

Agenda
Policy and Planning Committee
 March 2, 2018
9:30 – 11:30 a.m.
Council Room – 3rd Floor, N31
 Matheson Courthouse
 450 S. State St., Salt Lake City, UT

9:30	Welcome and Approval of Minutes	Action	Tab 1	Judge Derek Pullan
9:35	Human Resources Professional Appearance Policy	Discussion/ Action	Tab 2	Rob Parkes
10:00	CJA 3-414. Court Security HR 500. Code of Personal Conduct (Section 16. Court Security)	Discussion/ Action	Tab 3	Chris Palmer
10:20	CJA 2-207. Annual rulemaking and periodic review of the Code. <ul style="list-style-type: none"> Assignments 	Discussion/ Action	Tab 4	Judge Derek Pullan Keisa Williams
10:30	LawX Project (Master List)	Discussion/ Action	Tab 5	Judge Derek Pullan Keisa Williams
10:45	CJA 9-109. Presiding Judges in Justice Courts	Discussion/ Action	Tab 6	Jim Peters
11:15	CJA 4-409. Council Approval of Problem Solving Courts	Discussion/ Action	Tab 7	Judge Derek Pullan
11:30	Adjourn	Action		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 2:00 unless otherwise stated.

2018 Meetings:

April 6, 2018

May 4, 2018 (9:00 a.m. – 5:00 p.m.)

June 1, 2018

July 6, 2018

August 3, 2018

September 7, 2018

October 5, 2018

November 2, 2018 (9:00 a.m. – 5:00 p.m.)

December 7, 2018

Tab 1

Policy and Planning Committee

Draft

**Judicial Council Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111**

**February 2, 2018
9:00 a.m. to 11:30 a.m.**

Members Present

Hon. Derek Pullan - Chair (by phone)
Hon. Augustus Chin
Hon. Kara Pettit
Rob Rice
Judge John Walton (by phone)

Members Excused

Judge Mary Noonan

Staff

Amber Vinson – Recording Secretary
Nancy Sylvester
Keisa Williams
Richard Schwermer- Court Administrator
Jim Peters
Alex Christman (Intern)

Guests

(1) Welcome and Approval of minutes.

Judge Derek Pullan welcomed the members to the meeting. Judge Pullan addressed the January 5, 2018 minutes. There being no changes, Judge Pettit made a motion to approve the minutes as written. Judge Chin seconded the motion and it passed unanimously.

(2) Update from Supreme Court – BYU LawX Project for Debt Collection Cases.

Ms. Williams provided an update regarding the presentation to the Supreme Court about the LawX Program from BYU. The Supreme Court was supportive of the program in concept, but noted that there were many items that needed to be addressed before the court could authorize emailing the documents. The Court discussed various concerns related to the Rules of Civil Procedure; the Court's other efforts for allowing pro se litigants to e-file, etc. Ms. Williams noted that a link to the program has been included on the court's website as a self-help resource. Jessica Van Buren used the program and identified numerous issues with the documents. First, the documents created by the program do not match the Court's official forms as advertised. Second, there may be substantive errors that need to be reviewed and addressed.

Ms. Sylvester discussed the Civil Rules Committee's work on Rule 5 to address the service of orders by the court. She said much of the discussion revolved around pro se litigants and

their inability to see the docket. The Civil Rules Committee will recommend to this body that email addresses be required for all pro se litigants interacting with Utah State Courts, which will be modeled after the Federal Court System. Ms. Sylvester spoke to the fiscal impact of service of orders by mail versus by electronic means. Judge Pullan expressed concern about pro se litigants being required to utilize an email address when they do not have the means or ability to do so. He suggested creating an alternative method for those circumstances. Ms. Sylvester suggested that the Self-Represented Parties Committee take a look at this and triage what issues should be addressed by what committees.

The Committee asked Ms. Williams to communicate with BYU about the adjustments needed to address the issues identified by Ms. Van Buren. The committee discussed other issues the courts would need to address in order to be responsive to what LawX is trying to do, such as the courts' progress on pro se e-filing. Judge Pullan suggested one committee should take the lead on the project so BYU has one point of communication. Mr. Schwermer stated his preference would be to have Policy and Planning remain the point of contact. The committee discussed the MyCase program the courts are working to implement. Judge Pettit noted that procedures and available resources may be different in each courthouse across the state. The committee should keep that in mind when addressing this program.

The committee determined that Policy and Planning will take the lead on this issue. Judge Pullan asked Ms. Sylvester to compile a master list of the concerns that need to be addressed. Judge Pullan stated that each issue should be defined as Legal, Policy, Procedural, Technological, Forms, Standards, etc., and the list should be prioritized based on the court's resources. The committee will review it at the next meeting. Judge Pullan would like Policy and Planning to create standards that should be followed for any programs like LawX that come to the court with a similar request. Mr. Schwermer spoke to the political interests of implementing such a program. Once complete, Judge Pullan would like to provide a copy of the master list to the Supreme Court for further direction. Issues for discussion:

- Jurisdiction – obtained upon filing an answer?
- Emails – spam, wrong email address, date/time of filing, etc.
- Format of documents – substantive legal issues and consistency with work of Committee on Court Forms
- Differences between courthouses – procedures, resources, etc.
- MyCase will not have all the functionalities of the current e-Filing system

(3) CJA 9-109. Presiding Judges in Justice Court.

Ms. Sylvester provided the latest draft of CJA-9-109. She addressed the feedback from Judge McCullough. Judge McCullough would like to expedite the adoption of the rule; Ms. Sylvester believed the changes are significant enough to warrant sending it out for comment again. She listed the options available to the Committee, and spoke to the timelines. Mr. Schwermer stated expediting the rule would allow for procedures to be adopted prior to the election of presiding judges at the Justice Court Conference in late April. Mr. Peters spoke to the changes listed in the policy. Mr. Rice inquired about whether

there were consistencies between the justice court rule and the juvenile and district court rules. Mr. Peters stated the rule is different because of the uniqueness of justice courts.

Ms. Sylvester suggested going through the rule paragraph by paragraph to look at how it reads with the amendments. Based on the number of changes, Judge Pullan requested the rule go out for public comment again. Mr. Schwermer proposed forwarding the changes to the Board of Justice Court Judges for final comment. Ms. Sylvester provided an overview of the rule changes. Mr. Peters spoke to the applicability of the presiding judges and the committee discussed the definition of active justice court judge, in contrast to senior judges. The committee discussed alternative definitions and how those play out with voting for and being a presiding or associate presiding judge. Ms. Sylvester added language in both paragraphs that excluded senior judges from voting for or occupying either role. In that vein, Mr. Schwermer stated there may be a need to explicitly define the inability of senior judges to vote for members of the Board of Justice Court Judges or Judicial Council representatives. Mr. Peters agreed because justice court senior judges are not tied to a specific district. The committee also discussed how a tie for presiding judge of a district would be decided. Rather than a coin toss, the committee determined that in the event of a tie the presiding judge would be selected by the Board of Justice Court Judges. Mr. Peters suggested there may be an absence of willing candidates to become the presiding judge in the smallest districts, and suggested addressing the issue. Discussion took place but the committee ultimately determined that it would not address that situation prematurely.

Judge Pettit inquired about paragraph (1)(D)(iii) with respect to the location of a district meeting, and whether a vote could be performed remotely if a presiding judge needed to be removed. After discussion, the committee chose to define a majority vote without specificity to the location or time of the vote. A line was added to the paragraph to ensure that a judge being removed from the presiding judgeship could not vote on that removal. Ms. Sylvester addressed (2)(B) and the language about who should preside over a districtwide meeting. Judge Pullan suggested an education director may not be eligible to preside over a statewide meeting because they may be a senior judge. The Committee agreed to remove education director as a person who could preside. The committee then discussed the language of paragraph (2)(E), the intent of which is to prevent the public from attending the meetings without the invitation of the presiding judge.

Mr. Peters explained the intent behind the alterations to paragraph (3). Regarding (3)(G), reassignment of cases, the committee decided to use the original language, "In the event that a judge is disqualified from a case, the presiding judges shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208..." Judge Pullan suggested the title of the subsection speaks to the reassignment of judges and not the reassignment of cases. It was determined to title the subsection "Reassignment."

Judge Chin moved to forward the rule as proposed by Mr. Schwermer, by first sending the draft to the Board of Justice Court Judges, then bringing it back to Policy and Planning (by email if few edits; to its next meeting if substantial edits), then to the Judicial Council for expedited action with an effective date of April 15 and the necessary comment period. Mr. Rice seconded the motion, and it passed unanimously.

(4) CJA 2-207. Annual Rulemaking and Periodic Review of the Code.

Ms. Williams reviewed CJA 2-207, and the committee's duty to adopt a schedule for periodic review of the Code of Judicial Administration every five years. She proposed dividing the chapters up based on an estimate of the amount of time it will take to review each chapter. She proposed the following schedule:

- Year 1: Chapters 1-3
- Year 2: Chapter 4
- Year 3: Chapters 5-7 (chapter 8 was repealed)
- Year 4: Chapters 9-10
- Year 5: Appendices

Judge Pullan opened the floor for discussion. Judge Pettit was in favor of breaking the reviews into sections. Mr. Schwermer provided perspective on how the legislature reviews rules and statutes: cleaning up references and language as they go along. Ms. Williams suggested that at least one committee member be assigned to each chapter. Ms. Williams can conduct an initial edit of each chapter and then have the committee member review it before taking it to the Committee for approval. Judge Pullan proposed to adopt the schedule Ms. Williams suggested and divide the committee members into 1-2 member subcommittees by expertise relative to the content of the chapters. The subcommittees should distribute the work in such a way that no one member is overloaded. He asked Ms. Williams to formalize the proposal and email it to him for review. Subcommittees may conduct edits/reviews by any means of communication convenient. Judge Pullan asked to include this item on the agenda for the next meeting.

(5) Other Business

Judge Pettit made a motion to adjourn the meeting. Judge Chin seconded the motion and it passed unanimously. There being no other business the meeting was adjourned at 11:18 a.m.

The next meeting is scheduled for March 2, 2018 in the Judicial Council room at 9:30 a.m.

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:

Rob Parkes

E-mail:

robap@utcourt.gov

Phone Number:

801.578.3802

Date of Request:

02/08/2018

RULE AMENDMENT:

Rule Number:

500.14

Location of Rule:

Human Resources Policies and Procedures Manual

Brief Description of Proposed Amendment:

The proposed policy is a full replacement of the existing policy and establishes the professional appearance standards for all employees subject to HR Policies and Procedures. The format of this policy is unique and is designed with the goal of clearly communicating to staff examples of appearance that would be considered acceptable or not acceptable by utilizing both words and images. This policy is currently a section within the Code of Personal Conduct and it is suggested that it become a separate policy under Section 5-Personal Conduct and be numbered 580. The reason for this is twofold: 1. To make the policy more accessible to staff, and 2. To accommodate the unique format of the policy.

Reason Amendment is Needed:

The Professional Appearance Policy has not been updated in approximately ten years which makes it ripe for review given the changes in both the work environment and among court staff. This new policy provides clear and consistent guidelines statewide, utilizes gender neutral language, and better reflects the natural changes in acceptable appearance which have occurred in the court work environment over the the past decade. The revised policy is an improvement over the existing policy as it provides improved information to court staff and provides court management a stronger foundation for the enforcement of the policy when required.

Is this proposal urgent?

☒ No

☐ Yes

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

List all stakeholders:

All court employees other than justices, judges and court commissioners.

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 checked="" 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:

Rob Parkes

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:

Date Committee Approved for Public Comment:

Date Committee Approved for Final Recommendation to Judicial Council:

1 **CODE OF PERSONAL CONDUCT 500**

2
3 **PURPOSE**

4 Public employment in the court system is a public trust justified by the confidence that the citizenry places
5 in the integrity of officers and employees of the judicial branch. Judicial employees should participate in
6 establishing, maintaining, and enforcing, and should personally observe high standards of conduct in
7 order to preserve the integrity and independence of the judiciary. This policy should be construed and
8 applied to further that objective.

9
10 **SCOPE**

11 This policy establishes standards of conduct expected of court employees. It addresses the general
12 performance of duties, abuse of position, confidentiality, conflict of interest, outside interests and
13 secondary employment.

14
15 This policy applies to all court employees.

16
17 **CROSS REFERENCES:**

18 Utah Code Ann. §34A-5-106, Utah Anti-Discrimination Act, Employment Practices
19 42 United States Code §21-VI, Equal Employment Opportunity
20 Code of Judicial Administration §4-202.01, et seq., Dissemination,
21 §3-201, Professional Conduct of Court Commissioners,
22 §3-304(9)(B), Official Court Reporters
23 Code of Judicial Conduct
24 Grievance and Appeal, Policy 620
25 Discipline, Policy 610
26 Fairness in Recruiting and Hiring, Policy 130
27 Utah Administrative Rules 'R-37-1-8-(6)(a), Risk Management Rules, Underwriting Standards Problem
28 Drivers

29
30 **POLICY AND PROCEDURE**

31 1. General.

32
33 1.1 Employees shall comply with the provisions of UCA 67 16 et. seq., the Utah Public Officers'
34 and Employees' Ethics Act.

35
36 1.2 Employees whose conduct is governed by more than one set of ethical regulations shall
37 conform their conduct to the more stringent standard.

38
39 1.3 Employees shall maintain conduct standards both on and off duty and are obligated to report
40 to management within five days any arrest and/or charge, other than a minor traffic citation, under
41 a state or federal statute.

42
43 2. Management.

44
45 2.1 Management shall make reasonable efforts to ensure that employees subject to their direction
46 and control observe the ethical standards set out in these policies.

47
48 2.2 Management shall diligently discharge administrative responsibilities, maintain professional
49 competence in judicial administration and assist other employees in the performance of their
50 duties.

51
52 2.3 Managers shall provide information and instruction to employee regarding the security policy
53 and procedures for their work location.

54
55 2.4 Management shall take action regarding any unethical conduct of which they may become
56 aware, initiating appropriate disciplinary measures against an employee for any such conduct and
57 reporting to appropriate authorities evidence of any unethical conduct by judges or lawyers.

58
59 2.5 Managers may belong to an employee organization but shall not be eligible to be a
60 representative or officer of an employee organization that assists employees in filing grievances
61 or civil actions.

62
63 3. Performance of duties.

64
65 3.1 Employees are expected to apply themselves to their assigned duties during the full schedule
66 for which they are being compensated.

67
68 3.2 No employee shall conceal, alter, falsify, destroy, mutilate, or fail to make required entries on
69 any court records. This provision does not prohibit alteration or expungement of records or
70 documents pursuant to a court order.

71
72 3.3 No employee shall discriminate or manifest by words or actions, bias or prejudice against any
73 person in the conduct of service.

75 3.4 An employee shall not recommend attorneys, therapists, counseling agencies or other
76 professionals but shall refer such inquiries to the licensing agency or professional organization
77 that governs that profession. When an employee is required as part of the employee's job to refer
78 an individual to a therapist or counseling agency, the employee shall follow the guidelines
79 established by the district and not inconsistent with section 8 below, Conflict of Interest.

80
81 3.5 No employee shall provide legal advice, unless it is part of an official duty.

82
83 3.6 An employee shall respond to appropriate inquiries and provide information regarding court
84 procedures.

85
86 3.7 No employee shall refuse to enforce or otherwise carry out any properly issued rule or order
87 of the court, nor shall a court employee exceed that authority.

88
89 3.8 No employee shall be required to perform any duty not related to the official business of the
90 court.

91
92 4. Abuse of position.

93
94 4.1 An employee shall use the public resources, property, and funds under the employee's
95 control, and any influence, power, authority or information derived therefrom, judiciously and
96 solely in accordance with established procedures.

97
98 4.2 An employee shall not use or attempt to use a court position to secure privileges, exemptions
99 or exert undue influence.

100
101 4.3 An employee shall not discriminate by dispensing special favors to anyone, whether or not for
102 remuneration.

103
104 4.4 An employee shall not assist any person securing a contract with the court system in a
105 manner not available to any other interested person.

106
107 4.5 An employee shall not be influenced in the performance of the employee's duties by kinship,
108 rank or position.

4.6 An employee shall not request or accept a fee or compensation beyond that received by the employee in an official capacity for advice, information, or assistance that is otherwise available from the courts.

4.7 An employee shall not solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality, or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court employee in the performance of official duties. This subsection does not apply to the following:

4.7.1 An award presented in recognition of public services;

4.7.2 Any bonafide loan made in the ordinary course of business by any institution authorized by the laws of this state or any other state to make such loans;

4.7.3 Political campaign contributions if used in a political campaign of the recipient public officer or public employee;

4.7.4 An occasional non pecuniary gift of nominal value, given to all of the employees in an office.

4.8 An employee shall not receive outside compensation for performance of court duties except in cases of:

4.8.1 An award of meritorious public contribution publicly awarded;

4.8.2 The receipt of honoraria or expenses paid for papers, transcripts, talks, demonstrations, or appearances made by an employee during work hours with the approval of management; or on the employee's own time for which the employee is not compensated by the courts and which is not prohibited by these rules;

4.8.3 The receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts.

4.9 Under the Utah Procurement Code, those who are involved in the purchasing process may not receive any gifts or similar favors from vendors. Vendors should be discouraged from sending any gifts of any type. If a vendor offers or sends a gift, the gift should be rejected or returned. However, if a vendor sends a consumable of nominal value, such as a box of chocolates for the

holiday season, that can be put in an area and shared with others in the office, those do not need to be returned to the vendor. This policy would apply to proposed gifts from interpreters and others who are contractors with the court.

5. Dishonest or Fraudulent Acts.

5.1 All persons employed by the courts are responsible for the prevention and detection of dishonest and fraudulent acts. An employee shall notify management of any and all such acts.

5.1.1 Management shall establish preventive measures which shall include, but are not limited to, ongoing internal reviews and employee training on detecting and reporting dishonest and fraudulent acts.

5.1.2 An employee shall immediately report all suspicions of dishonest and fraudulent acts to the court executive, who in turn shall immediately report the matter to the internal audit department. If the employee is employed in the Administrative Office of the Courts, the employee shall report all suspicions of dishonest and fraudulent acts to the deputy court administrator or the state court administrator. If an employee feels uncomfortable reporting to the court executive, the internal audit department may be contacted directly. The internal audit department shall then immediately notify the state court administrator.

5.1.3 If requested, the internal audit department shall accept confidential information regarding dishonest and fraudulent acts. To the extent possible, anonymity and confidentiality for a reporting employee shall be maintained.

5.1.4 An employee having knowledge of dishonest or fraudulent acts who fails to report it shall be subject to disciplinary action.

5.2 No employee shall engage in reprisals against an employee who reports suspicions of dishonest or fraudulent activities. An employee making such reprisals shall be subject to disciplinary action in accordance with policy 610, Discipline.

5.3 Management shall direct all inquiries from a suspect, a suspect's representative or attorney to the state court administrator or internal audit department.

5.4 After the matter has been referred to the internal audit department, management should make no attempt to conduct independent investigations, interviews or interrogations. The internal audit

department shall be responsible to investigate all possible dishonest or fraudulent acts pertaining to the Utah State Courts.

5.4.1 Prior to conducting an investigation, the internal audit department shall advise the state court administrator and the court executive. If the court executive is the person under investigation, the state court administrator shall be advised. If the state court administrator is the person under investigation, the presiding officer of the Judicial Council shall be advised.

5.4.2 Subsequent internal investigations may be performed at the direction of the state court administrator without notice to the court executive.

5.4.3 While investigating, the internal audit department shall have the authority to:

5.4.3.1 Gain full access to court premises;

5.4.3.1.1 Examine, copy and/or secure all files, desks, cabinets and other storage facilities not designated for use by a specific individual and located on court premises without the prior knowledge or consent of any individual who may use or have custody of any such items;

5.4.3.1.2 Examine, copy and/or secure all files, desks, cabinets and other storage facilities designated for use by a specific individual if there is a reasonable suspicion that the individual has either committed or assisted in the commission of a dishonest or fraudulent act.

5.4.3.2 Become the custodian of all original files and individual documents involved in the investigation;

5.4.3.3 Restrict access to any of the above referenced items as necessary; and

5.4.3.4 Interview any employee believed to be able to provide information about the matter being investigated.

5.5 If evidence of a dishonest or fraudulent act exists or if the court executive determines that leaving the suspect employee in place during an investigation may cause a disruptive work

environment or security risk, the suspect may be placed on administrative leave with or without pay.

5.6 Any person employed by the courts determined to have participated in dishonest or fraudulent acts shall be subject to disciplinary action pursuant to policy 610, Discipline.

5.7 In all cases of suspected criminal conduct relating to dishonest or fraudulent acts, the state court administrator shall notify local law enforcement. The determination to pursue prosecution and/or restitution shall be made by management in conjunction with prosecutors.

5.8 A suspect employee may be terminated prior to the conclusion of a criminal investigation if circumstances warrant.

5.9 Upon an individual's plea of guilty or no contest or a guilty verdict in a court of law of criminal charges relating to dishonest or fraudulent acts arising from employment, employment of the individual shall be terminated.

5.10 Any negotiations concerning plea bargains, diversions or restitution shall be conducted with input from the state court administrator and AOC legal counsel.

5.11 If criminal charges are dismissed or the employee is found not guilty, management shall make a determination on the status of the employee in accordance with these policies and procedures.

5.12 The final report of the internal audit department shall be provided to:

5.12.1 The state court administrator, the employee's court executive, the presiding judge, and, if disciplinary action is contemplated, the Director of Human Resources.

5.12.2 The employee and the employee's representative or legal counsel;

5.12.3 Authorized representatives of appropriate law enforcement and prosecuting agencies if the audit reveals the possible commission of a crime.

6. Confidentiality.

256 6.1 An employee shall not disclose to any unauthorized person any information acquired in the
257 course of employment other than public data as defined in the Code of Judicial Administration.
258

259 6.2 An employee shall abstain from public comment about proceedings pending or impending in
260 any court without prior approval of the court or the trial court executive.
261

262 6.3 An employee shall not initiate or repeat ex parte communications with a litigant, witness, or
263 attorney to the trier of fact, attorney, witness or litigant that might affect the outcome of the case.
264

265 7. Conflict of interest. 266

267 7.1 An employee shall exercise reasonable diligence to become aware of personal conflicts of
268 interest, disclose such conflicts to management, and take appropriate steps to eliminate conflicts
269 when they arise.
270

271 7.2 When an employee perceives any potential conflict of interest or has a question about the
272 laws, statutes, and policies the employee shall discuss them with management.
273

274 7.3 No employee shall have personal investments in any business entity which will create a
275 substantial conflict between the employee's private interest and public duties. The employee shall
276 disclose any such conflicts to management. Management and the employee shall take
277 appropriate steps to eliminate the conflict.
278

279 7.4 An employee shall not enter into any contract with the courts for services, supplies,
280 equipment, leases, or realty apart from the employment contract relating to the employee's
281 position.
282

283 7.5 When an employee is required by the responsibilities of the position to take an action or make
284 a decision which could be interpreted as a conflict of interest, the employee shall declare the
285 potential conflict to management and may be excused by management from so acting.
286

287 8. Outside Activities 288

289 8.1 Court employees shall not use state owned property in support of outside interests and
290 activities when such use would compromise the integrity of the court or interfere with the
291 employee's court duties. Specifically, an employee who is involved in an outside activity such as

a civic organization, church organization, committee unrelated to court business, public office, or service club, shall:

8.1.1 Pursue the outside activity on the employee's own time;

8.1.2 Pursue the outside activity away from court offices;

8.1.3 Discourage any phone, mail or visitor contact related to the outside interest at court offices;

8.1.4 Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours; and

8.1.5 Except as provided in section 10, not use data processing equipment or court supplies for the outside interest.

8.2 Court employees shall not conduct or participate in sales activities for personal profit in the work place during work hours.

9. Personal use of state owned computer and electronic communications systems.

9.1 Computer equipment

9.1.1 For purposes of this policy, state-owned computer and electronic communication systems includes, but is not limited to: computer related hardware, software and networking systems as well as duplicating equipment, e-mail, voice mail, telephone, facsimile, the internet, the intranet, and the worldwide web.

9.2 State owned computer communication systems are valuable resources for increasing employee productivity and enhancing the efficiency of court operations. Employee familiarity and comfort with these resources benefit the employee and the judicial system. The judiciary recognizes the value of these resources in employees' professional and personal lives. State-owned computer and electronic communication systems are available for limited personal use, subject to the following conditions:

9.2.1 When using state-owned computer and electronic communication systems, the employee shall observe high standards of conduct so the integrity of the judiciary is preserved, and public confidence in the judiciary is promoted.

9.2.2 An employee shall not have an expectation of privacy when using state-owned computer and electronic communication systems. Management maintains records of internet sites that are accessed, and can monitor e-mail messages and facsimile transmissions to determine compliance with this policy. The employee should assume that any communication created, sent, received or stored may be read or heard by someone other than the intended recipient. Management will respect any privileges related to the courts' business; e.g., attorney/client, doctor/patient, etc., related to human resources issues.

9.2.3 The employee may not send server or network-wide e-mail messages, the purpose of which is purely personal; e.g., selling items, notifications about illnesses and deaths, etc. The courts will provide an electronic bulletin board for these types of messages.

9.2.4 Personal use may only be on the employee's personal time, may not interfere with the employee's duties and may not be excessive.

9.2.5 The employee must pay for the cost of consumables and other attendant expenses (diskettes, paper, etc.).

9.2.6 The employee may not be compensated for work performed during personal time.

9.2.7 The employee may not permanently store personal data on the network.

9.2.8 The employee shall not install games. Other personal software may be installed if the employee has received permission from the employee's supervisor and under guidelines established by the data processing department.

9.2.9 Use may not be for the purpose of conducting a business or soliciting money for personal gain.

9.2.10 The employee may not download information for personal use without the employee's immediate supervisor's expressed written authorization. The employee may not transmit or install without permission copyrighted, trademarked, or patented material,

or otherwise transmit confidential information of the judiciary, unless the transmission is related to court practices.

9.2.11 The employee may not use state-owned computers and electronic communication systems for any purpose that a reasonable person would consider to be defamatory, offensive, harassing, disruptive or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, gender, national origin, sexual orientation, religion, and political beliefs or disability.

9.2.12 The employee may not enable unauthorized third parties to jeopardize the security of state-owned computers and electronic communication systems. The employee shall take all practical and reasonable steps necessary to keep the employee's log-in access and passwords secure. The employee should perform a virus check on all software and disks used in the system and should immediately report any tampering, viruses, or other system breaches to the data processing department.

9.2.12.1 The employee shall not share the employee's log-in access or passwords with others, including other employees, unless authorized by a supervisor, as warranted by unusual, temporary, work-related circumstances.

9.2.12.2 The supervisor shall maintain a log, documenting, instances of shared access or shared passwords. This record shall contain the date of the authorization, the work-related reason for the authorization, the name of the employee who is normally authorized to use the log-in access or passwords, and the name of the employee who was granted temporary, emergency access.

9.2.12.3 Following authorized, shared use of a password, the supervisor shall ensure that the employee who normally used the password, replaces it with a new, secure password as soon as possible.

9.2.12.4 No employee shall represent themselves as someone else, fictional or real.

9.2.13 The employee should direct questions concerning personal use of state-owned computers and electronic communication systems to the employee's supervisor.

10. Personal Cell Phone Usage in the Workplace

10.1 Employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phones. Excessive personal calls, text messaging, or other personal communication during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are expected to limit personal use to non-work time where possible and to ensure that friends and family members are aware of this policy.

11. Secondary Employment

11.1 Employment with the court system shall be the primary employment of full time employees.

11.2 Other employment and volunteer activities must not conflict with the interests of the agency or the State of Utah.

11.3 An employee may, at agency discretion, hold more than one state position as long as the total hours worked do not exceed 40 hours per week.

11.4 An employee may engage in secondary employment or volunteer activity that does not conflict with the interests of the court or create the appearance of a conflict of interest as defined below and in Section 500.8:

11.4.1 An employee shall exercise reasonable diligence to become aware of personal conflicts of interest, disclose such conflicts to management, and take appropriate steps to eliminate conflicts when they occur.

11.4.2 When an employee perceives any potential conflict of interest or has a question about laws, and policies, the employee shall discuss them with management.

11.4.3 No employee shall have substantial personal interest in any business entity which will create a conflict between the employee's private interest and public duties. The employee shall disclose any such conflicts to management. Management and the employee shall determine if there are substantial conflicts or appearances of substantial conflicts and take appropriate steps to eliminate the conflict.

11.4.4 An employee shall not enter into any contract with the courts for services, supplies, equipment, leases, or realty apart from the employment contract relating to the employee's position.

11.4.5 When an employee is required by the responsibilities of the position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict to management and may be excused by management from so acting.

11.5 An employee may engage in secondary employment if it conforms to the following provisions:

11.5.1 The secondary employment shall not interfere with the employee's ability to perform job duties with full capacity.

11.5.2 Secondary employment/volunteer activity shall not be performed during the same hours that the employee is scheduled to work.

11.5.3 The outside employment is not self-employment or with a contractor that provides services to clients of the court level within which the employee works.

11.5.4 The outside activity is not with a policy making nor advisory board of an organization or agency that does business within the court level.

11.6 Prior to accepting or continuing secondary employment, an employee shall report the employment to the employee's supervisor on the Secondary Employment application form.

11.6.1 If there is not a conflict of interest, the Trial Court Executive may approve the application within five working days, after consulting with the director.

11.6.2 If there is a possible conflict of interest, the application will be submitted to the director and the court level administrator who will, within five working days, seek a legal opinion from the General Counsel before approval, denial or conditional approval.

11.6.3 Copies of secondary employment application forms shall be sent to the director who will review them for consistency.

474 12. Political activity.

475
476 12.1 An employee may participate in political activity that does not jeopardize the confidence of
477 the public or of government officials in the impartiality of the judicial branch of government.

478
479 12.1.1 An employee shall not participate in political activity which conflicts with or
480 otherwise affects the mission and activities of the Judiciary.

481
482 12.1.2 Employees of the Judiciary are prohibited from running for, being appointed to, or
483 holding an elected office at any level of government.

484
485 12.1.3 An employee shall not engage in political activity during work hours, unless on
486 approved leave.

487
488 12.1.4 An employee shall not use state owned equipment, supplies or resources, and
489 other attendant expenses (diskettes, paper, computer online and access charges, etc.)
490 when engaged in political activity.

491
492 12.1.5 An employee shall not discriminate in favor of or against any person or applicant
493 for employment based on political activities.

494
495 12.1.6 An employee shall not use the employee's title or position while engaging in
496 political activity.

497
498 13. Driver Safety.

499
500 13.1 Court employees are subject to the rules and regulations established by the State Motor
501 Pool and the Division of Risk Management regarding the safe operation of state vehicles.

502
503 13.2 Any employee convicted of driving under the influence, reckless driving or an at-fault
504 accident shall complete an approved driver safety program before operating a state vehicle or
505 operating the employee's own vehicle on court business.

506
507 ~~14. Professional Appearance~~

508
509 ~~14.1 Employees shall exercise good judgment regarding dress and grooming in the workplace, to~~
510 ~~promote an environment of professionalism and credibility. An employee's appearance and~~

~~cleanliness shall reflect generally accepted community standards, based on the nature of the work environment and the type of work being performed.~~

~~14.2 Certain elemental standards of appearance and cleanliness, including personal hygiene, apply in all work contexts throughout the court system. Restrictions include, but are not limited to, the following:~~

~~14.2.1 Visible body piercings, other than those on the ears.~~

~~14.2.2 Extreme, unnatural hair coloring or styles.~~

~~14.2.3 Extreme, visible body tattoos~~

~~14.2.4 Inordinately revealing clothing~~

~~14.3 Local guidelines for employee appearance may be drafted to require a higher standard than found in this policy.~~

~~14.4 Employees appearance shall be consistent with the professional standards of their position and responsibilities. The prevailing standard of dress in the courts shall include professional and appropriate apparel in the following environments.~~

~~14.4.1 Courtroom~~

~~14.4.1.1 The minimum apparel standards for male employees include dress shoes or dress boots, socks, dress slacks, shirt and tie. Suit and/or sport coats and/or vests are optional.~~

~~14.4.1.2 The minimum apparel standards for female employees include dress shoes or dress boots, dress slacks, dresses or business length skirts. Dress shirts, blouses, shells, or sweaters.~~

~~14.4.2 Courthouse Offices~~

~~14.4.2.1 The minimum apparel standards for male employees include dress shoes or dress boots, socks, dress slacks (cotton and corduroy acceptable), dress shirts. Ties and suit or sport coats are optional.~~

14.4.2.2 The minimum apparel standards for female employees include dress shoes or dress boots, dress slacks (cotton and corduroy acceptable), dresses, business-length skirts, sweaters, blouses or shells.

14.4.3 Position Based Exceptions

14.4.3.1 If an employee's primary duties do not involve public interaction and require an employee to be regularly involved in physical work such as; the maintenance and installation of computer hardware, office furniture, workplace related items; or if the employee is a juvenile court deputy probation officer the employee may adhere to the following:

14.4.3.2 Dress shoes, athletic footwear or work boots. Slacks or jeans (must be professional and modest in fit and appearance without tears, holes or excessive fading). Dress shirts, blouses, shells sweaters, or polo shirts with collars. T-shirts are not acceptable.

14.4.3.3 For juvenile court probation work crew staff on an active work crew assignment acceptable attire includes athletic shoes or work boots, jeans modest in fit and appearance without tears, holes or excessive fading), t-shirt without logos (other than the court logo), appropriate long or short sleeved casual shirts and shorts, of appropriate length, during hot weather. Hats without obscene logos or wording may be worn.

14.4.4 Dress Down Day

14.4.4.1 Employees assigned to appear in court, or on official court business, on a dress down day are required to follow the courtroom standard of dress.

14.4.4.2 Casual Friday will be limited to Friday unless otherwise specified by court management. Employees shall maintain a professional appearance and the minimum apparel standards shall include:

14.4.4.2.1 Dress shoes or casual shoes (flip flops or sandals such as Tevas or Birkenstocks are not acceptable).

~~14.4.4.2.2 Dress slacks, business casual slacks, and jeans that are professional and modest in fit and appearance without tears, holes, or excessive fading, dresses, skirts.~~

~~14.4.4.2.3 Dress shirts, polo shirts, long or short sleeved casual shirts, blouses, or sweaters.~~

~~14.5 The following is a list of unapproved attire, not to be considered inclusive, that is subject to modification by management and may be subject to the limited exceptions detailed elsewhere in this policy.~~

~~14.5.1 Overalls, Tt shirts, tank tops, spaghetti string tops, jogging outfits, flip flops, caps/hats, revealing clothing, tube tops, halter tops, strapless tops, shorts, stretch pants, leggings, skorts, casual capris and pants with rivets.~~

~~14.6 Management shall enforce the policy and employees determined to be inappropriately attired may be sent home, on their own time, to change into appropriate attire. Employees with ongoing violations of the professional appearance standards will be subject to discipline in accordance with personnel policies and procedures.~~

15. Friends and Family at Work

15.1 Friends and family members of employees shall not remain in the workplace for extended visits. Management may grant temporary exceptions in unusual circumstances, provided their presence does not interfere with the work of employees.

15.2 Employees shall not use their court access privileges to allow family or friends to circumvent the existing security/weapon screening process.

15.3 Employees shall not allow access to secure areas of the courthouse by family members or friends with cases pending before the courts.

16. Court Security

16.1 Employees shall be familiar and comply with local court security plans.

621 16.2 Employees shall comply with all directives from court security officers, including the court
622 security director.

623
624 16.3 Employees, except those identified in CJA 3-414, may not possess weapons in courthouses,
625 probation offices, other buildings used for employee work spaces, and state vehicles. This does
626 not include employee parking areas.

627
628 16.4 Employees, except those identified in CJA 3-414, may not possess weapons while attending
629 court functions off-premises, such as at conferences or meetings.

630
631 16.5 Employees, except those identified in CJA 3-414, may not possess weapons while acting
632 within the scope of employment.

633
634 16.6 Possession includes on the person and in areas within the immediate control of the
635 employee.

636
637 16.7 An employee, except those identified in CJA 3-414, who has a concealed weapons permit is
638 not excused from complying with these policies.

Utah State Courts

Professional Appearance Policy

A diverse group of approximately 15 court employees of various ages and ethnicities are smiling and standing together in a group photo. They are dressed in professional attire. The image is overlaid with a semi-transparent dark blue filter.

Purpose

The purpose of this policy is to establish a consistent statewide standard for a court employee's appearance. As a court employee you are interacting with patrons, stakeholders and coworkers in a variety of settings from the front counter to the courtroom to offices throughout the courthouse. Your responsibility is to present a clean, neat and professional appearance by avoiding inappropriate styles and ensuring that your clothing is clean, hemmed, wrinkle free, in good repair, and of appropriate fit. This policy is designed to present the guidelines and parameters so that each employee can make an informed decision which conforms with both the policy and their individual style.

The following guidelines apply to all court employees and all standards of appearance described throughout the policy. Exceptions to this policy may be made where required by law to accommodate sincerely held religious beliefs, a medical condition, or disability. The images presented throughout the policy are to provide examples of appearance that do or do not comply with the guidelines of the policy and should not be considered an inclusive list.

Essential Guidelines

Personal Grooming

As a court professional please follow all reasonable personal grooming standards, including regular bathing and use of deodorant. Also, please be considerate of others and avoid highly fragrant perfume/cologne/essential oils or grooming products as they may impact others in the work environment.

Tattoos and Piercings

Visible tattoos on face and front of neck, from ear to ear, are not allowed. Other visible tattoos are permitted so long as they are not obscene, profane, racist, sexual, gang related, or contain objectionable words or imagery. Accordingly, any prohibited tattoo(s) should be covered with clothing compliant with this policy or by the use of concealing makeup.

Ear piercings of more than three (3) per ear are not permitted. A single eyebrow or nose piercing of no more than 1/16" in diameter are permitted. Ear gauges of no more than 10mm (00) are allowed, however, septum, lip and tongue rings or studs are not professionally appropriate and are not to be worn on duty. Body piercings with visible jewelry that can be seen through or under clothing are not to be worn during work hours.

Essential Guidelines

Style is a personal preference and should remain within guidelines



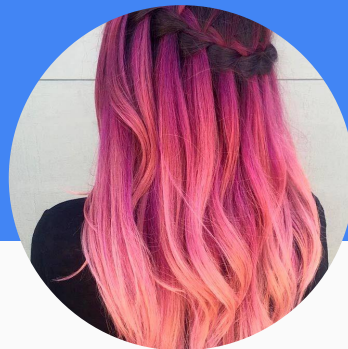
Acceptable

Secondary color is subtle and not a sharp contrast



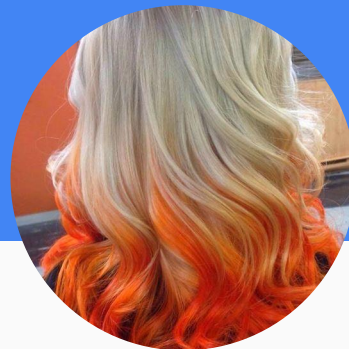
Acceptable

Highlights appear natural with subtle contrasting color.



Not Acceptable

Color is too bright and unnatural.

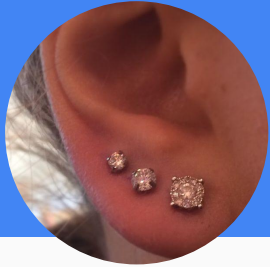


Not Acceptable

Secondary color is neon and a sharp contrast.

Essential Guidelines

Style is a personal preference and should remain within guidelines



Acceptable

Three or less
per ear.



Not Acceptable

More than
three per ear.



Acceptable



Not Acceptable

Visible Tattoos
on face and
neck are not
within policy
guidelines.



Acceptable



Acceptable

Professional Appearance Standards

Court employees have various roles throughout the judiciary which may require an appearance standard unique to the role. The following standards should be adhered to when appropriate given your role.

Business Casual

The business casual standard applies Monday through Thursday unless one of the other standards are applicable. Business casual clothing includes the following:

- Blouses
- Button down dress shirts with a collar
- Sweaters, cardigans and vests
- Collared polo shirt with court logo or other small brand logo
- Dress pants or dress slacks
- Dress capris
- Skirts or dresses
- Solid neutral color leggings or tights may be worn under skirts or dresses or with a long tunic
- Dress shoes or boots
- Denim material does not meet the business casual standard

Courtroom Standard

The courtroom standard applies Monday through Friday for any employee whose assigned duties involve appearing in and/or working in a courtroom. Courtroom standard clothing includes the following:

- Collared button down dress shirt with a tie
- Blouses
- Blazers, suits, sports coat (all are optional)
- Dress sweater, cardigan and vests
- Dress slacks
- Dress capris
- Dress shoes or dress boots
- Skirts or dresses (solid neutral colored leggings or tights may be worn under skirts or dresses)

Business Casual



Acceptable



Not Acceptable

Leggings are not a solid or neutral color and are not worn beneath a skirt, dress or long tunic.



Acceptable



Acceptable

Business Casual



Acceptable

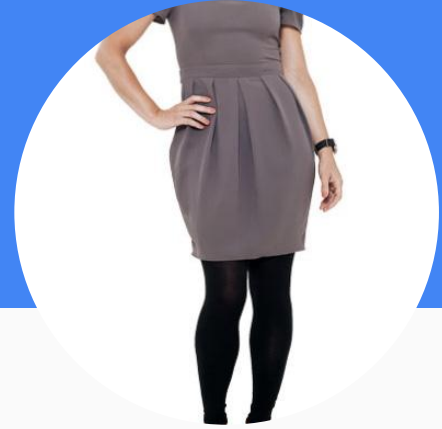


Acceptable



Not Acceptable

Blouse is low cut and revealing.



Acceptable

Leggings are solid and worn beneath a dress.

Courtroom Standard



Acceptable



Acceptable



Acceptable



Acceptable

Courtroom Standard



Not Acceptable

Tie required for courtroom standard while jacket is optional



Not Acceptable

Denim jacket not appropriate for courtroom.



Acceptable



Not Acceptable

Tie is required for courtroom standard.

Casual Day Standard

Juvenile Court probation work crew staff and probation officers on a tracking assignment may dress the standards detailed below .

Casual Day Standard

The casual day standard applies on Friday, for full day trainings, or on a day designated by district or administrative management. Employees working and/or appearing in court on a casual day must comply with the courtroom standard. Casual standard clothing includes the following:

- Jeans with no holes or excessive fading
 - Cargo pants
 - Capris (denim allowed)
 - Sweaters or cardigans
 - Casual shoes, boots or athletic shoes
 - Collared polo shirt — court logo or other small brand logo
 - Casual shirt without logo or graphics (small brand logo allowed)
- T-shirts not allowed.

Additional casual standards may be applied by management on a limited basis for district/office approved off-site activities.

Casual Day Standard



Not Acceptable

Jeans are torn.



Acceptable



Not Acceptable

Sweatshirts are prohibited.



Not Acceptable

T-shirts are prohibited.



Acceptable

Casual Day Standard



Not Acceptable

Tank tops are prohibited.



Not Acceptable

Leggings are not solid or neutral in color.



Not Acceptable

Jeans are torn and unbuttoned flannel with t-shirt does not meet standard.



Acceptable

Position Based Exceptions

Juvenile Court probation work crew staff, probation officers on a tracking assignment, and designated information technology staff may dress to the standards detailed below .

Juvenile Court Probation Work Crew Staff

The base standard of appearance for staff on a work crew assignment is the casual day standard. Additional attire considered appropriate includes:

- T-shirts without graphics (small brand logo acceptable)
- Sweatshirt or hoodie without graphics (small brand logo acceptable)
- On warm weather days shorts that fall within 3 inches of the knee (no cut-offs, athletic shorts, board shorts)
- Overalls
- Hats without logo or graphics (small brand logo acceptable)
- Open toe shoes or sandals are not allowed

Probation Officers on a Tracking Assignment

Probation officers on a tracking assignment have the option to change from the business casual and/or courtroom standard to the casual day standard prior to leaving on a tracking assignment. Additional attire considered appropriate on a tracking assignment include a sweatshirt or hoodie without graphics (small brand logo acceptable) and, in cold weather, appropriate winter hats may be worn (small brand logo acceptable). Open toe shoes or sandals are not allowed.

Information Technology Staff

Information Technology staff, as designated by the IT Director, who do not have regular interaction with the public and/or whose job duties regularly include the installation and maintenance of computer hardware have the option of conforming with the casual day dress standard Monday through Friday.

Work Crew Standard



Not Acceptable

T-shirts with large logos
are not permitted



Acceptable



Acceptable

Shorts are not cut offs and
fall within 3" of knee



Not Acceptable

Athletic or board shorts are
not permitted

Work Crew Standard



Not Acceptable



Acceptable



Acceptable



Acceptable

Sweatshirts or hoodies
with large logos are not
permitted

Prohibited Attire and Enforcement

Prohibited Attire

The following is a list of unapproved attire, not to be considered inclusive, is subject to modification by management and may be subject to the limited exceptions detailed elsewhere in this policy.

- Flip flops (other thong style sandals must include a heel strap), athletic sandals, slippers
- T-shirts (with or without logo)
- Hats, beanies
- Spaghetti straps
- Tank tops, tank top dresses, tube tops, crop tops, halter tops, off the shoulder tops
- Athletic wear
- Overalls
- Rompers
- Skorts
- Leggings or tights worn without skirt, dress or long tunic
- Sweatshirts/hoodies
- Inordinately revealing or tight clothing
- Skirts or dresses more than 3 inches above the knee (worn without tights or leggings)

Enforcement

Management shall enforce the policy and employees determined to be inappropriately attired may be sent home, on their own time, to change into appropriate attire. Employees with ongoing violations of the professional appearance standards will be subject to discipline in accordance with personnel policies and procedures.

Examples of Prohibited Attire



Search The Website

SEARCH

Public Website Home

Intranet Home

Internal Resources

Of Interest To:

Judicial Council
Judges
Clerks
Trial Court Executives
Probation Officers
Courts

Human Resources

Audit Services

Education

Finance

Technology in the Courts

Media Information

Court Security

February 26, 2018

[Email Page](#) | [Print Version](#) | Font Size: [A](#) [A](#) [A](#)

Human Resources Policies and Procedures

Search the Human Resources Policies and Procedures

To search: Enter words and phrases, separated by commas (e.g., classification, compensation, annual leave) and press the "Search" button.

Search

Resources

- Personnel Policies and Procedures Manual Acknowledgment Form - [PDF](#) | [WordPerfect](#)
- [Professional Appearance Policy](#)

Important: Please Read

The policies described in this manual apply to court employees other than justices, judges, and court commissioners unless otherwise specified in the "Scope" section of a particular policy.

This handbook is intended to provide all staff employees with general guidance regarding court policies.

No policy, benefit, or procedure described in this manual implies, or may be construed to imply, that this handbook constitutes an employment contract.

These policies may be modified by the Judicial Council at any time without prior notice.

All employees, other than [Career Service employees](#), are employed at will and may be terminated by management without cause at its sole discretion.

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Tab 3

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:

J. Chris Palmer

E-mail:

chrisp@utcourts.gov

Phone Number:

578-3835

Date of Request:

01/22/2018

RULE AMENDMENT:

Rule Number:

HR-500

Location of Rule:

Human Resources Policies and Procedures Manual

Brief Description of Proposed Amendment:

Amend the provision of the HR-500, paragraph 16 -

~ To reflect that the Court Security Director may possess a firearm in the scope of his official duties in accordance with CJA 3-414.

Reason Amendment is Needed:

Amend the provision of the HR-500, paragraph 16 - Court Security to reflect that the Court Security Director may possess a firearm in the scope of his official duties in accordance with CJA 3-414.

The Court Security Director is responsible for the firearms instruction for judicial officers who qualify under UTA 53-5-711, LEOJ, and requires access to firearms within court facilities, at functions and during scheduled and unscheduled firearms training events for judicial officers.

Is this proposal urgent?

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

☒ No

☐ Yes

List all stakeholders:

Judges, TCEs, Administration

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 checked="" type="checkbox"/> General Counsel | <input type="checkbox"/> State Court Administrator |
| <input type="checkbox"/> Guardian ad Litem Oversight Committee | <input checked="" 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:

//SIGNED// John Christopher Palmer

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:

1 **CODE OF PERSONAL CONDUCT 500**

2
3 **PURPOSE**

4 Public employment in the court system is a public trust justified by the confidence that the citizenry places
5 in the integrity of officers and employees of the judicial branch. Judicial employees should participate in
6 establishing, maintaining, and enforcing, and should personally observe high standards of conduct in
7 order to preserve the integrity and independence of the judiciary. This policy should be construed and
8 applied to further that objective.

9
10 **SCOPE**

11 This policy establishes standards of conduct expected of court employees. It addresses the general
12 performance of duties, abuse of position, confidentiality, conflict of interest, outside interests and
13 secondary employment.

14
15 This policy applies to all court employees.

16
17 **CROSS REFERENCES:**

18 Utah Code Ann. §34A-5-106, Utah Anti-Discrimination Act, Employment Practices
19 42 United States Code §21-VI, Equal Employment Opportunity
20 Code of Judicial Administration §4-202.01, et seq., Dissemination,
21 §3-201, Professional Conduct of Court Commissioners,
22 §3-304(9)(B), Official Court Reporters
23 Code of Judicial Conduct
24 Grievance and Appeal, Policy 620
25 Discipline, Policy 610
26 Fairness in Recruiting and Hiring, Policy 130
27 Utah Administrative Rules 'R-37-1-8-(6)(a), Risk Management Rules, Underwriting Standards Problem
28 Drivers

29
30 **POLICY AND PROCEDURE**

31 1. General.

32
33 1.1 Employees shall comply with the provisions of UCA 67 16 et. seq., the Utah Public Officers'
34 and Employees' Ethics Act.

35
36 1.2 Employees whose conduct is governed by more than one set of ethical regulations shall
37 conform their conduct to the more stringent standard.

38
39 1.3 Employees shall maintain conduct standards both on and off duty and are obligated to report
40 to management within five days any arrest and/or charge, other than a minor traffic citation, under
41 a state or federal statute.

42
43 2. Management.

44
45 2.1 Management shall make reasonable efforts to ensure that employees subject to their direction
46 and control observe the ethical standards set out in these policies.

47
48 2.2 Management shall diligently discharge administrative responsibilities, maintain professional
49 competence in judicial administration and assist other employees in the performance of their
50 duties.

51
52 2.3 Managers shall provide information and instruction to employee regarding the security policy
53 and procedures for their work location.

54
55 2.4 Management shall take action regarding any unethical conduct of which they may become
56 aware, initiating appropriate disciplinary measures against an employee for any such conduct and
57 reporting to appropriate authorities evidence of any unethical conduct by judges or lawyers.

58
59 2.5 Managers may belong to an employee organization but shall not be eligible to be a
60 representative or officer of an employee organization that assists employees in filing grievances
61 or civil actions.

62
63 3. Performance of duties.

64
65 3.1 Employees are expected to apply themselves to their assigned duties during the full schedule
66 for which they are being compensated.

67
68 3.2 No employee shall conceal, alter, falsify, destroy, mutilate, or fail to make required entries on
69 any court records. This provision does not prohibit alteration or expungement of records or
70 documents pursuant to a court order.

71
72 3.3 No employee shall discriminate or manifest by words or actions, bias or prejudice against any
73 person in the conduct of service.

75 3.4 An employee shall not recommend attorneys, therapists, counseling agencies or other
76 professionals but shall refer such inquiries to the licensing agency or professional organization
77 that governs that profession. When an employee is required as part of the employee's job to refer
78 an individual to a therapist or counseling agency, the employee shall follow the guidelines
79 established by the district and not inconsistent with section 8 below, Conflict of Interest.

80
81 3.5 No employee shall provide legal advice, unless it is part of an official duty.

82
83 3.6 An employee shall respond to appropriate inquiries and provide information regarding court
84 procedures.

85
86 3.7 No employee shall refuse to enforce or otherwise carry out any properly issued rule or order
87 of the court, nor shall a court employee exceed that authority.

88
89 3.8 No employee shall be required to perform any duty not related to the official business of the
90 court.

91
92 4. Abuse of position.

93
94 4.1 An employee shall use the public resources, property, and funds under the employee's
95 control, and any influence, power, authority or information derived therefrom, judiciously and
96 solely in accordance with established procedures.

97
98 4.2 An employee shall not use or attempt to use a court position to secure privileges, exemptions
99 or exert undue influence.

100
101 4.3 An employee shall not discriminate by dispensing special favors to anyone, whether or not for
102 remuneration.

103
104 4.4 An employee shall not assist any person securing a contract with the court system in a
105 manner not available to any other interested person.

106
107 4.5 An employee shall not be influenced in the performance of the employee's duties by kinship,
108 rank or position.

4.6 An employee shall not request or accept a fee or compensation beyond that received by the employee in an official capacity for advice, information, or assistance that is otherwise available from the courts.

4.7 An employee shall not solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality, or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court employee in the performance of official duties. This subsection does not apply to the following:

4.7.1 An award presented in recognition of public services;

4.7.2 Any bonafide loan made in the ordinary course of business by any institution authorized by the laws of this state or any other state to make such loans;

4.7.3 Political campaign contributions if used in a political campaign of the recipient public officer or public employee;

4.7.4 An occasional non pecuniary gift of nominal value, given to all of the employees in an office.

4.8 An employee shall not receive outside compensation for performance of court duties except in cases of:

4.8.1 An award of meritorious public contribution publicly awarded;

4.8.2 The receipt of honoraria or expenses paid for papers, transcripts, talks, demonstrations, or appearances made by an employee during work hours with the approval of management; or on the employee's own time for which the employee is not compensated by the courts and which is not prohibited by these rules;

4.8.3 The receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts.

4.9 Under the Utah Procurement Code, those who are involved in the purchasing process may not receive any gifts or similar favors from vendors. Vendors should be discouraged from sending any gifts of any type. If a vendor offers or sends a gift, the gift should be rejected or returned. However, if a vendor sends a consumable of nominal value, such as a box of chocolates for the

holiday season, that can be put in an area and shared with others in the office, those do not need to be returned to the vendor. This policy would apply to proposed gifts from interpreters and others who are contractors with the court.

5. Dishonest or Fraudulent Acts.

5.1 All persons employed by the courts are responsible for the prevention and detection of dishonest and fraudulent acts. An employee shall notify management of any and all such acts.

5.1.1 Management shall establish preventive measures which shall include, but are not limited to, ongoing internal reviews and employee training on detecting and reporting dishonest and fraudulent acts.

5.1.2 An employee shall immediately report all suspicions of dishonest and fraudulent acts to the court executive, who in turn shall immediately report the matter to the internal audit department. If the employee is employed in the Administrative Office of the Courts, the employee shall report all suspicions of dishonest and fraudulent acts to the deputy court administrator or the state court administrator. If an employee feels uncomfortable reporting to the court executive, the internal audit department may be contacted directly. The internal audit department shall then immediately notify the state court administrator.

5.1.3 If requested, the internal audit department shall accept confidential information regarding dishonest and fraudulent acts. To the extent possible, anonymity and confidentiality for a reporting employee shall be maintained.

5.1.4 An employee having knowledge of dishonest or fraudulent acts who fails to report it shall be subject to disciplinary action.

5.2 No employee shall engage in reprisals against an employee who reports suspicions of dishonest or fraudulent activities. An employee making such reprisals shall be subject to disciplinary action in accordance with policy 610, Discipline.

5.3 Management shall direct all inquiries from a suspect, a suspect's representative or attorney to the state court administrator or internal audit department.

5.4 After the matter has been referred to the internal audit department, management should make no attempt to conduct independent investigations, interviews or interrogations. The internal audit

department shall be responsible to investigate all possible dishonest or fraudulent acts pertaining to the Utah State Courts.

5.4.1 Prior to conducting an investigation, the internal audit department shall advise the state court administrator and the court executive. If the court executive is the person under investigation, the state court administrator shall be advised. If the state court administrator is the person under investigation, the presiding officer of the Judicial Council shall be advised.

5.4.2 Subsequent internal investigations may be performed at the direction of the state court administrator without notice to the court executive.

5.4.3 While investigating, the internal audit department shall have the authority to:

5.4.3.1 Gain full access to court premises;

5.4.3.1.1 Examine, copy and/or secure all files, desks, cabinets and other storage facilities not designated for use by a specific individual and located on court premises without the prior knowledge or consent of any individual who may use or have custody of any such items;

5.4.3.1.2 Examine, copy and/or secure all files, desks, cabinets and other storage facilities designated for use by a specific individual if there is a reasonable suspicion that the individual has either committed or assisted in the commission of a dishonest or fraudulent act.

5.4.3.2 Become the custodian of all original files and individual documents involved in the investigation;

5.4.3.3 Restrict access to any of the above referenced items as necessary; and

5.4.3.4 Interview any employee believed to be able to provide information about the matter being investigated.

5.5 If evidence of a dishonest or fraudulent act exists or if the court executive determines that leaving the suspect employee in place during an investigation may cause a disruptive work

environment or security risk, the suspect may be placed on administrative leave with or without pay.

5.6 Any person employed by the courts determined to have participated in dishonest or fraudulent acts shall be subject to disciplinary action pursuant to policy 610, Discipline.

5.7 In all cases of suspected criminal conduct relating to dishonest or fraudulent acts, the state court administrator shall notify local law enforcement. The determination to pursue prosecution and/or restitution shall be made by management in conjunction with prosecutors.

5.8 A suspect employee may be terminated prior to the conclusion of a criminal investigation if circumstances warrant.

5.9 Upon an individual's plea of guilty or no contest or a guilty verdict in a court of law of criminal charges relating to dishonest or fraudulent acts arising from employment, employment of the individual shall be terminated.

5.10 Any negotiations concerning plea bargains, diversions or restitution shall be conducted with input from the state court administrator and AOC legal counsel.

5.11 If criminal charges are dismissed or the employee is found not guilty, management shall make a determination on the status of the employee in accordance with these policies and procedures.

5.12 The final report of the internal audit department shall be provided to:

5.12.1 The state court administrator, the employee's court executive, the presiding judge, and, if disciplinary action is contemplated, the Director of Human Resources.

5.12.2 The employee and the employee's representative or legal counsel;

5.12.3 Authorized representatives of appropriate law enforcement and prosecuting agencies if the audit reveals the possible commission of a crime.

6. Confidentiality.

256 6.1 An employee shall not disclose to any unauthorized person any information acquired in the
257 course of employment other than public data as defined in the Code of Judicial Administration.
258

259 6.2 An employee shall abstain from public comment about proceedings pending or impending in
260 any court without prior approval of the court or the trial court executive.
261

262 6.3 An employee shall not initiate or repeat ex parte communications with a litigant, witness, or
263 attorney to the trier of fact, attorney, witness or litigant that might affect the outcome of the case.
264

265 7. Conflict of interest. 266

267 7.1 An employee shall exercise reasonable diligence to become aware of personal conflicts of
268 interest, disclose such conflicts to management, and take appropriate steps to eliminate conflicts
269 when they arise.
270

271 7.2 When an employee perceives any potential conflict of interest or has a question about the
272 laws, statutes, and policies the employee shall discuss them with management.
273

274 7.3 No employee shall have personal investments in any business entity which will create a
275 substantial conflict between the employee's private interest and public duties. The employee shall
276 disclose any such conflicts to management. Management and the employee shall take
277 appropriate steps to eliminate the conflict.
278

279 7.4 An employee shall not enter into any contract with the courts for services, supplies,
280 equipment, leases, or realty apart from the employment contract relating to the employee's
281 position.
282

283 7.5 When an employee is required by the responsibilities of the position to take an action or make
284 a decision which could be interpreted as a conflict of interest, the employee shall declare the
285 potential conflict to management and may be excused by management from so acting.
286

287 8. Outside Activities 288

289 8.1 Court employees shall not use state owned property in support of outside interests and
290 activities when such use would compromise the integrity of the court or interfere with the
291 employee's court duties. Specifically, an employee who is involved in an outside activity such as

a civic organization, church organization, committee unrelated to court business, public office, or service club, shall:

8.1.1 Pursue the outside activity on the employee's own time;

8.1.2 Pursue the outside activity away from court offices;

8.1.3 Discourage any phone, mail or visitor contact related to the outside interest at court offices;

8.1.4 Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours; and

8.1.5 Except as provided in section 10, not use data processing equipment or court supplies for the outside interest.

8.2 Court employees shall not conduct or participate in sales activities for personal profit in the work place during work hours.

9. Personal use of state owned computer and electronic communications systems.

9.1 Computer equipment

9.1.1 For purposes of this policy, state-owned computer and electronic communication systems includes, but is not limited to: computer related hardware, software and networking systems as well as duplicating equipment, e-mail, voice mail, telephone, facsimile, the internet, the intranet, and the worldwide web.

9.2 State owned computer communication systems are valuable resources for increasing employee productivity and enhancing the efficiency of court operations. Employee familiarity and comfort with these resources benefit the employee and the judicial system. The judiciary recognizes the value of these resources in employees' professional and personal lives. State-owned computer and electronic communication systems are available for limited personal use, subject to the following conditions:

9.2.1 When using state-owned computer and electronic communication systems, the employee shall observe high standards of conduct so the integrity of the judiciary is preserved, and public confidence in the judiciary is promoted.

9.2.2 An employee shall not have an expectation of privacy when using state-owned computer and electronic communication systems. Management maintains records of internet sites that are accessed, and can monitor e-mail messages and facsimile transmissions to determine compliance with this policy. The employee should assume that any communication created, sent, received or stored may be read or heard by someone other than the intended recipient. Management will respect any privileges related to the courts' business; e.g., attorney/client, doctor/patient, etc., related to human resources issues.

9.2.3 The employee may not send server or network-wide e-mail messages, the purpose of which is purely personal; e.g., selling items, notifications about illnesses and deaths, etc. The courts will provide an electronic bulletin board for these types of messages.

9.2.4 Personal use may only be on the employee's personal time, may not interfere with the employee's duties and may not be excessive.

9.2.5 The employee must pay for the cost of consumables and other attendant expenses (diskettes, paper, etc.).

9.2.6 The employee may not be compensated for work performed during personal time.

9.2.7 The employee may not permanently store personal data on the network.

9.2.8 The employee shall not install games. Other personal software may be installed if the employee has received permission from the employee's supervisor and under guidelines established by the data processing department.

9.2.9 Use may not be for the purpose of conducting a business or soliciting money for personal gain.

9.2.10 The employee may not download information for personal use without the employee's immediate supervisor's expressed written authorization. The employee may not transmit or install without permission copyrighted, trademarked, or patented material,

or otherwise transmit confidential information of the judiciary, unless the transmission is related to court practices.

9.2.11 The employee may not use state-owned computers and electronic communication systems for any purpose that a reasonable person would consider to be defamatory, offensive, harassing, disruptive or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, gender, national origin, sexual orientation, religion, and political beliefs or disability.

9.2.12 The employee may not enable unauthorized third parties to jeopardize the security of state-owned computers and electronic communication systems. The employee shall take all practical and reasonable steps necessary to keep the employee's log-in access and passwords secure. The employee should perform a virus check on all software and disks used in the system and should immediately report any tampering, viruses, or other system breaches to the data processing department.

9.2.12.1 The employee shall not share the employee's log-in access or passwords with others, including other employees, unless authorized by a supervisor, as warranted by unusual, temporary, work-related circumstances.

9.2.12.2 The supervisor shall maintain a log, documenting, instances of shared access or shared passwords. This record shall contain the date of the authorization, the work-related reason for the authorization, the name of the employee who is normally authorized to use the log-in access or passwords, and the name of the employee who was granted temporary, emergency access.

9.2.12.3 Following authorized, shared use of a password, the supervisor shall ensure that the employee who normally used the password, replaces it with a new, secure password as soon as possible.

9.2.12.4 No employee shall represent themselves as someone else, fictional or real.

9.2.13 The employee should direct questions concerning personal use of state-owned computers and electronic communication systems to the employee's supervisor.

10. Personal Cell Phone Usage in the Workplace

10.1 Employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phones. Excessive personal calls, text messaging, or other personal communication during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are expected to limit personal use to non-work time where possible and to ensure that friends and family members are aware of this policy.

11. Secondary Employment

11.1 Employment with the court system shall be the primary employment of full time employees.

11.2 Other employment and volunteer activities must not conflict with the interests of the agency or the State of Utah.

11.3 An employee may, at agency discretion, hold more than one state position as long as the total hours worked do not exceed 40 hours per week.

11.4 An employee may engage in secondary employment or volunteer activity that does not conflict with the interests of the court or create the appearance of a conflict of interest as defined below and in Section 500.8:

11.4.1 An employee shall exercise reasonable diligence to become aware of personal conflicts of interest, disclose such conflicts to management, and take appropriate steps to eliminate conflicts when they occur.

11.4.2 When an employee perceives any potential conflict of interest or has a question about laws, and policies, the employee shall discuss them with management.

11.4.3 No employee shall have substantial personal interest in any business entity which will create a conflict between the employee's private interest and public duties. The employee shall disclose any such conflicts to management. Management and the employee shall determine if there are substantial conflicts or appearances of substantial conflicts and take appropriate steps to eliminate the conflict.

11.4.4 An employee shall not enter into any contract with the courts for services, supplies, equipment, leases, or realty apart from the employment contract relating to the employee's position.

11.4.5 When an employee is required by the responsibilities of the position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict to management and may be excused by management from so acting.

11.5 An employee may engage in secondary employment if it conforms to the following provisions:

11.5.1 The secondary employment shall not interfere with the employee's ability to perform job duties with full capacity.

11.5.2 Secondary employment/volunteer activity shall not be performed during the same hours that the employee is scheduled to work.

11.5.3 The outside employment is not self-employment or with a contractor that provides services to clients of the court level within which the employee works.

11.5.4 The outside activity is not with a policy making nor advisory board of an organization or agency that does business within the court level.

11.6 Prior to accepting or continuing secondary employment, an employee shall report the employment to the employee's supervisor on the Secondary Employment application form.

11.6.1 If there is not a conflict of interest, the Trial Court Executive may approve the application within five working days, after consulting with the director.

11.6.2 If there is a possible conflict of interest, the application will be submitted to the director and the court level administrator who will, within five working days, seek a legal opinion from the General Counsel before approval, denial or conditional approval.

11.6.3 Copies of secondary employment application forms shall be sent to the director who will review them for consistency.

474 12. Political activity.

475
476 12.1 An employee may participate in political activity that does not jeopardize the confidence of
477 the public or of government officials in the impartiality of the judicial branch of government.

478
479 12.1.1 An employee shall not participate in political activity which conflicts with or
480 otherwise affects the mission and activities of the Judiciary.

481
482 12.1.2 Employees of the Judiciary are prohibited from running for, being appointed to, or
483 holding an elected office at any level of government.

484
485 12.1.3 An employee shall not engage in political activity during work hours, unless on
486 approved leave.

487
488 12.1.4 An employee shall not use state owned equipment, supplies or resources, and
489 other attendant expenses (diskettes, paper, computer online and access charges, etc.)
490 when engaged in political activity.

491
492 12.1.5 An employee shall not discriminate in favor of or against any person or applicant
493 for employment based on political activities.

494
495 12.1.6 An employee shall not use the employee's title or position while engaging in
496 political activity.

497
498 13. Driver Safety.

499
500 13.1 Court employees are subject to the rules and regulations established by the State Motor
501 Pool and the Division of Risk Management regarding the safe operation of state vehicles.

502
503 13.2 Any employee convicted of driving under the influence, reckless driving or an at-fault
504 accident shall complete an approved driver safety program before operating a state vehicle or
505 operating the employee's own vehicle on court business.

506
507 14. Professional Appearance

508
509 14.1 Employees shall exercise good judgment regarding dress and grooming in the workplace, to
510 promote an environment of professionalism and credibility. An employee's appearance and

cleanliness shall reflect generally accepted community standards, based on the nature of the work environment and the type of work being performed.

14.2 Certain elemental standards of appearance and cleanliness, including personal hygiene, apply in all work contexts throughout the court system. Restrictions include, but are not limited to, the following:

14.2.1 Visible body piercings, other than those on the ears.

14.2.2 Extreme, unnatural hair coloring or styles.

14.2.3 Extreme, visible body tattoos

14.2.4 Inordinately revealing clothing

14.3 Local guidelines for employee appearance may be drafted to require a higher standard than found in this policy.

14.4 Employees appearance shall be consistent with the professional standards of their position and responsibilities. The prevailing standard of dress in the courts shall include professional and appropriate apparel in the following environments.

14.4.1 Courtroom

14.4.1.1 The minimum apparel standards for male employees include dress shoes or dress boots, socks, dress slacks, shirt and tie. Suit and/or sport coats and/or vests are optional.

14.4.1.2 The minimum apparel standards for female employees include dress shoes or dress boots, dress slacks, dresses or business length skirts. ~~D~~dress shirts, blouses, shells, or sweaters.

14.4.2 Courthouse Offices

14.4.2.1 The minimum apparel standards for male employees include dress shoes or dress boots, socks, dress slacks (cotton and corduroy acceptable), dress shirts. Ties and suit or sport coats are optional.

14.4.2.2 The minimum apparel standards for female employees include dress shoes or dress boots, dress slacks (cotton and corduroy acceptable), dresses, business length skirts, sweaters, blouses or shells.

14.4.3 Position Based Exceptions

14.4.3.1 If an employee's primary duties do not involve public interaction and require an employee to be regularly involved in physical work such as; the maintenance and installation of computer hardware, office furniture, workplace related items; or if the employee is a juvenile court deputy probation officer the employee may adhere to the following:

14.4.3.2 Dress shoes, athletic footwear or work boots. Slacks or jeans (must be professional and modest in fit and appearance without tears, holes or excessive fading). Dress shirts, blouses, shells sweaters, or polo shirts with collars. T-shirts are not acceptable.

14.4.3.3 For juvenile court probation work crew staff on an active work crew assignment acceptable attire includes athletic shoes or work boots, jeans and modest in fit and appearance without tears, holes or excessive fading), t-shirt without logos (other than the court logo), appropriate long or short sleeved casual shirts and shorts, of appropriate length, during hot weather. Hats without obscene logos or wording may be worn.

14.4.4 Dress Down Day

14.4.4.1 Employees assigned to appear in court, or on official court business, on a dress down day are required to follow the courtroom standard of dress.

14.4.4.2 Casual Friday will be limited to Friday unless otherwise specified by court management. Employees shall maintain a professional appearance and the minimum apparel standards shall include:

14.4.4.2.1 Dress shoes or casual shoes (flip flops or sandals such as Tevas or Birkenstocks are not acceptable).

14.4.4.2.2 Dress slacks, business casual slacks, and jeans that are professional and modest in fit and appearance without tears, holes, or excessive fading, dresses, skirts.

14.4.4.2.3 Dress shirts, polo shirts, long or short sleeved casual shirts, blouses, or sweaters.

14.5 The following is a list of unapproved attire, not to be considered inclusive, that is subject to modification by management and may be subject to the limited exceptions detailed elsewhere in this policy.

14.5.1 Overalls, T-shirts, tank tops, spaghetti string tops, jogging outfits, flip flops, caps/hats, revealing clothing, tube tops, halter tops, strapless tops, shorts, stretch pants, leggings, skorts, casual capris and pants with rivets.

14.6 Management shall enforce the policy and employees determined to be inappropriately attired may be sent home, on their own time, to change into appropriate attire. Employees with ongoing violations of the professional appearance standards will be subject to discipline in accordance with personnel policies and procedures.

15. Friends and Family at Work

15.1 Friends and family members of employees shall not remain in the workplace for extended visits. Management may grant temporary exceptions in unusual circumstances, provided their presence does not interfere with the work of employees.

15.2 Employees shall not use their court access privileges to allow family or friends to circumvent the existing security/weapon screening process.

15.3 Employees shall not allow access to secure areas of the courthouse by family members or friends with cases pending before the courts.

16. Court Security

16.1 Employees shall be familiar and comply with local court security plans.

621 16.2 Employees shall comply with all directives from court security officers, including the court
622 security director.

623
624 16.3 Employees, except those identified in CJA 3-414, may not possess weapons in courthouses,
625 probation offices, other buildings used for employee work spaces, and state vehicles. This does
626 not include employee parking areas.

627
628 16.4 Employees, except those identified in CJA 3-414, may not possess weapons while attending
629 court functions off-premises, such as at conferences or meetings.

630
631 16.5 Employees, except those identified in CJA 3-414, may not possess weapons while acting
632 within the scope of employment.

633
634 16.6 Possession includes on the person and in areas within the immediate control of the
635 employee.

636
637 16.7 An employee, except those identified in CJA 3-414, who has a concealed weapons permit is
638 not excused from complying with these policies.

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 Kelsa Williams at keisaw@utcourts.gov.**

REQUESTER CONTACT INFORMATION:

Name of Requester:

J. Chris Palmer

E-mail:

chrisp@utcourts.gov

Phone Number:

578-3835

Date of Request:

10/01/2018

RULE AMENDMENT:

Rule Number:

CJA 3-414

Location of Rule:

Code of Judicial Administration

Brief Description of Proposed Amendment:

Addition of the Court Security Director to paragraph (7)(B)(i)

~ Court security director may possess in a courthouse a firearm and ammunition for which the court director has a concealed weapons permit with specific yearly training requirements

Addition of distinctive colors to access control badges paragraph (8)(E)

~ Locally produced proxy Access cards and badges issued to non-court employees (excluding assigned DFCM and security) will incorporate a distinctive background color to visually identify personal access levels

Reason Amendment is Needed:

The Court Security Director has recently been designated as the UT Courts representative responsible to train Judges on firearms and certification as defined in UTA 53-5-711, LEOJ, concealed weapon training, and as such would be required to possess and handle firearms within the scope of employment, including instruction and organized training for judicial and security officers.

Accompanying changes to HR 500 and all local security plans to account for the proposed changes.

Access badges colors - The addition of distinguishable colors backgrounds to badges for the non-court personnel will allow quick visual identification of persons authorized to be in employee only spaces but not cleared to receive court only information.

Is this proposal urgent?

☒ No

☐ Yes

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

List all stakeholders:

Judges, TCEs, Local Law Enforcement

Select each entity that has approved this proposal:

- ☐ Accounting Manual Committee
- ☐ ADR Committee
- ☐ Board of Appellate Court Judges
- ☐ Board of District Court Judges
- ☐ Board of Justice Court Judges
- ☐ Board of Juvenile Court Judges
- ☐ Board of Senior Judges
- ☐ Children and Family Law Committee
- ☐ Court Commissioner Conduct Committee
- ☐ Court Facility Planning Committee
- ☐ Court Forms Committee
- ☐ Ethics Advisory Committee
- ☐ Ethics and Discipline Committee of the Utah Supreme Court
- ☒ General Counsel
- ☐ Guardian ad Litem Oversight Committee
- ☐ Judicial Branch Education Committee
- ☐ Judicial Outreach Committee
- ☐ Language Access Committee
- ☐ Law Library Oversight Committee

- ☐ Legislative Liaison Committee
- ☐ Licensed Paralegal Practitioner Committee
- ☐ Model Utah Civil Jury Instructions Committee
- ☐ Model Utah Criminal Jury Instructions Committee
- ☐ Policy and Planning member
- ☐ Pretrial Release and Supervision Committee
- ☐ Resources for Self-represented Parties Committee
- ☐ Rules of Appellate Procedure Advisory Committee
- ☐ Rules of Civil Procedure Advisory Committee
- ☐ Rules of Criminal Procedure Advisory Committee
- ☐ Rules of Evidence Advisory Committee
- ☐ Rules of Juvenile Procedure Advisory Committee
- ☐ Rules of Professional Conduct Advisory Committee
- ☐ State Court Administrator
- ☒ TCE's
- ☐ Technology Committee
- ☐ Uniform Fine and Bail Committee
- ☐ WINGS Committee
- ☐ NONE OF THE ABOVE

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

Requester's Signature:

//SIGNED// John Christopher Palmer

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 3-414. Court security.

Intent:

To promote the safety and well-being of judicial personnel, members of the bar and citizens utilizing the courts.

To establish uniform policies for court security consistent with Section 78A-2-203.

To delineate responsibility for security measures by the Council, the administrative office, local judges, court executives, and law enforcement agencies.

Applicability:

This rule shall apply to all courts.

Section (7) on weapons shall not apply to trial exhibits.

Statement of the Rule:

(1) Definitions.

(1)(A) Court security. Court security includes the procedures, technology, and architectural features needed to ensure the safety and protection of individuals within the courthouse and the integrity of the judicial process. Court security is the joint effort of law enforcement and the judiciary to prevent or control such problems as, disorderly conduct, physical violence, theft, bomb threats, prisoner escapes, assassinations, and hostage situations.

(1)(B) A key manager is a person authorized by the court executive or Deputy State Court Administrator to issue, retrieve, activate, and deactivate keys and/or access cards to courthouses in their districts.

(1)(C) Presiding judge. As used in this rule, presiding judge includes the judge of a single-judge courthouse. The presiding judge may delegate the responsibilities of this rule to another judge.

(2) Responsibilities of the Council.

(2)(A) The Council shall ensure that all design plans for renovation or new construction of court facilities are reviewed for compliance with The Utah Judicial System Design Standards.

(2)(B) As a condition for the certification of a new justice court or the continued certification of an existing justice court, the justice court shall file an acceptable local security plan with the Court Security Director and shall file amendments to the plan with the Court Security Director as amendments are made. The local security plan shall provide for the presence of a law enforcement officer or constable in court during court sessions or a reasonable response time by the local law enforcement agency upon call of the court.

(3) Responsibilities of the Administrative Office.

33 (3)(A) The state court administrator shall appoint a Court Security Director who shall:

34 (3)(A)(i) review and keep on file copies of all local security plans; and

35 (3)(A)(ii) periodically visit the various court jurisdictions to offer assistance in the development
36 or implementation of local security plans.

37 (3)(B) The state court administrator shall appoint a court executive in each judicial district to
38 serve as a local security coordinator.

39 (3)(C) The Court Security Director shall promulgate general security guidelines to assist local
40 jurisdictions in the development of court security plans.

41 (4) Responsibilities of the court executive.

42 (4)(A) The court executive designated as the local security coordinator shall:

43 (4)(A)(i) in consultation with the law enforcement administrator responsible for security and
44 with the judges responsible for the security plan, develop and implement a local security plan for
45 each court of record facility within the district;

46 (4)(A)(ii) annually review the local security plan with the presiding judge and the law
47 enforcement administrator to identify deficiencies in the plan and problems with implementation;

48 (4)(A)(iii) file an acceptable local security plan with the Court Security Director; and

49 (4)(A)(iv) file amendments to the plan with the Court Security Director as amendments are
50 made.

51 (4)(B) The local security plan for a courthouse and any amendments to it shall be approved by a
52 majority of the judges of the district of any court level regularly occupying the courthouse.
53 Voting shall be without regard to court level. As used in this subsection the term “judges of the
54 district of any court level occupying the courthouse” shall include all judges of the district court
55 of the district and all judges of the juvenile court of the district regardless of whether a particular
56 judge occupies the courthouse so long as at least one judge of that court level occupies the
57 courthouse. The term also includes the justices of the Supreme Court, the judges of the Court of
58 Appeals and all justice court judges who actually occupy the courthouse.

59 (4)(C) The court executive shall provide a copy of the current local security plan and annual
60 training on the plan to all court personnel, volunteers and security personnel.

61 (4)(D) The local plan shall clearly delineate the responsibilities between court personnel and law
62 enforcement personnel for all areas and activities in and about the courthouse.

63 (4)(E) The court clerk or probation officer, under the supervision of the court executive, shall
64 provide timely notice to transportation officers of required court appearances and cancellation of

appearances for individuals in custody. The court shall consolidate scheduled appearances whenever practicable and otherwise cooperate with transportation officers to avoid unnecessary court appearances.

(4)(F) To the extent possible, the clerk of the court shall establish certain days of the week and times of day for court appearances of persons in custody in order to permit transportation officers reasonable preparation and planning time. The court shall give priority to cases in which a person in custody appears in order to prevent increased security risks resulting from lengthy waiting periods.

(5) Responsibilities of law enforcement agencies.

(5)(A) The law enforcement agency with responsibility for security of the courthouse, through a law enforcement administrator, shall:

(5)(A)(i) coordinate all law enforcement activities within the courthouse necessary for implementation of the security plan and for response to emergencies;

(5)(A)(ii) cooperate with the court executive in the development and implementation of a local security plan;

(5)(A)(iii) provide local law enforcement personnel with training as provided in this rule;

(5)(A)(iv) provide court bailiffs; and

(5)(A)(v) provide building and perimeter security.

(5)(B) The law enforcement agency responsible for court security shall be as follows:

(5)(B)(i) The Department of Public Safety for the Supreme Court and the Court of Appeals when they are in session in Salt Lake County. When convening outside of Salt Lake County, security shall be provided by the county sheriff. The Department of Public Safety may call upon the Salt Lake County Sheriff for additional assistance as necessary when the appellate courts are convening in Salt Lake County.

(5)(B)(ii) The county sheriff for district courts and juvenile courts within the county.

(5)(B)(iii) The county sheriff for a county justice court and the municipal police for a municipal justice court. The county or municipality may provide a constable to provide security services to the justice court. If a municipality has no police department or constable, then the law enforcement agency with which the municipality contracts shall provide security services to the justice court.

(6) Court bailiffs.

(6)(A) Qualifications. Bailiffs shall be “law enforcement officers” as defined in Section 53-13-103. At the discretion of the law enforcement administrator and with the consent of the presiding judge, bailiffs may be “special function officers” as defined by Section 53-13-105.

(6)(B) Training. Prior to exercising the authority of their office, bailiffs shall satisfactorily complete the basic course at a certified peace officer training academy or pass a waiver examination and be certified. Bailiffs shall complete 40 hours of annual training as established by the Division of Peace Officer Standards and Training. Bailiffs shall receive annual training on the elements of the court security plan, emergency medical assistance and the use of firearms.

(6)(C) Physical and mental condition. Court bailiffs shall be of suitable physical and mental condition to ensure that they are capable of providing a high level of security for the court and to ensure the safety and welfare of individuals participating in court proceedings. Bailiffs shall be capable of responding appropriately to any potential or actual breach of security.

(6)(D) Appointment. The appointment of a bailiff is subject to the concurrence of the presiding judge.

(6)(E) Supervision. The court bailiff shall be supervised by the appointing authority and perform duties in compliance with directives of the appointing authority.

(6)(F) Responsibilities. Court bailiff responsibilities shall include but are not limited to the following.

(6)(F)(i) The bailiff shall prevent persons in custody from having physical contact with anyone other than the members of the defense counsel’s team. Visitation shall be in accordance with jail and prison policies and be restricted to those facilities.

(6)(F)(ii) The bailiff shall observe all persons entering the courtroom, their movement and their activities. The bailiff shall control access to the bench and other restricted areas.

(6)(F)(iii) The bailiff shall search the interior of the courtroom and restricted areas prior to the arrival of any other court participants. Similar searches shall be conducted following recesses to ensure the room is clear of weapons, explosives, or contraband.

(6)(F)(iv) Bailiffs shall wear the official uniform of the law enforcement agency by whom they are employed.

(6)(F)(v) Bailiffs shall comply with the directives of the judge or commissioner with respect to security related activities and shall perform other duties incidental to the efficient functioning of the court which do not detract from security functions. Activities wholly unrelated to security or function of the court, including personal errands, shall not be requested nor performed.

(6)(F)(vi) Bailiffs shall perform responsibilities provided for in the local court security plan.

(6)(F)(vii) The bailiff shall maintain a clear line of sight of all courtroom participants and shall be between individuals who are in custody and courtroom exits.

(7) Weapons.

(7)(A) Weapons generally.

(7)(A)(i) A courthouse is presumed to be free of all weapons and firearms unless a local security plan provides otherwise in accordance with this rule. No person may possess an explosive device in a courthouse. Except as permitted by this rule, no person may possess a firearm, ammunition, or dangerous weapon in a courthouse.

(7)(A)(ii) All firearms permitted under this rule and a local security plan:

(7)(A)(ii)(a) and carried upon the person shall be concealed unless worn as part of a public law enforcement agency uniform;

(7)(A)(ii)(b) Shall remain in the physical possession of the person authorized to possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is locked; and

(7)(A)(ii)(c) Shall be secured in a holster with a restraining device.

(7)(B) Persons authorized to possess a firearm or other weapon.

(7)(B)(i) The following officers may possess a firearm and ammunition in a courthouse if the firearm is issued by or approved by the officer's appointing authority, if possession is required or permitted by the officer's appointing authority and the local security plan, and if the officer presents valid picture identification:

(7)(B)(i)(a) "Law enforcement officer" as defined in Section 53-13-103;

(7)(B)(i)(b) "correctional officer" as defined in Section 53-13-104;

(7)(B)(i)(c) "special function officer" as defined in Section 53-13-105;

(7)(B)(i)(d) "Federal officer" as defined in Section 53-13-106; and

(7)(B)(i)(e) a private security officer, licensed under Utah Code Title 58, Chapter 63, Security Personnel Licensing Act, hired by the court or the court's banker to transport money.

(7)(B)(ii) A judge or law enforcement official as defined in Section 53-5-711 may possess in a courthouse a firearm and ammunition for which the judge or law enforcement official has a valid certificate of qualification issued under Section 53-5-711 if possession is permitted by the local security plan.

(7)(B)(iii) A court commissioner may possess in a courthouse a firearm and ammunition for which the court commissioner has a concealed weapons permit, but only if the court commissioner has obtained the training and annual retraining necessary to qualify for a certificate issued under Section 53-5-711 and if possession is permitted by the local security plan.

(7)(B)(iv) The Court Security Director may possess in a courthouse a firearm and ammunition for which the court security director has a concealed weapons permit, but only if possession is permitted by the local security plan and the director has obtained the training and annual retraining necessary to:

(7)(B)(iv)(a) qualify for a certificate issued under Section 53-5-711,

(7)(B)(iv)(b) qualify as a Utah police officer firearms instructor in accordance with Utah Administrative Code R728-502-9(4), or

(7)(B)(iv)(c) qualify as a retired law enforcement officer in accordance with United States Code Title 18, Part I, Chapter 44, Section 926C.

(7)(B)(iv)(v) A person permitted under subsections (i), (ii), ~~or (iii)~~, or (iv) to possess a firearm nevertheless shall not possess a firearm in a courthouse if the person is appearing at the courthouse as a party to litigation. A person possessing a firearm in a courtroom shall notify the bailiff or the judge.

(7)(B)(~~v~~)(vi) If permitted by the local security plan, court personnel and volunteers may possess in a courthouse an otherwise legal personal protection device other than a firearm. Court personnel and volunteers shall not possess a personal protection device while appearing as a party to litigation. Court personnel and volunteers shall not possess a firearm while on duty.

(7)(C) Firearm training requirements.

(7)(C)(i) To requalify for a certificate issued under Section 53-5-711 a judge shall annually complete with a passing score a range qualification course for judges and law enforcement officials established by the Department of Public Safety or a course established by any law enforcement agency of the state of Utah or its political subdivision for the requalification of its officers.

(7)(C)(ii) The cost of firearms, ammunition, initial qualification, requalification and any other equipment, supplies or fees associated with a certificate of qualification issued under Section 53-5-711 shall be the responsibility of the judge or court commissioner and shall not be paid from state funds.

(8) Security devices and procedures.

(8)(A) Metal detectors. The use of metal detectors or other screening devices, ~~W~~where present, shall be used by the law enforcement agency responsible for security/bailiff services.

(8)(B) Physical search. Searches of persons in or about the courthouse or courtroom shall be conducted at the discretion of the law enforcement agency responsible for security when the local law enforcement agency has reason to believe that the person to be searched is carrying a weapon or contraband into or out of the courthouse or when the court so orders. No other person is authorized to conduct such searches. Written notice of this policy shall be posted in a conspicuous place at the entrance to all court facilities.

(8)(C) All persons in custody shall be kept in a holding cell, restrained by restraining devices, or supervised at all times while in court unless otherwise specifically ordered by the judge in whose courtroom the individual appears.

(8)(D) Extra security. In anticipated high risk situations or a highly publicized case, the law enforcement agency responsible for security should, on its own initiative or in response to an order of the court, provide extra security including additional personnel, controlled access, etc. A written operational plan outlining and assigning security duties should be developed in conjunction with the presiding judge, the court executive and the Court Security Director.

(8)(E) Courthouse Access Control. Only judges, court staff, and security and maintenance staff assigned to the courthouse will be granted access card/keys and only to those areas of the courthouse to which the individual needs access. No access cards or keys shall be issued solely for convenience purposes. Any exceptions to this rule must be pre-approved, in writing, by the Deputy State Court Administrator.

(8)(E)(i) Access cards or keys will be issued by a key manager only with the prior written authorization of the court executive(s) or Deputy State Court Administrator. Detailed recording of all card/key transactions will be the responsibility of the key manager. Supervisors shall recover all issued keys/cards from court personnel who are terminated, suspended or transferred or if loss of privileges is part of an adverse personnel action. Supervisors will return the cards/keys to the court executive who will deactivate the access card. If the access card is not returned as required, the supervisor will immediately contact the key manager to deactivate the card.

(8)(E)(ii) Locally produced proxy access cards and badges issued to non-court employees (excluding assigned DFCM and security) will incorporate a distinctive background color to visually identify personal access levels. Access badges issued to persons with an approved local background check will use an orange background and those without a locally approved background check will be issued a badge with a yellow background.

~~(8)(E)(ii)~~ (iii) Court personnel shall possess their court-issued identification at all times when in the courthouse or staff parking area. Court personnel may not loan their identification cards,

229 access cards or keys to others and must report any lost or missing identification or access card
230 key to the key manager or their direct supervisor as soon as possible after the loss is discovered.
231 Any lost access card will be deactivated before a replacement card is issued.

232 ~~(8)(E)(iii)~~(iv) Court personnel with a court-issued identification card may bypass security
233 screening only when they are assigned to that particular courthouse. Court personnel from other
234 courthouses will be required to successfully pass through the security screening area before
235 being allowed entry.

236 ~~(8)(E)(iv)~~(v) The court executive will undertake a semiannual review of access card records to
237 ensure that no unauthorized use is occurring.

238 (8)(F) In order to protect the safety and welfare of court customers, no one is permitted to block
239 the entry or exit of a courthouse and no one is permitted to picket, parade, proselytize,
240 demonstrate or distribute leaflets, pamphlets, brochures or other materials inside a courthouse.

241 (9) Transportation of persons in custody.

242 (9)(A) The federal, state, county or municipal agency with physical custody of a person whose
243 appearance in court is required is responsible for transportation of that person to and from the
244 courtroom.

245 (9)(B) The transportation officer shall:

246 (9)(B)(i) remain present at all times during court appearances;

247 (9)(B)(ii) be responsible for the custody of such persons;

248 (9)(B)(iii) Support the court bailiff in the preservation of peace in the courthouse and courtroom;

249 (9)(B)(iv) Provide advance notice of the transportation and of any extraordinary security
250 requirements to the law enforcement agency responsible for court security, to the judge, and to
251 the bailiff;

252 (9)(B)(v) Comply with any regulations of the county sheriff regarding the transportation of
253 persons in custody to court; and

254 (9)(B)(vi) return the person in custody to the proper place of confinement.

255 (9)(C) The law enforcement agency responsible for court security shall provide assistance to the
256 transportation officer as circumstances dictate.

18 USC 926C: Carrying of concealed firearms by qualified retired law enforcement officers

Text contains those laws in effect on February 6, 2018

From Title 18-CRIMES AND CRIMINAL PROCEDURE

PART I-CRIMES

CHAPTER 44-FIREARMS

Jump To:[Source Credit](#)[References In Text](#)[Amendments](#)**§926C. Carrying of concealed firearms by qualified retired law enforcement officers**

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that-

- (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
- (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term "qualified retired law enforcement officer" means an individual who-

- (1) separated from service in good standing from service with a public agency as a law enforcement officer;
- (2) before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);
- (3)(A) before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or
- (B) separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;
- (5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or
- (B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);
- (6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (7) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is-

- (1) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer and indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm; or
- (2)(A) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer; and
- (B) a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met-
 - (I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or
 - (II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

(e) As used in this section-

- (1) the term "firearm"-
 - (A) except as provided in this paragraph, has the same meaning as in section 921 of this title;
 - (B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and
 - (C) does not include-
 - (i) any machinegun (as defined in section 5845 of the National Firearms Act);
 - (ii) any firearm silencer (as defined in section 921 of this title); and
 - (iii) any destructive device (as defined in section 921 of this title); and

(2) the term "service with a public agency as a law enforcement officer" includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government.

(Added Pub. L. 108-277, §3(a), July 22, 2004, 118 Stat. 866 ; amended Pub. L. 111-272, §2(c), Oct. 12, 2010, 124 Stat. 2855 ; Pub. L. 112-239, div. A, title X, §1089(2), Jan. 2, 2013, 126 Stat. 1971 .)

REFERENCES IN TEXT

The National Firearms Act, referred to in subsec. (e)(1)(B), (C)(i), is classified generally to chapter 53 (§5801 et seq.) of Title 26, Internal Revenue Code. See section 5849 of Title 26. Section 5845 of such Act is classified to section 5845 of Title 26.

AMENDMENTS

2013-Subsec. (c)(2). Pub. L. 112-239, §1089(2)(A), inserted "or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)" after "arrest".

Subsec. (d)(1). Pub. L. 112-239, §1089(2)(B)(i), substituted "that identifies the person as having been employed as a police officer or law enforcement officer and indicates" for "that indicates".

Subsec. (d)(2)(A). Pub. L. 112-239, §1089(2)(B)(ii), inserted "that identifies the person as having been employed as a police officer or law enforcement officer" after "officer".

2010-Subsec. (c)(1). Pub. L. 111-272, §2(c)(1)(A), substituted "separated from service" for "retired" and struck out ", other than for reasons of mental instability" after "officer".

Subsec. (c)(2). Pub. L. 111-272, §2(c)(1)(B), substituted "separation" for "retirement".

Subsec. (c)(3)(A). Pub. L. 111-272, §2(c)(1)(C)(i), substituted "separation, served as a law enforcement officer for an aggregate of 10 years or more" for "retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more".

Subsec. (c)(3)(B). Pub. L. 111-272, §2(c)(1)(C)(ii), substituted "separated" for "retired".

Subsec. (c)(4). Pub. L. 111-272, §2(c)(1)(D), added par. (4) and struck out former par. (4) which read as follows: "has a nonforfeitable right to benefits under the retirement plan of the agency;"

Subsec. (c)(5). Pub. L. 111-272, §2(c)(1)(E), added par. (5) and struck out former par. (5) which read as follows: "during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;"

Subsec. (d)(1). Pub. L. 111-272, §2(c)(2)(A), substituted "separated" for "retired" and "to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm" for "to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm".

Subsec. (d)(2)(A). Pub. L. 111-272, §2(c)(2)(B)(i), substituted "separated" for "retired".

Subsec. (d)(2)(B). Pub. L. 111-272, §2(c)(2)(B)(ii), substituted "or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met-" for "that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm." and added cls. (I) and (II).

Subsec. (e). Pub. L. 111-272, §2(c)(3), added subsec. (e) and struck out former subsec. (e) which read as follows: "As used in this section, the term 'firearm' does not include-

2/7/2018

"(1) any machinegun (as defined in section 5845 of the National Firearms Act);
"(2) any firearm silencer (as defined in section 921 of this title); and
"(3) a destructive device (as defined in section 921 of this title)."

Effective 5/13/2014

53-5-711 Law enforcement officials and judges -- Training requirements -- Qualification -- Revocation.

- (1) For purposes of this section and Section 76-10-523:
 - (a) "Judge" means a judge or justice of a court of record or court not of record, but does not include a judge pro tem or senior judge.
 - (b) "Law enforcement official of this state" means:
 - (i) a member of the Board of Pardons and Parole;
 - (ii) a district attorney, deputy district attorney, county attorney or deputy county attorney of a county not in a prosecution district;
 - (iii) the attorney general;
 - (iv) an assistant attorney general designated as a criminal prosecutor; or
 - (v) a city attorney or a deputy city attorney designated as a criminal prosecutor.
- (2) To qualify for an exemption in Section 76-10-523, a law enforcement official or judge shall complete the following training requirements:
 - (a) meet the requirements of Sections 53-5-704, 53-5-706, and 53-5-707; and
 - (b) successfully complete an additional course of training as established by the commissioner of public safety designed to assist them while carrying out their official law enforcement and judicial duties as agents for the state or its political subdivisions.
- (3) Annual requalification requirements for law enforcement officials and judges shall be established by the commissioner of public safety. Additional requalification requirements may be established by the:
 - (a) Board of Pardons and Parole by rule for its members;
 - (b) Judicial Council by rule for judges; and
 - (c) the district attorney, county attorney in a county not in a prosecution district, the attorney general, or city attorney by policy for prosecutors under their jurisdiction.
- (4) The bureau may:
 - (a) issue a certificate of qualification to a judge or law enforcement official who has completed the requirements of Subsection (2), which certificate of qualification is valid until revoked;
 - (b) revoke the certificate of qualification of a judge or law enforcement official who:
 - (i) fails to meet the annual requalification criteria established pursuant to Subsection (3);
 - (ii) would be subject to revocation of a concealed firearm permit under Subsection 53-5-704(2) (a); or
 - (iii) is no longer employed as a judge or law enforcement official as defined in Subsection (1); and
 - (c) certify instructors for the training requirements of this section.

Amended by Chapter 146, 2014 General Session

UTAH ADMINISTRATIVE CODE

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Office of Administrative Rules (see Subsection 63G-3-102(5); see also Sections 63G-3-701 and 702).

R728. Public Safety, Peace Officer Standards and Training.

R728-502. Procedure for POST Instructor Certification.

R728-502-1. Authority.

This rule is authorized by Subsection 53-6-105(1)(k), which provides that the director shall, with the advice of the council, make rules necessary to administer Title 53 Chapter 6.

R728-502-2. Purpose.

The purpose of this rule is to provide guidelines for the certification of training instructors and to establish standards for the revocation of POST instructor certification pursuant to Section 53-6-105(1)(c).

R728-502-3. Definitions.

- (1) Terms used in this rule are defined in Section 53-6-102.
- (2) In addition:
 - (a) "Annual statutory training" means the annual training requirement for peace officers and dispatchers as established in Sections 53-6-202 or 53-6-306;
 - (b) "Applicant" means an individual who has applied to become a POST certified instructor;
 - (c) "Basic training" means the basic training courses offered by the division or one of the satellite academies, which are required to become a:
 - (i) special function officer;
 - (ii) correctional officer;
 - (iii) law enforcement officer; or
 - (iv) dispatcher;
 - (d) "DT" means defensive tactics;
 - (e) "EVO" means emergency vehicle operation;
 - (f) "IW" means impact weapon;
 - (g) "In-service training" has the same meaning as annual statutory training;
 - (h) "K9" means canine;
 - (i) "POST certified instructor" means an individual who has completed the requirements set forth in this rule and is authorized by the division to conduct basic training courses;
 - (j) "Satellite academy" means a certified academy or training program administered by a governmental entity or institution of higher education which is established primarily for the training of its employees or self-sponsored applicants; and
 - (k) "Specialty instructor" means an individual who has completed the requirements set forth in this rule and is authorized by the division to conduct specific practical skill training courses.

R728-502-4. POST Certified Instructors Authority and Duties.

(1) A POST certified instructor shall be authorized to teach classes sponsored by the division including basic training, in-service, and regional classes.

(2) An instructor presenting in-service training must be in harmony with the division's current basic training curriculum.

(3) An instructor presenting basic training classes must follow the basic training student performance objectives approved by the division and the council.

(a) If POST approved student performance objectives are not available for the subject matter, an instructor shall have a lesson plan approved by the division prior to teaching in a basic training class.

R728-502-5. Instructor Certification Requirements.

(1) An applicant must meet the following requirements before being certified as an instructor:

(a) have two years of experience as a full-time peace officer or dispatcher;

(b) receive a recommendation from the chief administrative officer of the agency employing the applicant; and

(c) complete an approved instructor development course or specialty instructor certification course as outlined below.

(2) The requirements in this Subsection (1) may be waived if the applicant has specialized training or expertise in an area which, in the opinion of the director, would be beneficial in the training of law enforcement officers.

(a) An individual wishing to qualify for instructor certification waiver under this Subsection (2), must submit a written request to the director providing evidence of their specialized training or experience and justification as to why this training or experience would be beneficial in the training of law enforcement officers.

R728-502-6. Instructor Recertification.

(1) Instructor recertification is not required except in specialty areas as provided in Section R728-502-9.

(2) An instructor teaching in a professional specialty area, including but not limited to, law classes, first aid, CPR, intoxilyzer, and chemical munitions, shall maintain current certification and continuing education requirements of the respective professional certification or licensing entity.

(3) An instructor teaching in other specialty areas may be subject to industry standards that establish specific recertification requirements.

R728-502-7. Application for Instructor Certification.

(1) To obtain a POST instructor certification, an applicant shall submit a completed application for POST Instructor Development School to the division and include the following:

(a) documentation of years of experience;

(b) a letter of recommendation from the applicant's chief administrative officer;

and

(c) documentation of specialized training.

(2) If the application is approved, the applicant shall be invited to attend a POST instructor development course.

(3) An applicant shall receive POST instructor certification upon successfully completing the instructor development course, which includes demonstrating to the course instructor the ability to develop a lesson plan following the style and format taught in the instructor development course.

R728-502-8. Agency In-Service Instructors.

(1) An agency is not required to utilize POST certified instructors for in-service training programs presented to members of their agency, which will allow the agency to formulate training programs designed to meet their needs utilizing local resources.

(2) If a POST certified instructor is not used for in-service training programs, the chief administrative officer of the agency sponsoring the training shall be solely responsible for the content of the class and the qualifications of the instructor.

R728-502-9. Specialty Instructors.

(1) An instructor who teaches practical skills and technical or high liability law enforcement subjects shall attend a specialty instructor course as provided in this Section.

(2) An instructor who completes a specialty instructor school may only instruct the specific skills covered in the specialty instructor school.

(a) An instructor who teaches other academic courses in the classroom shall complete a POST approved instructor development course as provided in Sections R728-502-4 through R728-502-7.

(3) An EVO instructor shall be trained and certified in accordance with POST policy and procedure.

(a) EVO instructor certification shall be valid for three years from the date of issue.

(b) An EVO instructor must teach EVO for a minimum of 40 hours every three years in order to maintain certification.

(c) An EVO instructor must teach at least 20 of the 40 required hours at the POST EVO range under the direction of the POST EVO training supervisor.

(d) An EVO instructor may teach the remaining 20 hours of EVO instruction at individual agencies.

(4) A firearms instructor, including handgun instructor or rifle instructor, shall be trained and certified in accordance with POST policy and procedure.

(a) Firearms instructor certification is valid for three years from the date of issue.

(b) A firearms instructor must attend an eight hour recertification class conducted by POST and pass a practical examination every three years in order to maintain certification.

(5) A DT instructor shall be trained and certified in accordance with POST policy and procedure;

(a) DT instructor certification is valid for three years from the date of issue.

(b) A DT instructor must attend a POST defensive tactics instructor training course and successfully pass a practical and written examination every three years in order to maintain certification.

(6) An IW instructor shall be trained and certified in accordance with POST policy and procedure.

(a) IW instructor certification is valid for three years from the date of issue.

(b) An IW instructor must attend an impact weapon instructor training course and successfully pass a practical and written examination every three years in order to maintain

certification.

(7) A K-9 instructor shall be trained and certified in accordance with POST policy and procedure.

(a) A K-9 instructor may conduct K-9 training, but is not authorized to conduct K-9 certification evaluations.

(b) K-9 instructor certification is valid for three years from the date of issue.

(c) A K-9 instructor shall attend 40 hours of K-9 instructor training and successfully pass a practical examination every three years in order to maintain certification

(8) A K-9 judge shall be trained and certified in accordance with POST policy and procedure.

(a) A K-9 judge shall be trained and certified as a K-9 instructor prior to being certified as a K-9 judge.

(b) A K-9 judge may conduct K-9 certification evaluations and K-9 training.

(c) K-9 judge certification is valid for three years from the date of issue.

(d) A K-9 judge shall attend 40 hours of K-9 judge training and successfully pass a practical examination every three years in order to maintain certification.

(e) A K-9 judge who successfully re-certifies is automatically re-certified as a K-9 instructor.

(9) RADAR/LIDAR instructors shall be trained and certified in accordance with POST policy and procedure;

(a) RADAR/LIDAR instructor certification is valid for three years from the date of issue.

(b) A RADAR/LIDAR instructor shall participate in one RADAR/LIDAR instructor school and successfully pass a written examination every three years in order to maintain certification.

R728-502-10. Revocation of Instructor Certification.

(1) The division may revoke an individual POST instructor certification if the instructor fails to meet any of the requirements specified in this rule.

(2)

(a) If the division revokes an individual's POST instructor certification, the division shall issue a letter to the individual by regular mail.

(b) The letter shall state the reasons for termination of the individual's POST instructor certification and indicate that the individual has a right to appeal the decision to the director by filing a written request for review within 30 days from the date of the division's decision.

(3) An instructor whose peace officer or dispatcher certification is suspended or revoked by the POST Council, in accordance with Section 53-6-211 or Section 53-6-309, shall also have his or her POST instructor certification revoked or suspended for the period of time his or her peace officer or dispatcher certification is suspended.

Tab 4

JUDICIAL COUNCIL CODE OF JUDICIAL ADMINISTRATION					
YEAR 1 (2018)	Ch 1: Judicial Council Organization				
			Assigned To:	Status	Notes
	Article 1. General Provisions				
	Rule 1-101	General definitions - Rules of construction.	Judge Pullan		
	Rule 1-102	Role and objectives of the Council.	Judge Pullan		
	Article 2. Judicial Council Organization				
	Rule 1-201	Membership - Election.	Judge Pullan		Recent revisions
	Rule 1-202	Officers - Secretariat.	Judge Pullan		
	Rule 1-203	Responsibilities of the presiding officer.	Judge Pullan		
	Rule 1-204	Executive committees.	Judge Pullan		
	Rule 1-205	Standing and ad hoc committees.	Judge Pullan		Recent revisions
	Article 3. Boards of Judges				
	Rule 1-301	Established - Composition.	Judge Pullan		
	Rule 1-302	Membership - Officers - Secretariat.	Judge Pullan		
	Rule 1-303	Internal procedures and organization.	Judge Pullan		
	Rule 1-304	General authority and duties.	Judge Pullan		
	Rule 1-305	Board of Senior Judges.	Judge Pullan		
YEAR 1 (2018)	Ch 2: Judicial Council Procedure				
			Assigned To:	Status	Notes
	Article 1. Council Meetings				
	Rule 2-101	Rules for the conduct of Council meetings.	Judge Pettit		
	Rule 2-102	Council agenda.	Judge Pettit		
	Rule 2-103	Open and closed Council meetings.	Judge Pettit		
	Rule 2-104	Minutes of Council meetings.	Judge Pettit		
	Rule 2-105	Referral to committee or Board.	Judge Pettit		
	Article 2. Rulemaking Procedure				
	Rule 2-201	Purpose of rules and resolutions.	Judge Pettit		
	Rule 2-202	Format for rules.	Judge Pettit		
	Rule 2-203	Forty-five day comment period.	Judge Pettit		
	Rule 2-204	Local supplemental rules.	Judge Pettit		
	Rule 2-205	Expedited rulemaking procedure.	Judge Pettit		
	Rule 2-206	Effective date of rules.	Judge Pettit		
	Rule 2-207	Annual rulemaking and review of the Code.	Judge Pettit		
	Rule 2-208	Publication and distribution.	Judge Pettit		
	Rule 2-209	Suspension of procedures.	Judge Pettit		
	Rule 2-210	Failure to comply with procedures.	Judge Pettit		
	Rule 2-211	Compliance with the Code of Judicial Administration and the Code of Judicial Conduct.	Judge Pettit		
	Rule 2-212	Communication with the Office of Legislative Research and General Counsel.	Judge Pettit		
	Ch 3: Administration of the Judiciary				
			Assigned To:	Status	Notes
	Article 1. Judicial Office				
	Rule 3-101	Judicial performance standards.	Rob Rice		
	Rule 3-102	Assumption of judicial office.	Rob Rice		
	Rule 3-103	Administrative role of judges.	Rob Rice		

YEAR 1
(2018)

Rule 3-104	Presiding judges.	Rob Rice		Recent revisions
Rule 3-106	Legislative activities.	Rob Rice		
Rule 3-107	Executive branch policy initiatives.	Rob Rice		
Rule 3-108	Judicial assistance.	Rob Rice		
Rule 3-109	Ethics Advisory Committee.	Rob Rice		
Rule 3-111	Performance evaluation of senior judges and court commissioners.	Rob Rice		Recent revisions
Rule 3-113	Senior judges.	Rob Rice		
Rule 3-114	Judicial outreach.	Rob Rice		
Rule 3-115	Committee on resources for self-represented parties.	Rob Rice		
Rule 3-116	Pretrial Release and Supervision Committee.	Rob Rice		
Rule 3-117	Committee on Court Forms	Rob Rice		
Article 2. Quasi-Judicial Officers				
Rule 3-201	Court commissioners.	Rob Rice		Recent revisions
Rule 3-201.02	Court Commissioner Conduct Committee.	Rob Rice		
Rule 3-202	Court referees prohibited.	Rob Rice		
Article 3.Non-Judicial Officers				
Rule 3-301	Court administrators.	Rob Rice		
Rule 3-302	Clerk of the Court.	Rob Rice		
Rule 3-303	Justice court clerks.	Rob Rice		
Rule 3-306.01.	Language access definitions.	Rob Rice		
Rules 3-306.02.	Language Access Committee.	Rob Rice		
Rule 3-306.03.	Interpreter credentialing.	Rob Rice		
Rule 3-306.04.	Interpreter appointment, payment, and fees.	Rob Rice		
Rule 3-306.05.	Interpreter removal, discipline, and formal complaints.	Rob Rice		
Rule 3-307	Court notaries.	Rob Rice		
Article 4. Administrative Services				
Rule 3-401	Office of General Counsel.	Rob Rice		
Rule 3-402	Human resources administration.	Rob Rice		
Rule 3-403	Judicial branch education.	Rob Rice		
Rule 3-404	Public information program.	Rob Rice		
Rule 3-405	Contract management.	Rob Rice		
Rule 3-406	Budget and fiscal management.	Rob Rice		
Rule 3-407	Accounting.	Rob Rice		Recent revisions
Rule 3-408	Inventory.	Rob Rice		
Rule 3-409.	Court facilities planning.	Rob Rice		
Rule 3-410	Automated information resource management.	Rob Rice		
Rule 3-411	Grant management.	Rob Rice		
Rule 3-412	Procurement of goods and services.	Rob Rice		
Rule 3-413	Judicial library resources.	Rob Rice		
Rule 3-414	Court security.	Rob Rice		
Rule 3-415	Auditing.	Rob Rice		
Rule 3-417	Administrative resolution of complaints filed pursuant to the Americans with Disabilities Act.	Rob Rice		
Rule 3-418	Model Utah Jury Instructions.	Rob Rice		
Article 5. Judicial Personnel Policies				
Rule 3-501	Insurance benefits upon retirement.	Rob Rice		

	Rule 3-502	Insurance benefits for surviving spouses and dependent children of deceased justices, judges, and commissioners.	Rob Rice		
	Rule 3-503	Election to participate in deferred compensation plan.	Rob Rice		
YEAR 2 (2019)	Ch 4: Operation of the Courts				
			Assigned To:	Status	Notes
	Article 1. Calendar Management				
	Rule 4-103.	Civil calendar management.	Judge Noonan		
	Rule 4-105.	Designation of arraignment area as courtroom.	Judge Noonan		
	Rule 4-106.	Electronic conferencing.	Judge Noonan		
	Rule 4-110.	Transfer of juvenile cases from district and justice courts to the juvenile court.	Judge Noonan		
	Rule 4-111.	Priority of post-conviction petitions in capital cases	Judge Noonan		
	Article 2. Court Records, Exhibits and Files				
	Rule 4-201.	Record of proceedings.	Judge Noonan		
	Rule 4-202.	Purpose.	Judge Noonan		
	Rule 4-202.01.	Definitions.	Judge Noonan		
	Rule 4-202.02.	Records classification.	Judge Noonan		Recent revisions
	Rule 4-202.03.	Records access.	Judge Noonan		
	Rule 4-202.04.	Request to access a record associated with a case; request to classify a record associated with a case.	Judge Noonan		
	Rule 4-202.05.	Request to access an administrative record; research; request to classify an administrative record; request to create an index.	Judge Noonan		
	Rule 4-202.06.	Response to request to access or classify a court record.	Judge Noonan		
	Rule 4-202.07.	Appeals	Judge Noonan		Recent revisions
	Rule 4-202.08.	Fees for records, information, and services.	Judge Noonan		
	Rule 4-202.09.	Miscellaneous.	Judge Noonan		Recent revisions
	Rule 4-202.10.	Record Sharing.	Judge Noonan		
	Rule 4-203.	Designating a case as historically significant.	Judge Noonan		
	Rule 4-205.	Security of court records.	Judge Noonan		
	Rule 4-206.	Exhibits.	Judge Noonan		
	Article 3. Court Fees				
	Rule 4-301.	Trust Accounts.	Judge Chin		
	Rule 4-302.	Uniform recommended fine/bail schedule.	Judge Chin		
	Rule 4-303.	Assessment and collection of filing fees in civil cases commenced by the state, its agencies, or political subdivisions.	Judge Chin		
	Rule 4-304.	Assessment and collection of filing fees in matters not commenced by the filing of a complaint or petition.	Judge Chin		
	Article 4. Internal Court Operations				
	Rule 4-401.01.	Electronic media coverage of court proceedings.	Judge Chin		
	Rule 4-401.02.	Possession and use of portable electronic devices.	Judge Chin		
	Rule 4-401.03.	Notice to public of recording.	Judge Chin		
	Rule 4-402.	Clerical resources.	Judge Chin		
	Rule 4-403.	Electronic signature and signature stamp use.	Judge Chin		
	Rule 4-404.	Jury selection and service.	Judge Chin		
	Rule 4-405.	Juror and witness fees and expenses.	Judge Chin		

	Rule 4-408.	Locations of trial courts of record.	Judge Chin		
	Rule 4-408.01.	Responsibility for administration of trial courts.	Judge Chin		
	Rule 4-409.	Council approval of Problem Solving Courts.	Judge Chin		
	Article 5. Civil Practice				
	Rule 4-501.	Expedited jury trial.	Judge Pullan		
	Rule 4-503.	Mandatory electronic filing.	Judge Pullan		
	Rule 4-508.	Guidelines for ruling on a motion to waive fees.	Judge Pullan		
	Rule 4-509.	Court-appointed parent coordinator.	Judge Pullan		
	Rule 4-510.01	Alternative dispute resolution definitions	Judge Pullan		
	Rule 4-510.02	Responsibilities of the Director and Administrative Office of the Courts.	Judge Pullan		
	Rule 4-510.03	Qualification of ADR providers.	Judge Pullan		Recent revisions
	Rule 4-510.04	ADR training.	Judge Pullan		
	Rule 4-510.05	Referral of civil actions.	Judge Pullan		
	Rule 4-510.06	Cases exempt from ADR rules.	Judge Pullan		
	Article 6. Criminal Practice				
	Rule 4-601.	Selection of indigent aggravated murder defense fund counsel.	Judge Walton		
	Rule 4-603.	Mandatory electronic filing.	Judge Walton		
	Rule 4-609.	Procedure for obtaining fingerprints and Offense Tracking Numbers on defendants who have not been booked in jail.	Judge Walton		
	Rule 4-610.	Appointment of justice court judges to preside at first appearances, preliminary hearings and arraignments in felony cases.	Judge Walton		
	Rule 4-613.	Jail prisoner transportation.	Judge Walton		
	Article 7. Parking, Traffic and Infraction Cases				
	Rule 4-701.	Failure to appear.	Judge Chin		
	Rule 4-702.	Electronic citations required.	Judge Chin		
	Rule 4-703.	Outstanding citations and warrants.	Judge Chin		
	Rule 4-704.	Authority of court clerks.	Judge Chin		
	Rule 4-705.	Juvenile traffic and parking offenses.	Judge Chin		
	Article 8. Small Claims Practice				
	Rule 4-801.	Filing small claims cases.	Judge Chin		
	Article 9. Domestic Relations and Juvenile Practice				
	Rule 4-901.	Mandatory electronic filing in juvenile court.	Judge Noonan		
	Rule 4-902.	Limited scope investigation of domestic issues.	Judge Noonan		
	Rule 4-903.	Uniform custody evaluations.	Judge Noonan		
	Rule 4-904.	Informal trial of support, custody and parent-time.	Judge Noonan		
	Rule 4-905.	Restraint of minors in juvenile court.	Judge Noonan		
	Rule 4-906.	Guardian ad litem program.	Judge Noonan		
	Rule 4-907.	Divorce education and divorce orientation courses.	Judge Noonan		
	Rule 4-908.	Committee on Children and Family Law.	Judge Noonan		
YEAR 3 (2020)	Ch 5: Appellate Court Operations				
			Assigned To:	Status	Notes
	Article 2. Court Operations				
	Rule 5-201	Requests for enlargement of time by court reporters and court transcribers.	Judge Walton		

	Rule 5-202	Official court transcribers.	Judge Walton		
	Rule 5-203	Transcript format.	Judge Walton		
YEAR 3 (2020)	Ch 6: District Court Operations				
			Assigned To:	Status	Notes
	Article 1. General				
	Rule 6-101	The Board of District Court Judges.	Judge Walton		
	Rule 6-102	Election of District Court judges to the Judicial Council.	Judge Walton		
	Rule 6-103	District court tax judges.	Judge Walton		
	Article 2. Civil				
	Rule 6-201	Distribution of trust funds.	Judge Walton		
	Article 3. Criminal				
	Rule 6-301	Authority of court commissioner as magistrate.	Judge Walton		
	Rule 6-303	Collection of fines and restitution.	Judge Walton		
	Rule 6-304	Grand jury panel.	Judge Walton		
	Article 4. Domestic Relations				
	Rule 6-401	Domestic relations commissioners.	Judge Walton		
	Rule 6-402	Records in domestic relations cases.	Judge Walton		
	Article 5. Probate				
	Rule 6-501	Reporting requirements for guardians and conservators.	Judge Walton		
	Article 6. Mental Health				
	Rule 6-601	Mental health commissioners.	Judge Walton		Recent revisions
YEAR 3 (2020)	Ch 7: Juvenile Court Operations				
			Assigned To:	Status	Notes
	Article 1. Juvenile Court Administration				
	Rule 7-101	Juvenile Court Board, Executive Committee and Council Representatives.	Judge Noonan		Work with Dawn Marie Rubio, Juvenile Court Admin
	Rule 7-102	Duties and authority of Juvenile Court Commissioners.	Judge Noonan		
	Article 2. Juvenile Court Records				
	Rule 7-202	Police access to computerized juvenile records.	Judge Noonan		Work with Dawn Marie Rubio, Juvenile Court Admin
	Article 3. Internal Operations				
	Rule 7-301	Intake.	Judge Noonan		Work with Dawn Marie Rubio, Juvenile Court Admin
	Rule 7-302	Social studies.	Judge Noonan		
	Rule 7-303	Truancy referrals.	Judge Noonan		Recent revisions to repeal in entirety. Waiting for public comment period to end.
	Rule 7-304	Probation supervision.	Judge Noonan		
	Rule 7-305	Reviews.	Judge Noonan		
	Rule 7-307	Use of money in the restitution fund.	Judge Noonan		
YEAR 4 (2021)	Ch 9: Justice Court Operations				
			Assigned To:	Status	Notes
	Article 1. General Provisions				
	Rule 9-101	Board of Justice Court Judges.	Judge Chin		Work with Jim Peters, Justice Court Administrator
	Rule 9-102	Caseload report requirements.	Judge Chin		
	Rule 9-103	Certification of educational requirements.	Judge Chin		
	Rule 9-104	Salary recommendations.	Judge Chin		
	Rule 9-105	Justice Court hours.	Judge Chin		
	Rule 9-106	New judge certification procedure.	Judge Chin		
	Rule 9-107	Justice court technology, security, and training account.	Judge Chin		

	Rule 9-108	Justice court standards.	Judge Chin		
	Article 3. Criminal Practice				
	Rule 9-302	Mandatory electronic filing.	Judge Chin		Work with Jim Peters, Justice Court Administrator
YEAR 4 (2021)	Ch 10: Local Supplemental Rules				
			Assigned To:	Status	Notes
	Article 1. District Court Rules				
	Second District				
	Rule 10-1-202	Verifying use of jury.	Judge Chin		PJ (Davis): Judge Connors, (Weber): Judge DiReda
	Third District				
	Rule 10-1-301	Probate.	Judge Pettit		PJ: Judge Schancy
	Rule 10-1-302	Limits on fax filing.	Judge Pettit		
	Rule 10-1-303	Parent-time enforcement mediation.	Judge Pettit		
	Rule 10-1-304	Blanket bonds.	Judge Pettit		
	Rule 10-1-305	Mediation in small claim appeals.	Judge Pettit		
	Fourth District				
	Rule 10-1-401	Management of criminal law and motion calendars.	Judge Pullan		PJ: Judge Brady
	Rule 10-1-402	Management of civil law and motion calendars.	Judge Pullan		
	Rule 10-1-403	Pre-trial conference settings in criminal cases.	Judge Pullan		
	Rule 10-1-404	Attendance and assistance of prosecutors in criminal proceedings.	Judge Pullan		
	Rule 10-1-405	Warrants of arrest in aid of commitment.	Judge Pullan		
	Fifth District				
	Rule 10-1-501	Orders to show cause.	Judge Walton		
	Sixth District				
	Rule 10-1-601	Central Utah Correctional Facility designated a public courtroom.	Judge Noonan		PJ: Judge Lee
	Rule 10-1-602	Orders to show cause.	Judge Noonan		
	Seventh District				
	Rule 10-1-701	Assignment of Judges	Judge Noonan		PJ: Judge Thomas
	Eighth District				
	Rule 10-1-801	Fax filings.	Judge Noonan		PJ: Judge Peterson
YEAR 5 (2022)	Appendices				
			Assigned To:	Status	Notes
	Appendix A.	Justice Court Nominating Commissions Procedure Manual			Work with Jim Peters, Justice Court Administrator
	Appendix B.	Justice Court Standards			Work with Jim Peters, Justice Court Administrator
	Appendix C.	Fine Bail Schedule			Work with Judge Brady, Chair of Bail Committee
	Appendix D.	Utah Sentence and Release Guidelines			Work with Shane Bahr, District Court Administrator
	Appendix F.	Utah State Courts Records Retention Schedule			Work with Heidi Anderson, IT Director and Kim Allard, Director of Court Services
	Appendix G.	Child Support Worksheets			
	Appendix H.	Code Of Professional Responsibility For Court Interpreters			Work with Kara Mann, Language Access Program Coordinator
	Appendix I.	Summary of Classification of Court Records.			Work with Kim Allard, Director of Court Services

Tab 5

ISSUE	QUESTIONS	POTENTIAL SOLUTION	ASSIGNED	STATUS	COMMENTS
Should the Court allow Pro Se defendants in debt collection cases to email their Answer if it is created using SoloSuite software?					
LEGAL					
Jurisdiction	When does the court obtain jurisdiction over the case?	Upon the filing of the complaint & summons by plaintiff? Upon the clerk receiving the Answer via email from the defendant?	Rules of Civil Procedure		This will be an issue if a case has not yet been opened by plaintiff.
Content of Answer	Are there any legal errors in the Answer created by the software?		Rules of Civil Procedure		Notes from JVB: The affirmative defenses section has several numbered paragraphs that simply state "not applicable." It's unclear what those refer to.
PROCEDURAL					
Service	If defendant emails Answer to clerk after they have been served, but before plaintiff has filed a Complaint and opened a case, what does clerk do with the Answer? URCP Rule 4 --get rid of 10 day summons?	Rule change?	Rules of Civil Procedure		Tied to jurisdiction question.
Spam	Should clerks be required to check their spam folder for emails? And if so, what is the process? Daily? Hourly?		Court Services Department		
Email address	Has the Answer been "filed" if the defendant sends it to an incorrect email address?		Rules of Civil Procedure		Tied to jurisdiction question.
	Does each court have a "group" email address that the clerks check regularly?		Court Services Department		
	How do we inform defendants of the appropriate email address and what if it changes?				
	Should all pro se civil litigants be required to provide email addresses to the Court?		Rules of Civil Procedure and Policy & Planning		Civil Procedure Committee is circulating potential rule drafts on this issue now.
Content of the Answer	Are there any procedural errors/issues in the Answer created by the software?		Rules of Civil Procedure and Court Services Department		Notes from JVB: The first page of the answer appears to make requests of court staff: excuse any delay, keep the answer for two weeks, forward the answer to the correct court.
TECHNICAL					
Pro se e-filing	When will MyCase be available?	MyCase = Permanent fix?	Self-Rep Parties Committee		
	Can Tibera/Green Filing fill gap temporarily? i.e. \$10/case	E-filing vendors or email = Temporary fix?			
		Other issues with pro se filings in general?	Explore current processes and issues involved in pro se filings to ensure we are covering everything.	Self-Rep Parties Committee	
FORMATTING					
Format of Answer is inconsistent with approved Court Forms	Should the Court require that the format of the Answer created by the software match the Court's approved forms on the website?	Answer created by software should be reviewed for consistency with approved court forms.	Standing Committee on Court Forms		Notes from JVB: The first page of the answer is numbered "2."
		Contact Kimball Parker and request formatting changes to software.			Defendant's address is provided at the end of the document, rather than where URCP 10 requires.
					The caption does not comply with URCP 10(a)(3).
POLICY					
Other potential vendors of similar software	How will the Court vet new vendors of similar software in the future?		Policy and Planning		Once approved, the vendor will need to be included on the Court's website. Jessica Van Buren should be involved.
	What is the process for vendors in making a request?				

[illegible]

Tab 6

Rule 9-109. Presiding judges.**Intent:**

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

Applicability:

This rule shall apply to presiding judges, associate presiding judges, and education directors 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 active judges present at the district meetings held at the 2018 Justice Court 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. In the event that a majority vote cannot be obtained, the presiding judge shall be determined by the Board of Justice Court Judges. Interim elections, if necessary, shall take place as provided in this rule. A presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of presiding judge.

(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 active judges, may elect a judge to serve successive terms of office as~~ presiding judge ~~may serve successive terms. In the event that a majority vote cannot be obtained, the presiding judge shall be determined by the Board of Justice Court Judges.~~

(1)(B) Associate presiding judge.

(1)(B)(i) The active 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). An associate presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of associate presiding judge.

(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) District education director.

(1)(C)(i) The ~~active~~ judges of a district may, at their discretion, elect one judge of the district to the office of education director. An education director shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A). Senior judges are ineligible to vote for the office of

district education director but may hold the office. If a district does not elect an education director, the associate presiding judge, if there is one, shall serve as the education director. If the district elects neither an education director nor an associate presiding judge, the presiding judge shall serve as the education director.

(1)(C)(ii) The education director shall serve on the justice court education committee and shall work with the Education Department of the Administrative Office in developing, planning and presenting relevant judicial training at the district level.

(1)(D) Removal and Other Vacancies of Office.

(1)(D)(i) If the office of presiding judge becomes vacant, then the associate presiding judge shall serve the rest of the presiding judge's term. If there is no associate presiding judge, the district education director shall, if the education director is an active judge, serve the unexpired term. Otherwise, the Chair of the Board of Justice Court Judges shall appoint a judge to serve until the next district meeting.

(1)(D)(ii) A presiding judge may appoint, on an interim basis, an eligible judge of the district to fill an unexpired term of associate presiding judge or education director until the next district meeting. At the district meeting, the active judges present shall ratify the appointment by majority vote. If they do not ratify the appointment, or if the presiding judge does not make an interim appointment, nominations and an election shall then be held at that meeting to fill the unexpired term.

(1)(D)(iii) A presiding judge, associate presiding judge or education director may be removed from that office by a two-thirds vote of the ~~other~~ active justice court judges in the district. ~~The subject of the removal vote shall not vote.~~ A successor presiding judge shall, or an associate presiding judge or education director may, then be elected to fill the unexpired term of the vacant office.

(1)(D)(iv) In extraordinary circumstances, to preserve confidence in the fair administration of justice, the Presiding Officer of the Judicial Council may remove a judge from any office described in this rule. Vacancies shall be filled as provided in this rule.

(2) District meetings.

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

~~(2)(B)-(2)(A)(i)~~ The presiding judge shall call and preside over a meeting of other justice court judges in the district at the annual Justice Court Conference.

(2)(A)(ii) Each district shall have at least one other meeting in during the ~~second half of the~~ calendar year in which a quorum majority of active justice court judges is present, including the presiding judge or associate presiding judge.

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

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

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

(2)(E) Other than judges and the Justice Court Administrator, attendance at district meetings shall be by invitation of the presiding judge only.

(2)(F) The issues on which judges 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 Judicial 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, associate presiding judge, or education director 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 section (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 committees composed of other judges and court personnel to investigate problem areas and improve the administration of justice.

(3)(D) Outside agencies and the media.

(3)(D)(i) The presiding judge shall be available to meet with outside agencies, such as prosecuting attorneys, city attorneys, county attorneys, public defenders or associations of defense counsel, sheriffs, police chiefs, bar association leaders, probation providers, government officials of cities or counties located within the district, civic organizations, and other state agencies.

(3)(D)(ii) The presiding judge shall be the primary judicial representative of the justice court judges in the district.

(3)(D)(iii) Nothing in this rule shall replace or interfere with the statutory and administrative responsibilities of an appointed judge to the appointing authority of a court.

(3)(E) Judicial officers. The presiding judge shall discuss significant concerns, problems or complaints regarding the judges in his or her district with the Justice Court Administrator, who 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, depending on the severity of the issue and consistent with legal and ethical obligations:

(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; or

(3)(E)(v) Refer the problem to the Judicial Council, the Chief Justice, or the Judicial Conduct Commission, as appropriate.

(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.

~~(3)(G)(i) In the event that all of the appointed judges of a court recuse themselves from a matter, or a motion to disqualify a judge or judges is filed and no appointed judge of the court is available or empowered to hear the motion, the presiding judge shall consider the motion and, if necessary, assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.~~

~~(3)(G)(ii) In the event that all of the appointed judges of a court recuse themselves from a matter, the presiding judge shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.~~

(3)(H) Compliance with standards. The presiding judge shall monitor and ensure that judges are complying with performance standards established by the Council or as otherwise required by law.

(3)(I) Performance evaluations. Pursuant to Utah Code 78A-12-203, the presiding judge shall receive the midterm reports prepared by the Judicial Performance Evaluation Commission for the other justice court judges in his or her district. The presiding judge shall consult with the evaluated judge and the Justice Court Administrator to develop a plan for addressing the issues resulting in less than satisfactory scores.

Tab 7

Rule 4-409. Council approval of Problem Solving Courts.

Intent:

To establish criteria for the creation and operation of problem solving courts, and to create a process for ongoing reporting from and evaluation of problem solving courts.

Applicability:

This rule applies to all trial courts.

Statement of the Rule:

(1) Definitions.

(1)(A) Applicant. As used in this rule, an applicant is the problem solving court judge, court executive, or other representative of the problem solving court as designated by the problem solving court judge.

(1)(B) Problem solving court. As used in these rules, a problem solving court is a targeted calendar of similar type cases that uses a collaborative approach involving the court, treatment providers, case management, frequent testing or monitoring and ongoing judicial supervision. Examples include drug courts, mental health courts and domestic violence courts.

(2) Initial application. Prior to beginning operations, each proposed problem solving court must be approved by the Judicial Council and agree to comply with any published standards. An application packet, approved by the Judicial Council, shall be made available by the Administrative Office of the Courts. This packet must be submitted to the Council for approval by the applicant at least 90 days in advance of the proposed operation of a new court.

(3) Annual report. Existing problem solving courts must annually submit a completed annual report on a form provided by the Administrative Office of the Courts.

(4) Grants. In addition to complying with the requirements of CJA Rule 3-411, an applicant shall notify the Judicial Council of any application for funds to operate a problem solving court, whether or not the court would be the direct recipient of the grant. This notification should be made before any application for funding is initiated.

(5) Operation of the problem solving court. All problem solving courts must adhere to the following requirements, unless specifically waived by the Judicial Council:

(5)(A)(i) In a criminal proceeding, a plea must be entered before a person may participate in the court. Testing and orientation processes may be initiated prior to the plea, but no sanctions may be imposed until the plea is entered other than those which may be imposed in a criminal proceeding in which a person is released before trial. Prior to the acceptance of the plea, each participant must sign an agreement that outlines the expectations of the court and the responsibilities of the participant.

(5)(A)(ii) In juvenile dependency drug court, sanctions may not be imposed until the parent has signed an agreement that outlines the expectations of the court and the responsibilities of the participant.

(5)(B) Eligibility criteria must be written, and must include an assessment process that measures levels of addiction, criminality, and/or other appropriate criteria as a part of determining eligibility.

(5)(C) The frequency of participation in judicial reviews will be based on the findings of the assessments. In rural areas, some allowance may be made for other appearances or

administrative reviews when the judge is unavailable. Otherwise, judicial reviews should be conducted by the same judge each time.

(5)(D) Compliance testing must be conducted pursuant to a written testing protocol that ensures reliability of the test results.

(5)(E) Treatment must be provided by appropriately licensed or certified providers, as required by the Department of Human Services or other relevant licensure or certification entity.

(5)(F) Each problem solving court must have written policies and procedures that ensure confidentiality and security of participant information. These policies and procedures must conform to applicable state and federal laws, including the Government Records and Access Management Act, HIPAA, and 42 CFR 2.

(5)(G) Any fees assessed by the court must be pursuant to a fee schedule, must be disclosed to each participant and must be reasonably related to the costs of testing or other services.

(5)(H) Courts must conduct a staffing before each court session. At a minimum, the judge, a representative from treatment, prosecutor, defense attorney, and in dependency drug court a guardian ad litem, must be present at each court staffing.

(5)(I) At a minimum, the judge, a representative from treatment, prosecutor, defense attorney, and in dependency drug court a guardian ad litem, must be present at each court session.

(5)(J) Each court must be certified by the Judicial Council every two years. Certification requires all courts to meet the minimum requirements stated in this rule.

(6) Evaluation and Reporting Requirements. Each problem solving court shall annually report at least the following:

(6)(A) The number of participants admitted in the most recent year;

(6)(B) The number of participants removed in the most recent year;

(6)(C) The number of participants that graduated or completed the program in the most recent year; and

(6)(D) Recidivism and relapse statistics for as long a period of time as is available, but at least for one year. If the court has been in existence for less than one year, then for the amount of time the court has been in existence.

(7) DUI Courts. The following courts are approved as DUI Courts: Riverdale Justice Court and other courts as may be approved by the Judicial Council in the future.

(8) Communications. A judge may initiate, permit, or consider communications, including ex parte communications, made as part of a case assigned to the judge in a problem-solving court, consistent with the signed agreement.