of Justice Court Judges for input.

(3)(E)(iv) Require the judge to participate in appropriate counseling, therapy, education or treatment.

(3)(E)(v) Refer the problem to the Judicial Council or to the Chief Justice.

(3)(E)(vi) In the event that the options listed in subsections (i) through (v) do not resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem to the Council or the Judicial Conduct Commission.

(3)(F) Liaison. The presiding judge or his or her designee shall serve as a liaison between the justice courts of the district and (i) the Board of Justice Court Judges and (ii) the presiding judges of Juvenile Court and District Court.

(3)(G) Reassignment of cases. In the event that a judge is disqualified from a case, the presiding judge shall appoint any judge duly authorized by the governing body of that court's jurisdiction to serve as a temporary justice court judge to preside over that case.

Tab 3

RULE AMENDMENT REQUEST

Policy and Planning

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REQUESTER CONTACT INFORMATION:

Name of Requester:	E-mail:	Phone Number:	Date of Request:
<input type="text" value="Nancy Sylvester"/>	<input type="text" value="nancyjs@utcourts.gov"/>	<input type="text"/>	<input type="text" value="06/09/2017"/>

RULE AMENDMENT:

Rule Number:	Location of Rule:
<input type="text" value="6-501"/>	<input type="text" value="Code of Judicial Administration"/>

Brief Description of Proposed Amendment:

Changes the applicability of the rule to exclude conservators and co-guardians who are parents of the ward, pursuant to H.B. 214. Adds headings to make the rule easier to read.

Reason Amendment is Needed:

Compliance with H.B. 214.

Is this proposal urgent?

- ☐ No
☒ Yes

If Yes, provide an estimated deadline date and explain why it is urgent:

List all stakeholders:

Select each entity that has approved this proposal:

- | | |
|--|---|
| <input type="checkbox"/> Accounting Manual Committee | <input type="checkbox"/> Legislative Liaison Committee |
| <input type="checkbox"/> ADR Committee | <input type="checkbox"/> Licensed Paralegal Practitioner Committee |
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| <input type="checkbox"/> Board of Justice Court Judges | <input type="checkbox"/> Policy and Planning member |
| <input type="checkbox"/> Board of Juvenile Court Judges | <input type="checkbox"/> Pretrial Release and Supervision Committee |
| <input type="checkbox"/> Board of Senior Judges | <input type="checkbox"/> Resources for Self-represented Parties Committee |
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| <input type="checkbox"/> Law Library Oversight Committee | <input type="checkbox"/> NONE OF THE ABOVE |

If the approving entity is not listed above, please list it here:

Requester's Signature:

Supervisor's Signature (if requester is not a manager or above):

FOR POLICY AND PLANNING USE ONLY

Proposal Accepted?

- ☐ Yes
☐ No

Queue Priority Level:

- ☐ Red
☐ Yellow
☐ Green

Committee Notes/Comments:

Rule 6-501. Reporting requirements for guardians and conservators.

Intent:

To establish the requirements sufficient to satisfy the Utah Uniform Probate Code.

Applicability:

This rule applies to guardians and conservators with the following exceptions:

This rule does not apply if the ~~guardian or conservator~~ or coguardian is the parent of the ward.

Paragraph (1) does not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school.

Paragraph (1) does not apply to a conservator licensed under the Title 7, Chapter 5, Trust Business, to a guardian licensed under §75-5-311(1)(a), or to the Office of Public Guardian.

Paragraphs (6)(A), (6)(B) and (6)(C) do not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school. A person interested in the minor may request a report under Utah Code Section 75-5-209.

Paragraph (6)(D) does not apply to the guardian of a minor if the minor's estate is deposited in an account requiring judicial approval for withdrawal or if there is no estate. A person interested in the minor may request an accounting under Utah Code Section 75-5-209.

Statement of the Rule:

(1) Examination and private information record.

(1)(A) Before the court enters an order appointing a guardian or conservator, the guardian or conservator shall file a verified statement showing satisfactory completion of a court-approved examination on the responsibilities of a guardian or conservator.

(1)(B) After the court enters the order of appointment, the guardian or conservator shall file within 7 days a completed and verified Private Information Record form provided by the Administrative Office of the Courts. The guardian or conservator shall continue to keep the court apprised of any changes to the guardian or conservator's contact information.

(2) **Recordkeeping.** The guardian shall keep contemporaneous records of significant events in the life of the ward and produce them if requested by the court. The conservator shall keep contemporaneous receipts, vouchers or other evidence of income and expenses and produce them if requested by the court. The guardian and conservator shall maintain the records until the appointment is terminated and then deliver them to the ward, if there is no successor, to the successor guardian or conservator, or to the personal representative of the ward's estate.

(3) Definitions.

(3)(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.

(3)(B) "Interested persons" means the ward, if he or she is of an appropriate age and mental capacity to understand the proceedings, the ward's guardian and conservator, the ward's spouse, adult children, parents and siblings and anyone requesting notice under Utah Code Section 75-5-406. If no person is an interested person, then interested person includes at least one of the ward's closest adult relatives, if any can be found.

(3)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.

(3)(D) "Serve" means any manner of service permitted by Utah Rule of Civil Procedure 5.

(3)(E) "Report" means the annual report on the status of the ward required by Utah Code Section 75-5-209 and Section 75-5-312.

(3)(F) "Ward" means a minor or an incapacitated person for whom the court appoints a guardian or a protected person for whom the court appoints a conservator.

(4) **Report forms.** Subject to the requirements of Paragraph (5):

(4)(A) forms substantially conforming to the forms produced by the Utah court website are acceptable for content and format for the report and accounting filed under the Utah Uniform Probate Code;

(4)(B) a corporate fiduciary may file its internal report or accounting; and

(4)(C) if the ward's estate is limited to a federal or state program requiring an annual accounting, the fiduciary may file a copy of that accounting.

(5) **Report information.** The report, inventory and accounting shall contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period. Compliance with Paragraph (4) is presumed sufficient, but the court may direct that a report or accounting be prepared with content and format as it deems necessary.

(6) **Status reports.**

(6)(A) The guardian shall file with the appointing court a report on the status of the ward no later than 60 days after the anniversary of the appointment. The guardian shall file the report with the court that appointed the guardian unless that court orders a change in venue under Utah Code Section 75-5-313. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the guardian. The guardian may not file the report before the close of the reporting period. For good cause the court may extend the time for filing the report, but a late filing does not change the reporting period.

(6)(B) The guardian shall serve a copy of the report on all interested persons with notice that the person may object within 30 days after the notice was served.

(6)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge shall approve it.

(6)(D) If there is no conservator, the guardian shall file the inventory and accounting required of a conservator.

(7) **Inventory reports.**

(7)(A) Within 90 days after the appointment, the conservator shall file with the appointing court the inventory required by Utah Code Section 75-5-418. For good cause the court may extend the time for filing the inventory.

(7)(B) The conservator shall serve a copy of the inventory on all interested persons with notice that the person may object within 30 days after the notice was served.

(7)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge shall approve it.

(8) **Accounting reports.**

87 (8)(A) The conservator shall file with the appointing court an accounting of the estate of the ward no
88 later than 60 days after the anniversary of the appointment. The conservator shall file the accounting with
89 the court that appointed the conservator unless that court orders a change in venue under Utah Code
90 Section 75-5-403. The reporting period is yearly from the appointment date unless the court changes the
91 reporting period on motion of the conservator. The conservator may not file the accounting before the
92 close of the reporting period. For good cause the court may extend the time for filing the accounting, but a
93 late filing does not change the reporting period.

94 (8)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that
95 the person may object within 30 days after the notice was served.

96 (8)(C) If an interested person objects, the person shall specify in writing the entries to which the
97 person objects and state the reasons for the objection. The person shall file the objection with the court
98 and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The
99 judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in
100 order, the judge shall approve it.

101 | **(9) Final accounting.**

102 (9)(A) The conservator shall file with the court a final accounting of the estate of the ward with the
103 motion to terminate the appointment.

104 (9)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that
105 the person may object within 30 days after the notice was served.

106 (9)(C) If an interested person objects, the person shall specify in writing the entries to which the
107 person objects and state the reasons for the objection. The person shall file the objection with the court
108 and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The
109 judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in
110 order, the judge shall approve it.
111

Tab 4

RULE AMENDMENT REQUEST

Policy and Planning

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REQUESTER CONTACT INFORMATION:

Name of Requester:

E-mail:

Phone Number:

Date of Request:

Nancy Sylvester

nancyjs@utcourts.gov

(801) 578-3808

06/09/2017

RULE AMENDMENT:

Rule Number:

Location of Rule:

1-205

Code of Judicial Administration

Brief Description of Proposed Amendment:

This amendment adds a justice court judge and a member of the AOC's Education Department to the Judicial Council's Standing Committee on Resources for Self-represented Parties.

Reason Amendment is Needed:

Because there are now 89 justice court judges in the state and that court level deals with the vast majority of self-represented litigants, the Justice Court Board has asked for greater representation on the Self-represented Parties Committee. They would also like a member of the Education Department on the committee because they need regular, ongoing education on the issues surrounding self-represented litigants, but that education has been happening only sporadically.

Is this proposal urgent?

If Yes, provide an estimated deadline date and explain why it is urgent:

☒ No

☐ Yes

List all stakeholders:

Committee on Resources for Self-represented Parties, Board of Justice Court Judges, AOC Education Department.

Select each entity that has approved this proposal:

- | | |
|--|--|
| <input type="checkbox"/> Accounting Manual Committee | <input type="checkbox"/> Legislative Liaison Committee |
| <input type="checkbox"/> ADR Committee | <input type="checkbox"/> Licensed Paralegal Practitioner Committee |
| <input type="checkbox"/> Board of Appellate Court Judges | <input type="checkbox"/> Model Utah Civil Jury Instructions Committee |
| <input type="checkbox"/> Board of District Court Judges | <input type="checkbox"/> Model Utah Criminal Jury Instructions Committee |
| <input checked="" type="checkbox"/> Board of Justice Court Judges | <input type="checkbox"/> Policy and Planning member |
| <input type="checkbox"/> Board of Juvenile Court Judges | <input type="checkbox"/> Pretrial Release and Supervision Committee |
| <input type="checkbox"/> Board of Senior Judges | <input checked="" type="checkbox"/> Resources for Self-represented Parties Committee |
| <input type="checkbox"/> Children and Family Law Committee | <input type="checkbox"/> Rules of Appellate Procedure Advisory Committee |
| <input type="checkbox"/> Court Commissioner Conduct Committee | <input type="checkbox"/> Rules of Civil Procedure Advisory Committee |
| <input type="checkbox"/> Court Facility Planning Committee | <input type="checkbox"/> Rules of Criminal Procedure Advisory Committee |
| <input type="checkbox"/> Court Forms Committee | <input type="checkbox"/> Rules of Evidence Advisory Committee |
| <input type="checkbox"/> Ethics Advisory Committee | <input type="checkbox"/> Rules of Juvenile Procedure Advisory Committee |
| <input type="checkbox"/> Ethics and Discipline Committee of the Utah Supreme Court | <input type="checkbox"/> Rules of Professional Conduct Advisory Committee |
| <input type="checkbox"/> General Counsel | <input type="checkbox"/> State Court Administrator |
| <input type="checkbox"/> Guardian ad Litem Oversight Committee | <input type="checkbox"/> TCE's |
| <input type="checkbox"/> Judicial Branch Education Committee | <input type="checkbox"/> Technology Committee |
| <input type="checkbox"/> Judicial Outreach Committee | <input type="checkbox"/> Uniform Fine and Bail Committee |
| <input type="checkbox"/> Language Access Committee | <input type="checkbox"/> WINGS Committee |
| <input type="checkbox"/> Law Library Oversight Committee | <input type="checkbox"/> NONE OF THE ABOVE |

If the approving entity is not listed above, please list it here:

Requester's Signature:

Supervisor's Signature (if requester is not a manager or above):

/s/Nancy Sylvester

FOR POLICY AND PLANNING USE ONLY

Proposal Accepted?

- ☐ Yes
☐ No

Queue Priority Level:

- ☐ Red
☐ Yellow
☐ Green

Committee Notes/Comments:

Rule 1-205. Standing and ad hoc committees.

Intent:

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:

(1) Standing committees.

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Technology Committee;

(1)(A)(ii) Uniform Fine Schedule Committee;

(1)(A)(iii) Ethics Advisory Committee;

(1)(A)(iv) Judicial Branch Education Committee;

(1)(A)(v) Court Facility Planning Committee;

(1)(A)(vi) Committee on Children and Family Law;

(1)(A)(vii) Committee on Judicial Outreach;

(1)(A)(viii) Committee on Resources for Self-represented Parties;

(1)(A)(ix) Language Access Committee;

(1)(A)(x) Guardian ad Litem Oversight Committee;

(1)(A)(xi) Committee on Model Utah Civil Jury Instructions;

(1)(A)(xii) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xiii) Committee on Pretrial Release and Supervision; and

(1)(A)(xiv) Committee on Court Forms.

(1)(B) Composition.

(1)(B)(i) The Technology Committee shall consist of one judge from each court of record, one justice court judge, one lawyer recommended by the Board of Bar Commissioners, two court executives, two court clerks and two staff members from the Administrative Office.

(1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of one district court judge who has experience with a felony docket, three district court judges who have experience with a misdemeanor docket, one juvenile court judge and three justice court judges.

(1)(B)(iii) The Ethics Advisory Committee shall consist of one judge from the Court of Appeals, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge, and an attorney from either the Bar or a college of law.

(1)(B)(iv) The Judicial Branch Education Committee shall consist of one judge from an appellate court, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, the education liaison of the Board of Justice Court Judges, one state level administrator, the Human Resource Management Director, one court executive, one juvenile court probation representative, two court clerks from different levels of court and different judicial districts, one data processing manager, and one adult educator from higher education. The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(v) The Court Facility Planning Committee shall consist of one judge from each level of trial court, one appellate court judge, the state court administrator, a trial court executive, and two business people with experience in the construction or financing of facilities.

(1)(B)(vi) The Committee on Children and Family Law shall consist of one Senator appointed by the President of the Senate, one Representative appointed by the Speaker of the House, the Director of the Department of Human Services or designee, one attorney of the Executive Committee of the Family Law Section of the Utah State Bar, one attorney with experience in abuse, neglect and dependency cases, one attorney with experience representing parents in abuse, neglect and dependency cases, one representative of a child advocacy organization, one mediator, one professional in the area of child development, one representative of the community, the Director of the Office of Guardian ad Litem or designee, one court commissioner, two district court judges, and two juvenile court judges. One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vii) The Committee on Judicial Outreach shall consist of one appellate court judge, one district court judge, one juvenile court judge, one justice court judge, one state level administrator, a state level judicial education representative, one court executive, one Utah State Bar representative, one communication representative, one law library representative, one civic community representative, and one state education representative. Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(viii) The Committee on Resources for Self-represented Parties shall consist of two district court judges, one juvenile court judge, ~~one two~~ justice court judges, three clerks of court – one from an appellate court, one from an urban district and one from a rural district – one member of the Online Court Assistance Committee, one representative from the Self-Help Center, one representative from the Utah State Bar, two representatives from legal service organizations that serve low-income clients, one private attorney experienced in providing services to self-represented parties, two law school representatives, the state law librarian, a state level judicial education representative, and two community representatives.

(1)(B)(ix) The Language Access Committee shall consist of one district court judge, one juvenile court judge, one justice court judge, one trial court executive, one court clerk, one interpreter coordinator, one probation officer, one prosecuting attorney, one defense attorney, two certified interpreters, one approved interpreter, one expert in the field of linguistics, and one American Sign Language representative.

(1)(B)(x) The Guardian ad Litem Oversight Committee shall consist of seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(xi) The Committee on Model Utah Civil Jury Instructions shall consist of two district court judges, four lawyers who primarily represent plaintiffs, four lawyers who primarily represent defendants, and one person skilled in linguistics or communication.

(1)(B)(xii) The Committee on Model Utah Criminal Jury Instructions shall consist of two district court judges, one justice court judge, four prosecutors, four defense counsel, one professor of criminal law, and one person skilled in linguistics or communication.

(1)(B)(xiii) The Committee on Pretrial Release and Supervision shall consist of two district court judges, one juvenile court judge, two justice court judges, one prosecutor, one defense attorney, one county sheriff, one representative of counties, one representative of a county pretrial services agency, one representative of the Utah Insurance Department, one representative of the Utah Commission on Criminal and Juvenile Justice, one commercial surety agent, one state senator, one state representative, and the court's general counsel or designee.

(1)(B)(xiv) The Committee on Court Forms shall consist of one district court judge, one juvenile court judge, one justice court judge, one court clerk, one appellate court staff attorney, one representative from the Self-Help Center, the State Law Librarian, the Court Services Director, one member selected by the Online Court Assistance Committee, one representative from a legal service organization that serves low-income clients, one paralegal, one educator from a paralegal program or law school, one person skilled in linguistics or communication, and one representative from the Utah State Bar.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc

committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's committees.

Tab 5



Keisa Williams <keisaw@utcourts.gov>

P & P

2 messages


Brent Johnson <brentj@utcourts.gov>
To: Keisa Williams <keisaw@utcourts.gov>
Cc: Nancy Sylvester <nancyjs@utcourts.gov>

Thu, Jun 29, 2017 at 4:34 PM

Attached you will find a proposed change to rule 3-104. The Supreme Court's Advisory Committee on the Rules of Criminal Procedure is currently reorganizing the rules of criminal procedure. The reorganization includes dividing rule 7 into several distinct rules, each rule addressing different subjects. One of the provisions in rule 7 deals with developing a rotation of magistrates. The advisory committee originally proposed creating a rule 7D to incorporate this provision. However, when this proposal was presented to the members of the Supreme Court, one of the justices expressed the opinion that the subject matter involved internal operating procedures and therefore should not be in the rules of criminal procedure. The other court members agreed and suggested that the provision be moved to the presiding judge rule in the rules of judicial administration. I moved the language as reflected in the attached proposal. If this could be done by November that would be great but it's not critical.

If you have any questions about this proposal please let me know.



 **3-104 (6-27-17 version).docx**
20K

Keisa Williams <keisaw@utcourts.gov>
To: Brent Johnson <brentj@utcourts.gov>
Cc: Nancy Sylvester <nancyjs@utcourts.gov>

Fri, Jun 30, 2017 at 6:47 AM

Got it, thanks

Sent from my iPhone

[Quoted text hidden]

<3-104 (6-27-17 version).docx>

Rule 3-104. Presiding judges.

Intent:

To establish the procedure for election, term of office, role, responsibilities and authority of presiding judges and associate presiding judges.

Applicability:

This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile Courts.

Statement of the Rule:

(1) Election and term of office.

(1)(A) Presiding judge. The presiding judge in multi-judge courts shall be elected by a majority vote of the judges of the court. The presiding judge's term of office shall be at least two years. A district, by majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the presiding officer of the Council to serve for two years.

(1)(B) Associate presiding judge.

(1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A).

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge or by the court.

(1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

(2) Court organization.

(2)(A) Court en banc.

(2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including all judges of the court and the court executive, to discuss and decide court business. The presiding judge has the discretion to excuse the attendance of the court executive from court en banc meetings

called for the purpose of discussing the performance of the court executive. In single-judge courts, the judge shall meet with the court executive to discuss and decide court business.

(2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee shall preside.

(2)(A)(iii) Each court shall have a minimum of four meetings each year.

(2)(A)(iv) An agenda shall be circulated among the judges in advance of the meeting with a known method on how matters may be placed on the agenda.

(2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges may call additional meetings as necessary.

(2)(A)(vi) Minutes of each meeting shall be taken and preserved.

(2)(A)(vii) Other than judges and court executives, those attending the meeting shall be by court invitation only.

(2)(A)(viii) The issues on which judges should vote shall be left to the sound discretion and judgment of each court and the applicable sections of the Utah Constitution, statutes, and this Code.

(2)(B) Absence of presiding judge. When the presiding judge and the associate presiding judge, if any, are absent from the court, an acting presiding judge shall be appointed. The method of designating an acting presiding judge shall be at the discretion of the presiding judge. All parties that must necessarily be informed shall be notified of the judge acting as presiding judge.

(3) Administrative responsibilities and authority of presiding judge.

(3)(A)(i) Generally. The presiding judge is charged with the responsibility for the effective operation of the court. He or she is responsible for the implementation and enforcement of statutes, rules, policies and directives of the Council as they pertain to the administration of the courts, orders of the court en banc and supplementary rules. The presiding judge has the authority to delegate the performance of non-judicial duties to the court executive. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(A)(ii) Caseload. Unless the presiding judge determines it to be impractical, there is a presumption that the judicial caseload of the presiding judge shall be adjusted to provide the

61 presiding judge sufficient time to devote to the management and administrative duties of the
62 office. The extent of the caseload reduction shall be determined by each district.

63 (3)(A)(iii) Appeals. Any judge of the judicial district may ask the Chief Justice or Judicial
64 Council to review any administrative decision made by the presiding judge of that district.

65 (3)(B) Coordination of judicial schedules.

66 (3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of
67 judges and be responsible for an orderly plan of judicial absences from court duties.

68 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to the
69 presiding judge consistent with Rule 3-103(4).

70 (3)(C) Authority to appoint senior judges.

71 (3)(C)(i) The presiding judge is authorized to use senior judge coverage for up to 14 judicial
72 days if a judicial position is vacant or if a judge is absent due to illness, accident, or disability.
73 Before assigning a senior judge, the presiding judge will consider the priorities for requesting
74 judicial assistance established in Rule 3-108. The presiding judge may not assign a senior judge
75 beyond the limits established in Rule 11-201(6).

76 (3)(C)(ii) The presiding judge will notify the State Court Administrator when a senior judge
77 assignment has been made.

78 (3)(C)(iii) If more than 14 judicial days of coverage will be required, the presiding judge will
79 promptly present to the State Court Administrator a plan for meeting the needs of the court for
80 the anticipated duration of the vacancy or absence and a budget to implement that plan. The plan
81 should describe the calendars to be covered by judges of the district, judges of other districts, and
82 senior judges. The budget should estimate the funds needed for travel by judges and for time and
83 travel by senior judges.

84 (3)(C)(iv) If any part of the proposed plan is contested by the State Court Administrator, the
85 plan will be reviewed by the Management Committee of the Judicial Council for final
86 determination.

87 (3)(D) Court committees. The presiding judge shall, where appropriate, make use of court
88 committees composed of other judges and court personnel to investigate problem areas, handle
89 court business and report to the presiding judge and/or the court en banc.

90 (3)(E) Outside agencies and the media.

91 (3)(E)(i) The presiding judge or court executive shall be available to meet with outside
92 agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police
93 chief, bar association leaders, probation and parole officers, county governmental officials, civic
94 organizations and other state agencies. The presiding judge shall be the primary representative of
95 the court.

96 (3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the court
97 executive shall represent the court and make statements to the media on matters pertaining to the
98 total court and provide general information about the court and the law, and about court
99 procedures, practices and rulings where ethics permit.

100 (3)(F) Docket management and case and judge assignments.

101 (3)(F)(i) The presiding judge shall monitor the status of the dockets in the court and
102 implement improved methods and systems of managing dockets.

103 (3)(F)(ii) The presiding judge shall assign cases and judges in accordance with supplemental
104 court rules to provide for an equitable distribution of the workload and the prompt disposition of
105 cases.

106 (3)(F)(iii) Individual judges of the court shall convey needs for assistance to the presiding
107 judge. The presiding judge shall, through the State Court Administrator, request assistance of
108 visiting judges or other appropriate resources when needed to handle the workload of the court.

109 (3)(F)(iv) The presiding judge shall discuss problems of delay with other judges and offer
110 necessary assistance to expedite the disposition of cases.

111 (3)(G) Court executives.

112 (3)(G)(i) The presiding judge shall review the proposed appointment of the court executive
113 made by the State Court Administrator and must concur in the appointment before it will be
114 effective. The presiding judge shall obtain the approval of a majority of the judges in that
115 jurisdiction prior to concurring in the appointment of a court executive.

116 (3)(G)(ii) The presiding judge for the respective court level and the state level administrator
117 shall jointly develop an annual performance plan for the court executive.

118 (3)(G)(iii) Annually, the state level administrator shall consult with the presiding judge in the
119 preparation of an evaluation of the court executive's performance for the previous year, also
120 taking into account input from all judges in the district.

(3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive, including coordination of annual leave.

(3)(G)(v) Pursuant to Council policy and the direction of the state level administrator, the court executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects, intergovernmental relations and other administrative responsibilities as determined by the presiding judge and the state level administrator.

(3)(H) Courtrooms and facilities. The presiding judge shall direct the assignment of courtrooms and facilities.

(3)(I) Recordkeeping. Consistently with Council policies, the court executive, in consultation with the presiding judge, shall:

(3)(I)(i) coordinate the compilation of management and statistical information necessary for the administration of the court;

(3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of these policies;

(3)(I)(iii) approve proposals for automation within the court in compliance with administrative rules.

(3)(J) Budgets. The court executive, in consultation with the presiding judge, shall oversee the development of the budget for the court. In contract sites, the court executive shall supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

(3)(K) Judicial officers. In the event that another judge or commissioner of the court fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment or violates the Code of Judicial Conduct, the presiding judge may:

(3)(K)(i) Meet with and explain to the judge or commissioner the reasons for the directive given or the position taken and consult with the judge or commissioner.

(3)(K)(ii) Discuss the position with other judges and reevaluate the position.

(3)(K)(iii) Present the problem to the court en banc or a committee of judges for input.

(3)(K)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy, education or treatment.

(3)(K)(v) Reassign the judge or commissioner to a different location within the district or to a different case assignment.

(3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.

(3)(K)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem to the Council or the Judicial Conduct Commission.

(3)(L) Cases under advisement.

(3)(L)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination. The final determination occurs when the judge resolves the pending issue by announcing the decision on the record or by issuing a written decision, regardless of whether the parties are required to subsequently submit for the judge's signature a final order memorializing the decision.

(3)(L)(ii) Once a month each judge shall submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate state level administrator and indicate the reasons why the case or issue continues to be held under advisement.

(3)(L)(iv) If a case or issue is held under advisement for an additional 30 days, the state level administrator shall report that fact to the Council.

(3)(M) Board of judges. The presiding judge shall serve as a liaison between the court and the Board for the respective court level.

(3)(N) Supervision and evaluation of court commissioners. The presiding judge is responsible for the development of a performance plan for the Court Commissioner serving in that court and shall prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and evaluation shall be maintained in the official personnel file in the Administrative Office.

183 (3)(O) Magistrate availability. The presiding judge in a district court shall consult with the
184 justice court administrator to develop a rotation of magistrates that ensures regular availability of
185 magistrates within the district. The rotation shall take into account each magistrate's caseload,
186 location, and willingness to serve.

Tab 6

POLICY AND PLANNING COMMITTEE

BYLAWS Internal Operating Guide

1. Agenda. The Chair of the Committee approves the agenda seven days before the scheduled meeting. After approval by the Chair, the agenda for that meeting is closed.
2. Presenting a Proposed Rule Change to the Committee.
 - a. Judicial Council, Management Committee, and Supreme Court. Assignments from the Judicial Council, ~~Management Committee, or Supreme Court~~ shall be accepted in any form presented.
 - b. Committee Members. Proposed rule changes from committee members shall not be accepted for consideration by the Committee unless the Request Form has been completed and the proposed amendment is attached to the Request Form.
 - c. Administrative Office of the Courts. Proposed rule changes from employees of the Administrative Office of the Courts shall not be accepted for consideration by the Committee unless:
 - i. The Request Form has been completed;
 - ii. ~~The Request Form is signed by the employee, and the employee's supervisor.~~
 - iii. The proposed amendment is attached to the Request Form; and
 - iii.iv. Unless the employee is a manager or above, The Request Form is signed by the employee, and the employee's supervisor.
3. Priority of Work. The Committee shall approve a system for prioritizing its work. Assignments from the Judicial Council, ~~Management Committee, and Supreme Court~~ shall take first priority.
4. Invitations to Attend Committee Meetings. The Chair, with the advice of the Committee, shall determine whether stakeholders should be invited to attend a Committee Meeting and for what purpose.

RULE AMENDMENT REQUEST

Policy and Planning

Policy and Planning is an executive committee of the Judicial Council and is responsible for recommending to the Council new and amended rules for the Code of Judicial Administration and the Human Resource Policies and Procedures Manual.

Instructions: Unless the proposal is coming directly from the Utah Supreme Court, Judicial Council, or Management Committee, this Request Form must be submitted along with a draft of the proposed rule amendment before they will be considered by the Policy and Planning Committee. **Once completed, please e-mail this form and the proposed rule changes to Keisa Williams at keisaw@utcourts.gov.**

REQUESTER CONTACT INFORMATION:

Name of Requester: E-mail: Phone Number: Date of Request:

RULE AMENDMENT:

Rule Number: Location of Rule:

Brief Description of Proposed Amendment:

Reason Amendment is Needed:

Is this proposal urgent?

No

Yes

If Yes, provide an estimated deadline date and explain why it is urgent:

List all stakeholders:

Select each entity that has approved this proposal:

<input type="checkbox"/> Accounting Manual Committee	<input type="checkbox"/> Legislative Liaison Committee
<input type="checkbox"/> ADR Committee	<input type="checkbox"/> Licensed Paralegal Practitioner Committee
<input type="checkbox"/> Board of Appellate Court Judges	<input type="checkbox"/> Model Utah Civil Jury Instructions Committee
<input type="checkbox"/> Board of District Court Judges	<input type="checkbox"/> Model Utah Criminal Jury Instructions Committee
<input type="checkbox"/> Board of Justice Court Judges	<input type="checkbox"/> Policy and Planning member
<input type="checkbox"/> Board of Juvenile Court Judges	<input type="checkbox"/> Pretrial Release and Supervision Committee
<input type="checkbox"/> Board of Senior Judges	<input type="checkbox"/> Resources for Self-represented Parties Committee
<input type="checkbox"/> Children and Family Law Committee	<input type="checkbox"/> Rules of Appellate Procedure Advisory Committee
<input type="checkbox"/> Court Commissioner Conduct Committee	<input type="checkbox"/> Rules of Civil Procedure Advisory Committee
<input type="checkbox"/> Court Facility Planning Committee	<input type="checkbox"/> Rules of Criminal Procedure Advisory Committee
<input type="checkbox"/> Court Forms Committee	<input type="checkbox"/> Rules of Evidence Advisory Committee
<input type="checkbox"/> Ethics Advisory Committee	<input type="checkbox"/> Rules of Juvenile Procedure Advisory Committee
<input type="checkbox"/> Ethics and Discipline Committee of the Utah Supreme Court	<input type="checkbox"/> Rules of Professional Conduct Advisory Committee
<input type="checkbox"/> General Counsel	<input type="checkbox"/> State Court Administrator
<input type="checkbox"/> Guardian ad Litem Oversight Committee	<input type="checkbox"/> TCE's
<input type="checkbox"/> Judicial Branch Education Committee	<input type="checkbox"/> Technology Committee
<input type="checkbox"/> Judicial Outreach Committee	<input type="checkbox"/> Uniform Fine and Bail Committee
<input type="checkbox"/> Language Access Committee	<input type="checkbox"/> WINGS Committee
<input type="checkbox"/> Law Library Oversight Committee	<input type="checkbox"/> NONE OF THE ABOVE

If the approving entity is not listed above, please list it here:

Requester's Signature:

Supervisor's Signature (if requester is not a manager or above):



FOR POLICY AND PLANNING USE ONLY

Proposal Accepted?	Queue Priority Level:	Committee Notes/Comments:
<input type="checkbox"/> Yes	<input type="checkbox"/> Red	
<input type="checkbox"/> No	<input type="checkbox"/> Yellow	
	<input type="checkbox"/> Green	