

**UTAH JUDICIAL COUNCIL
POLICY AND PLANNING COMMITTEE
MEETING AGENDA**

September 4, 2020 – 12:00 p.m. to 2:00 p.m.

Webex

12:00	Welcome and Approval of Minutes	Action	Tab 1	Judge Pullan
12:05	3-201. Court Commissioners 3-201.02. Court Commissioner Conduct Committee	Action	Tab 2	Judge Ryan Harris
12:25	4-403. Electronic and Signature Stamp Usage 3-104. Presiding Judges	Action	Tab 3	Brent Johnson
12:55	Back from Public Comment (already approved): <ul style="list-style-type: none"> • 1-201. Membership – Election • 6-102. Election of District Court Judges to the Judicial Council • 7-101. Juvenile Court Board, Executive Committee and Council Representatives 	Action	Tab 4	Keisa Williams
1:05	Cases under Advisement – Tracking system	Discussion	Tab 5	Heidi Anderson Paul Barron
1:15	Office of Fairness and Accountability <ul style="list-style-type: none"> • CJA 3-419 • Office Charter • Director Job Description • Research 	Action	Tab 6	Keisa Williams Judge Pullan
1:50	Old Business / New Business	Discussion		Judge Pullan
2:00	Adjourn			

2020 Meetings:

October 2, 2020

November 6, 2020 (9:00 a.m. to 5:00 p.m.)

December 4, 2020

2021 Meetings:

January 1, 2021 (reschedule) July 2, 2021 (reschedule)

February 5, 2021

August 6, 2021

March 5, 2021

September 3, 2021

April 2, 2021

October 1, 2021

May 7, 2021 (all day)

November 5, 2021 (all day)

June 4, 2021

December 3, 2021

TAB 1

Minutes

August 7, 2020

**UTAH JUDICIAL COUNCIL
POLICY AND PLANNING COMMITTEE
MEETING MINUTES**

Webex video conferencing
August 7, 2020 – 12 pm – 2 pm

DRAFT

MEMBERS:

PRESENT

EXCUSED

Judge Derek Pullan, <i>Chair</i>	•	
Judge Brian Cannell	•	
Judge Augustus Chin	•	
Judge Ryan Evershed		•
Judge John Walton	•	
Mr. Rob Rice	•	

GUESTS:

Brent Johnson
Shane Bahr
Paul Barron
Bart Olsen
Geoff Fattah

STAFF:

Keisa Williams
Minhvan Brimhall (recording secretary)

(1) WELCOME AND APPROVAL OF MINUTES:

Judge Pullan welcomed the committee to the meeting. The committee considered the minutes from the June 5, 2020 meeting. Judge Walton moved to approve the minutes as drafted. Judge Chin seconded the motion. The motion passed unanimously.

(2) 4-202.03. Records access:

Mr. Johnson: The proposed amendments to Rule 4-202.03 came from the clerks of court. When minors leave the system, clerks frequently receive requests from military recruiters for juvenile legal records. Recruiters typically bring in a signed release from the minor, but the vast majority of time they fail to get the release notarized. When clerks refuse to release the records on that basis, recruiters are behaving poorly with the front counter clerks. The clerks of court are proposing that juvenile legal records be released to military recruiters with a written release signed by the minor, removing the notary requirement.

Judge Pullan: Notarized signatures are required because the subject of the record has certain privacy interests. Minors' records are particularly sensitive. These protections are in place for good reason and obtaining a notarized signature isn't difficult. Minors can also go to the court to get the records themselves, showing initiative and demonstrating to the military that they are serious about the recruitment process. I see no reason to depart from this requirement simply because recruiters are unhappy at the front counter.

Judge Chin: I agree that it is quite important for the releases to be notarized given the sensitive nature of juvenile records. We require other people to have documents notarized.

Mr. Rice: The rule currently provides a workable mechanism for everybody, including recruiters. I propose that we decline to make changes to the rule.

Judge Chin moved to take no action. Mr. Rice seconded the motion and it passed unanimously.

(3) Rules back from public comment (already approved by JC on an expedited basis):

- CJA 1-205. Standing and ad hoc committees
- CJA 4-302. Uniform recommended fine/bail schedule
- CJA 4-701. Failure to appear
- CJA 4-704. Authority of court clerks
- CJA 6-301. Authority of court commissioners as magistrate
- CJA Appendix B. Justice Court standards
- CJA Appendix F. Utah State Courts records retention schedule

Ms. Williams: These rule amendments were related to HB 206 and were approved by the Council on an expedited basis. There were no public comments. If Policy and Planning doesn't make any changes, the rules don't need to go back to the Judicial Council for action.

The Committee made no changes to the rules. The rules will remain in effect as drafted.

(4) Public comment period extended:

- CJA 3-101. Judicial performance standards
- CJA 3-104. Presiding judges
- CJA 3-111. Performance evaluation of senior judges and court commissioners

Ms. Williams: These rules came to us from Nancy Sylvester. The public comment period closed but we've extended the comment period to address concerns outlined in a letter from JPEC regarding Rule 3-101. Ms. Sylvester reached out to Jennifer Yim to let her know that the rules will go back to the board of district court judges for consideration, along with JPEC's letter. Ms. Sylvester will keep JPEC informed throughout the review process and plans to bring the rules back to Policy and Planning in September.

Judge Pullan: I had a chance to visit with Dr. Yim about her concerns. A draft amendment is circulating with the board that I think will resolve some of the concerns. I am really encouraged by the court's positive engagement with JPEC.

(5) Rules back from public comment period for final approval:

- CJA 3-402. Human resources administration
- CJA 3-403. Judicial branch education
- CJA 4-202.08. Fees for records, information, and services
- CJA 4-106. Electronic conferencing
- CJA 4-411. Courthouse attire
- CJA 6-506. Procedure for contested matters filed in the probate court.
- CJA 9-101. Board of Justice Court Judges
- CJA 9-109. Presiding judges

Ms. Williams: These rules went out for public comment. We received comments on Rule 3-402 and Rule 4-411.

Rule 3-402

Mr. Olsen: The comment on Rule 3-402 opposes removing "employee promotions" from the list of issues that the grievance review panel may address (line 81). I am comfortable leaving it in or taking it out. The reason it was removed was because the rest of the issues listed in that section are things in which an employee has a property right. For example, if we're taking away salary, a career service employee has a property right to the salary; if we're imposing a suspension or taking any kind of disciplinary action, we are infringing on an employee's property right, whereas a promotion isn't necessarily a right. One of the things we will be including in the new HR policies is the ability for any issue not identified in rule 3-402 to be addressed through a grievance process, it just won't go all the way to the grievance review panel.

Judge Pullan: In light of our efforts to achieve racial and ethnic fairness within the court system, if a person feels that they have been repeatedly passed over due to racial or ethnic bias, what is the remedy within our HR structure?

Mr. Olsen: Currently, if someone feels passed over they can go to leadership or HR. Internally, we can review it formally or respond informally with data. The employee could also file a complaint with Utah Labor Relations Board (ULRB) and ask for a formal investigation by that agency. The new HR policies will outline the grievance process more clearly. If an employee takes an issue to their immediate supervisor or HR and they don't receive what they feel is a satisfactory remedy, they can advance it to the next level. It can be taken up to three levels, but not all the way to the grievance review panel. If the employee still doesn't feel that the remedy is satisfactory, they can look outside the court to other state agencies.

Mr. Rice: Part of the analysis regarding the property rights that Mr. Olsen discussed is whether employees have a procedural right to the grievance process. I believe that analysis weighs in favor of putting employee promotions back into the rule.

Mr. Olsen: Employees would have the right to grieve, just not all the way to the grievance review panel. The level making a final decision would depend upon where the grievance started. Most likely the final decision would be made by a court administrator or the State Court Administrator. If a direct supervisor is the subject of the grievance, employees have the right to start the grievance process with the next leadership level.

Mr. Rice: The important issue raised by Judge Pullan is do we have adequate measures in place for employee complaints and remedies surrounding discrimination. The HR Policy Review Committee has engaged in extensive efforts to revise and update the discrimination policy. The HR committee has done an excellent job and I appreciate their work.

After further discussion, Mr. Rice moved to retain the reference to employee promotions in line 81. Judge Cannell seconded the motion and it passed unanimously.

Rule 4-411

Ms. Williams: The first comment recommends adding "health" before the word "safety" in the sections discussing exceptions. Policy and Planning discussed including an exception for health safety concerns during the initial drafting process and ultimately decided to leave it out because it is too subjective. Court employees, judges, and bailiffs are not healthcare professionals. They do not possess the requisite expertise to identify legitimate health safety issues.

The second comment suggests that the rule creates a potential conflict with a statement on the bar website regarding attire for lawyers and recommends adding a comment or section in the rule addressing courtroom attire for attorneys.

Mr. Rice: The link included in the public comment takes you to the litigation section's homepage. The statement on courtroom attire for lawyers is coming from the litigation section, not the Utah Bar Association, and it appears to be an informal tip about how to dress in the courtroom. It isn't a bar rule. The statement is inconsistent with rule 4-411 and should probably be removed for the same reasons we're proposing this rule, but it should be accomplished through the Utah Bar Association.

Judge Pullan: In many ways, traditional professions have always been responsible for policing themselves. How a lawyer dresses in court communicates his or her respect for the tribunal and communicates to a potential client that they are serious about the work they do. I don't foresee lawyer attire changing significantly. I think that will take care of itself.

Judge Pullan: Judge Skanchy makes a point that judicial administration is mandating a policy that removes discretion from individual judges to make decisions regarding decorum in their own courtrooms. To some extent that is true, but I am not fully persuaded because the rule allows a judge to find a person's attire to be disruptive to the proceedings; they just have to make findings on the record supporting their decision. Discretion remains; it will just be guided now.

Judge Chin agreed and moved to send all of the rules in this section to the Council as drafted with a recommendation that the rules be approved as final. Judge Cannell seconded the motion and it passed unanimously.

(6) Office of Fairness and Accountability:

Judge Pullan: Policy and Planning has been tasked with identifying the purpose of the Office of Fairness and Accountability and creating a rule that defines the scope of the director's responsibilities. Other states may have offices tasked with similar responsibilities and that could be a good place to start. The National Center for State Courts might also be of some assistance.

Mr. Rice: I would prefer to consider the question of diversity in the spirit of the Utah Center for Legal Inclusion. They are developing a pipeline of diverse candidates for law school, attorney employment, and ultimately positions on the bench. The Judiciary isn't in a traditional position to be able to recruit diverse judges and yet that is an important part of the mission. The Judiciary should look like the community we serve. Women Lawyers in Utah is an organization dedicated to the advancement of women in the legal system and assists women lawyers in applying for positions on the bench. Judge Chin: I believe the same is true for the Utah Minority Bar Association and a couple of other organizations. Mr. Rice: The best approach for the Judiciary might be to support those types of organizations.

Judge Pullan and Judge Chin referenced an email from the Institute for the Advancement of the American Legal System out of Denver about a panel on racial and ethnic fairness in the judiciary.

Judge Pullan: In some ways, the new director for the office may be able to assist in developing the scope of responsibilities and mission. The director's job description may provide guidance. We should also address the issue of the independence of the office within our organizational structure and ensuring its legitimacy.

Ms. Williams: In reviewing the Code of Judicial Administration, Chapter 3, Article 4 seems like the most appropriate place for this rule. I could draft something similar to rule 3-401 and incorporate feedback from the NCSC and the Institute. That would give us a place to start.

Judge Pullan asked each member to give this issue some thought, and asked Ms. Williams to reach out to the NCSC and the Institute for the Advancement of the American Legal System to see if they can provide guidance and rules from other states. The Judicial Council's statement on the purpose of the office should be included in the committee's September meeting packet.

(7) Old business/new business:

Judge Pullan: When the cases under advisement rule was first discussed two years ago, there was a lot discussion about an electronic system that would act as a reminder for judges. In the 4th District, we create an electronic report for cases out 30 days but I'm not sure if that's handled the same way in other districts.

Mr. Barron: The IT Department is not actively working on an electronic reminder system for cases under advisement. CORIS has a tracking application and we separated notices to submit from those that are under advisement. We send a notification when a notice to submit is filed. It is up to the clerks to track it after that point, and to change it to under advisement status when appropriate. CORIS can run reports for cases under advisement. There are tracking mechanisms in the juvenile and appellate systems but I'm not sure exactly what they look like. It's possible to build something in CORIS that would send a warning to a judge's Judicial Workspace screen as opposed to the individual case file, or to create a tracking application. I would have to estimate the time and cost.

Judge Pullan: We would likely garner a lot of support from JPEC if we could demonstrate that our system doesn't allow things to slip through the cracks. I think every trial court judge is losing sleep over this issue. I recognize that IT has other pressing priorities right now with COVID-19, but it would be helpful to at least understand how this could work.

Judge Chin: Justice court judges get a monthly report of cases under advisement. Mr. Barron: That is pulled from the CORIS tracking system. Mr. Bahr: The issue with that system is that it lists items that have been submitted, but not necessarily received by the judge.

Judge Pullan: My clerk runs a cases under advisement report and I certify with my presiding that I don't have any cases under advisement more than 60 days.

Judge Walton: I agree that a more robust tracking system would be helpful.

Mr. Barron: I will visit with Clayson Quigley about the reports his department runs for justice courts and try to determine whether similar reports are run for other groups as well. I will also create an estimate for a tracking/warning system in CORIS and report back to Policy and Planning next month.

Mr. Bahr: We are working with the Technology Committee to develop an IT prioritization process but it hasn't been completed yet. Judge Pullan suggested that this project be a test case for the new prioritization process and asked that Heidi and Paul provide an update in September.

(8) ADJOURN:

With no further items for discussion, Judge Walton moved to adjourn the meeting. Judge Chin seconded the motion and it was unanimously approved. The meeting adjourned at 12:55 pm. The next meeting will be on September 4, 2020 at 12 (noon) via Webex video conferencing.

TAB 2

CJA 3-201. Court Commissioners

CJA 3-201.02. Court Commissioner Conduct Committee

NOTES: Policy and Planning addressed these rules in March, May, and November 2019. At the November meeting, the committee asked Ms. Williams to:

- include an appeal process in rule 3-201.02; and
- model 3-201.02 after the Judicial Conduct Commission complaint procedures.

In July 2020, the Judicial Council reviewed and issued a ruling on findings and recommendations made by the Court Commissioner Conduct Committee following a committee hearing on a recent court commissioner complaint. During its deliberations, the Judicial Council noted two issues that should be addressed: (1) the typo in rule 3-201.02(2)(B) referencing subsection (6) of rule 3-201, on its face, appears to limit the sanctions the CCCC may recommend; and (2) the complainant is not afforded an equal right to cross-examine witnesses under rule 3-201.02(2)(A)(i).

In addition, the complainant expressed dissatisfaction that there doesn't seem to be anywhere for them to turn to regarding a commissioner's alleged violation of the Utah Rules of Professional Conduct (as opposed to the judicial canons). In their findings, the CCCC found that it is (and should be) limited to violations of the Code of Judicial Conduct.

I'm including both a redlined and clean version of 3-201.02 because the extent of the changes makes the redlined version very difficult to follow.

Rule 3-201. Court Commissioners.**Intent:**

To define the role of court commissioner.

To establish a term of office for court commissioners.

To establish uniform administrative policies governing the qualifications, appointment, supervision, discipline and removal of court commissioners.

To establish uniform administrative policies governing the salaries, benefits and privileges of the office of court commissioner.

Applicability:

This rule shall apply to all trial courts of record.

Statement of the Rule:

(1) **Definition.** Court commissioners are quasi-judicial officers established by the Utah Code.

(2) **Qualifications.**

(2)(A) Court commissioners must be at least 25 years of age, United States citizens, Utah residents for three years preceding appointment and residents of Utah while serving as commissioners. A court commissioner shall reside in a judicial district the commissioner serves.

(2)(B) Court commissioners must be admitted to practice law in Utah and exhibit good character. Court commissioners must possess ability and experience in the areas of law in which the court commissioner serves.

(2)(C) Court commissioners shall serve full time and shall comply with Utah Code Section 78A-2-221.

(3) **Appointment - Oath of office.**

(3)(A) Selection of court commissioners shall be based solely upon consideration of fitness for office.

(3)(B) When a vacancy occurs or is about to occur in the office of a court commissioner, the Council shall determine whether to fill the vacancy. The Council may determine that the court commissioner will serve more than one judicial district.

(3)(C) A committee for the purpose of nominating candidates for the position of court commissioner shall consist of the presiding judge or designee from each court level and judicial district that the commissioner will serve, three lawyers, and two members of the public. Committee members shall be appointed by the presiding

judge of the district court of each judicial district. The committee members shall serve three year terms, staggered so that not more than one term of a member of the bench, bar, or public expires during the same calendar year. The presiding judge shall designate a chair of the committee. All members of the committee shall reside in the judicial district. All members of the committee shall be voting members. A quorum of one-half the committee members is necessary for the committee to act. The committee shall act by the concurrence of a majority of the members voting. When voting upon the qualifications of a candidate, the committee shall follow the procedures established in the commissioner nominating manual.

(3)(D) If the commissioner will serve more than one judicial district, the presiding judges of the districts involved shall select representatives from each district's nominating committee to form a joint nominating committee with a size and composition equivalent to that of a district committee, except that a maximum of two judges from each district shall serve on the joint nominating committee.

(3)(E) No member of the committee may vote upon the qualifications of any candidate who is the spouse of that committee member or is related to that committee member within the third degree of relationship. No member of the committee may vote upon the qualifications of a candidate who is associated with that committee member in the practice of law. The committee member shall declare to the committee any other potential conflict of interest between that member and any candidate as soon as the member becomes aware of the potential conflict of interest. The committee shall determine whether the potential conflict of interest will preclude the member from voting upon the qualifications of any candidate. The committee shall record all declarations of potential conflicts of interest and the decision of the committee upon the issue.

(3)(F) The administrative office of the courts shall advertise for qualified applicants and shall remove from consideration those applicants who do not meet minimum qualifications of age, citizenship, residency, and admission to the practice of law. The administrative office of the courts shall develop uniform guidelines for the application process for court commissioners.

(3)(G) The nominating committee shall review the applications of qualified applicants and may investigate the qualifications of applicants to its satisfaction. The committee shall interview selected applicants and select the three best qualified

candidates. All voting shall be by confidential ballot. The committee shall receive public comment on those candidates as provided in paragraph (4). Any candidate may be reconsidered upon motion by a committee member and upon agreement by a majority of nominating committee members.

(3)(H) When the public comment period as provided in paragraph (4) has closed, the comments shall be given to the nominating committee. If any comments would negatively affect the committee's decision on whether to recommend a candidate, the candidate shall be given all comments with the commenters' names redacted and an opportunity to respond to the comments. If the committee decides not to recommend a candidate based on the comments, the committee shall select another candidate from the interviewed applicants and again receive public comment on the candidates as provided in paragraph (4).

(3)(I) The chair of the nominating committee shall present the names, applications, and the results of background investigations of the nominees to the judges of the courts the court commissioner will serve. The committee may indicate its order of preference.

(3)(J) The judges of each court level the court commissioner will serve shall together select one of the nominees by a concurrence of a majority of judges voting. If the commissioner will serve more than one judicial district, the concurrence of a majority of judges in each district is necessary for selection.

(3)(K) The presiding judge of the district the court commissioner will primarily serve shall present the name of the selected candidate to the Council. The selection shall be final upon the concurrence of two-thirds of the members of the Council. The Council shall vote upon the selection within 45 days of the selection or the concurrence of the Council shall be deemed granted.

(3)(L) If the Council does not concur in the selection, the judges of the district may select another of the nominees or a new nominating process will be commenced.

(3)(M) The appointment shall be effective upon the court commissioner taking and subscribing to the oath of office required by the Utah Constitution and taking any other steps necessary to qualify for office. The court commissioner shall qualify for office within 45 days after the concurrence by the Council.

(4) **Public comment for appointment and retention.**

(4)(A) Final candidates for appointment and court commissioners who are up for retention shall be subject to public comment.

- 101 (4)(B) For final candidates, the nominating committee shall be responsible for giving
102 notice of the public comment period.
- 103 (4)(C) For court commissioners, the district in which the commissioner serves shall be
104 responsible for giving notice of the public comment period.
- 105 (4)(D) The nominating committee or district in which the commissioner serves shall:
- 106 (4)(D)(i) email notice to each active member of the Utah State Bar including
107 the names of the nominees or court commissioner with instructions on
108 how to submit comments;
- 109 (4)(D)(ii) issue a press release and other public notices listing the names of the
110 nominees or court commissioner with instructions on how to submit
111 comments; and
- 112 (4)(D)(iii) allow at least 10 days for public comment.
- 113 (4)(E) Individuals who comment on the nominees or commissioners should be
114 encouraged, but not required, to provide their names and contact information.
- 115 (4)(F) The comments are classified as protected court records and shall not be made
116 available to the public.

- 117 (5) **Term of office.** The court commissioner shall be appointed until December 31 of the third
118 year following concurrence by the Council. At the conclusion of the first term of office and
119 each subsequent term, the court commissioner shall be retained for a term of four years
120 unless the judges of the courts the commissioner serves vote not to retain the
121 commissioner in accordance with paragraph (8)(B) or unless the Judicial Council does not
122 certify the commissioner for retention under rule 3-111. The term of office of court
123 commissioners holding office on April 1, 2011 shall end December 31 of the year in which
124 their term would have ended under the former rule.

125 (6) **Court commissioner performance review.**

- 126 (6)(A) **Performance evaluations and performance plans.** The presiding judge of
127 each district and court level the commissioner serves shall prepare an evaluation
128 of the commissioner's performance and a performance plan in accordance with
129 Rule 3-111. Court commissioners shall comply with the program for judicial
130 performance evaluation, including expectations set forth in a performance plan.
- 131 (6)(B) **Public comment period results.** When the public comment period for a
132 commissioner provided in paragraph (4) closes, the comments shall be given to
133 and reviewed by the presiding judge of each district and court level the
134 commissioner serves. If any comments would negatively affect the presiding

judge's decision of whether to ~~sanction the commissioner~~ take corrective actions or remove the commissioner from office in accordance with paragraph (7), the commissioner shall be provided all comments with the commenters' names redacted and the commissioner shall be given an opportunity to respond to the comments.

(7) ~~Sanctions~~ Corrective action or removal during a commissioner's term.

(7)(A) ~~Sanctions~~ Corrective action.

(7)(A)(i) The Council may take corrective actions ~~court commissioner may be sanctioned by the Council~~ as the result of a ~~formal~~ complaint filed under rule 3-201.02.

(7)(A)(ii) ~~If the commissioner's performance is not satisfactory, the commissioner may be sanctioned~~ corrective actions may be taken in accordance with paragraph (7)(A)(iii) by the presiding judge, or presiding judges if the commissioner serves multiple districts or court levels, with the concurrence of a majority of the judges in either district or court level the commissioner serves.

(7)(A)(iii) ~~Sanctions~~ Corrective actions may include but are not limited to private or public censure, restrictions in case assignments with corresponding reduction in salary, mandatory remedial education, ~~and~~ suspension without pay for a period not to exceed 60 days, and removal under (7)(B)(i)(c).

(7)(B) **Removal.**

(7)(B)(i) **Removal by Judicial Council.** During a commissioner's term, the court commissioner may be removed by the Council:

(7)(B)(i)(a) as part of a reduction in force;

(7)(B)(i)(b) for failure to meet the evaluation requirements; or

(7)(B)(i)(c) as the result of a ~~formal~~ complaint filed under rule 3-201.02 upon the concurrence of two-thirds of the Council.

(7)(B)(ii) **Removal by District or Court Level.**

(7)(B)(ii)(a) During a commissioner's term, if the commissioner's performance is not satisfactory, the commissioner may be removed by the presiding judge, or presiding judges if the commissioner serves multiple districts or court levels,

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only with the concurrence of a majority of the judges in each district or court level the commissioner serves.

(7)(B)(ii)(b) If the commissioner serves multiple districts or court levels and one district or court level contests a commissioner removal decision made by the other district or court level, the Management Committee will review the decision, with final determination by the Judicial Council.

(7)(C) **Review of District or Court Level Decisions.** If the commissioner disagrees with a district or court level's decision to ~~sanction-remove the commissioner or take corrective actions~~~~or remove~~, the commissioner may request a review of the decision by the Management Committee of the Council.

(8) **Retention.**

(8)(A) The Council shall review materials on the commissioner's performance prior to the end of the commissioner's term of office and the Council shall vote on whether the commissioner is eligible to be retained for another term in accordance with rule 3-111.

(8)(B) At the end of a commissioner's term, the judges of each district and court level the commissioner serves may vote not to retain the commissioner for another term of office. The decision not to retain is without cause and shall be by the concurrence of a majority of the judges in each district and court level the commissioner serves. A decision not to retain a commissioner under this paragraph shall be communicated to the commissioner within a reasonable time after the decision is made, and not less than 60 days prior to the end of the commissioner's term .

(9) **Salaries and benefits.**

(9)(A) The Council shall annually establish the salary of court commissioners. In determining the salary of the court commissioners, the Council shall consider the effect of any salary increase for judges authorized by the Legislature and other relevant factors. Except as provided in paragraph (6), the salary of a commissioner shall not be reduced during the commissioner's tenure.

(9)(B) Court commissioners shall receive annual leave of 20 days per calendar year and the same sick leave benefits as judges of the courts of record. Annual leave not used at the end of the calendar year shall not accrue to the following year. A

203 commissioner hired part way through the year shall receive annual leave on a
204 prorated basis. Court commissioners shall receive the same retirement benefits
205 as non-judicial officers employed in the judicial branch.

206 (10) **Support services.**

207 (10)(A) Court commissioners shall be provided with support personnel, equipment, and
208 supplies necessary to carry out the duties of the office as determined by the
209 presiding judge.

210 (10)(B) Court commissioners are responsible for requesting necessary support services
211 from the presiding judge.

212 *Effective May/November 1, 20__*

Rule 3-201.02. Court Commissioner Conduct Committee.**Intent:**

To establish a procedure for the review of complaints filed against court commissioners.

Applicability:

This rule shall apply to all trial courts of record.

Statement of the Rule:**(1) Court Commissioner Conduct Committee.**

(1)(A) The Court Commissioner Conduct Committee is established to:

(1)(A)(i) receive, review, and investigate any complaint filed against a court commissioner;

(1)(A)(ii) conduct any hearing related to a complaint, and

(1)(A)(iii) make recommendations to the Council and the presiding judge(s) of the district(s) the commissioner serves regarding corrective actions or removal of the commissioner pursuant to CJA 3-201, where the Committee finds misconduct by a preponderance of the evidence. For purposes of this rule, “misconduct” means:

(1)(A)(iii)(a) action that constitutes willful misconduct in office;

(1)(A)(iii)(b) final conviction of a crime punishable as a felony under state or federal law;

(1)(A)(iii)(c) willful and persistent failure to perform commissioner duties;

(1)(A)(iii)(d) violations of the Code of Judicial Conduct.

(1)(B) The Committee consists of the following members:

(1)(B)(i) the Court of Appeals member of the Ethics Advisory Committee, who shall serve as chair of the Committee;

(1)(B)(ii) two presiding judges from judicial districts with a court commissioner, which presiding judges shall be from districts other than the district the commissioner primarily serves;

(1)(B)(iii) the immediate past Bar Commissioner member of the Council; and

(1)(B)(iv) the chair of the Supreme Court Advisory Committee on the Rules of Professional Conduct.

- (1)(C) Circumstances which require recusal of a judge shall require recusal of a Committee member from participation in Committee action.
- (1)(C)(i) If the chair is recused, a majority of the remaining members shall select from among themselves a chair pro tempore.
- (1)(C)(ii) If a presiding judge is recused, the chair shall temporarily appoint a presiding judge of another judicial district with a commissioner.
- (1)(C)(iii) If the immediate past Bar Commissioner member of the Council is recused or otherwise unable to serve, the chair shall temporarily appoint another past Bar Commissioner member of the Council.
- (1)(C)(iv) If the chair of the Supreme Court Advisory Committee on the Rules of Professional Conduct is recused or otherwise unable to serve, the chair shall temporarily appoint another member of the Supreme Court Advisory Committee on the Rules of Professional Conduct.
- (1)(D) Three members of the Committee constitute a quorum. Any action of a majority of the quorum constitutes the action of the Committee. The chair shall vote only as necessary to break a tie vote. The Committee shall be organized and meet only as often as necessary to resolve a complaint not previously dismissed by the chair pursuant to paragraph (2)(C) below. Committee members may attend meetings in person, by telephone, by videoconference, or by other means approved in advance by the chair.
- (1)(E) All actions and materials related to a complaint, hearing, appeal, and Council review shall be kept confidential.
- (2) Complaint submission and initial review.**
- (2)(A) A person who has a complaint against a commissioner shall submit a copy of the complaint to the Committee chair.
- (2)(B) Each complaint shall be in writing and shall contain:
- (2)(B)(i) the complainant's name;
- (2)(B)(ii) the complainant's preferred contact information;
- (2)(B)(iii) the name of the involved commissioner;
- (2)(B)(iv) a description of the commissioner's actions in sufficient detail to inform the Committee of the nature and date of the alleged misconduct; and
- (2)(B)(v) when possible, supporting documentation.

(2)(C) Upon receiving a complaint, the chair shall conduct an initial review to determine if the allegations raise an issue that would be appropriately addressed by the full Committee. The chair shall dismiss frivolous complaints and complaints found to raise only issues of law or fact for which the remedy is the review of the case by the trial court judge or by an appellate court. If the chair dismisses a complaint following initial review, the chair shall provide notice of and basis for the dismissal to the complainant, the presiding judge(s) of the district(s) the commissioner serves, and the commissioner. The chair shall refer any complaint not dismissed following initial review to the full Committee.

(3) Committee examination

(3)(A) The Committee shall examine any complaint referred to it by the chair under paragraph (2)(C) to determine whether the allegations set forth therein, if true, could support a finding of misconduct by a commissioner. If no such finding is possible, even if the allegations are presumed true, the Committee shall dismiss the complaint, and the chair shall notify the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves of the dismissal in writing. If a finding of misconduct is possible, the matter should proceed to a hearing.

(3)(B) If the Committee determines that the matter should proceed to a hearing, the chair shall send notice to the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves. The notice shall:

(3)(B)(i) inform the commissioner of the allegations and the canons allegedly violated;

(3)(B)(ii) invite the commissioner to respond to the allegations in writing within 30 days; and

(3)(B)(iii) include a copy of the complaint.

(3)(C) If the commissioner chooses to respond to the allegations, the commissioner shall send a copy of the response to the complainant, the Committee chair, and the presiding judge(s) of the district(s) the commissioner serves.

(3)(D) At any time prior to a hearing, the complainant may request to withdraw his or her complaint. If such a request is made, the Committee may grant the request and dismiss the complaint, or it may deny the request and proceed with the hearing.

(4) Hearings of the Court Commissioner Conduct Committee.

- (4)(A) If the Committee determines that a matter should proceed to a hearing under paragraph (3), a hearing shall be scheduled after receipt of the commissioner's response or expiration of the time to respond in paragraph (3)(B)(ii). Notice of the date, time, and place of the hearing shall be sent to the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves.
- (4)(B) Hearings shall be closed to the public.
- (4)(C) Not later than 20 days before the hearing, the commissioner and complainant shall exchange all proposed exhibits and a list of all potential witnesses. The commissioner and the complainant are not considered witnesses.
- (4)(D) The commissioner and complainant may be present at the hearing and have the assistance of counsel.
- (4)(E) The Committee shall interview the complainant, the commissioner, and any witnesses determined by the Committee to have relevant information. The commissioner and complainant have the right to testify.
- (4)(F) The complainant may ask the Committee to pose specific questions to the commissioner, and the commissioner may ask the Committee to pose specific questions to the complainant. But ordinarily, neither the complainant nor the commissioner, whether acting on their own or through counsel, will be allowed to cross-examine the other unless, upon request, the Committee chair determines that cross-examination would materially assist the Committee in its deliberation.
- (4)(G) The commissioner and complainant may present, examine, and cross-examine witnesses.
- (4)(H) Testimony shall be presented under oath and a record of the proceedings maintained.
- (4)(I) At any time before final decision by the Committee, the commissioner may admit some or all of the allegations in the complaint, and may stipulate to findings and recommendations by the Committee.
- (4)(J) Within 30 days after the completion of the hearing, the Committee shall make written findings and conclusions concerning the allegations in the complaint and provide a copy to the complainant, the commissioner, the presiding judge(s) of the district(s) the commissioner serves, and the Council.

(4)(K) If the Committee finds misconduct by a preponderance of the evidence, the Committee shall recommend appropriate corrective actions under CJA Rule 3-201.

(4)(L) In making recommendations for corrective actions, the Committee shall consider the following non-exclusive factors:

(4)(L)(i) the nature of the misconduct;

(4)(L)(ii) the gravity of the misconduct;

(4)(L)(iii) the extent to which the misconduct has been reported to or is known by the presiding judge(s) of the district(s) the commissioner serves or the commissioner, and the source of the dissemination of information;

(4)(L)(iv) the extent to which the commissioner has accepted responsibility for the misconduct;

(4)(L)(v) the extent to which the commissioner has made efforts to avoid repeating the same or similar misconduct;

(4)(L)(vi) the length of the commissioner's service with the courts;

(4)(L)(vii) the effect the misconduct has had upon the confidence of court employees, participants in the judicial system, or the public in the integrity or impartiality of the judiciary;

(4)(L)(viii) the extent to which the commissioner profited or satisfied his or her personal desires as a result of the misconduct; and

(4)(L)(ix) the number and type of previous corrective actions against the commissioner.

(4)(M) At the conclusion of the Committee's work, a copy of the complete file shall be delivered to the State Court Administrator or designee.

(5) Council review of committee action.

(5)(A) Appeals from decisions without a hearing.

(5)(A)(i) Complaints dismissed prior to hearing, either by the chair under paragraph 2(C) or by the Committee under paragraph (3)(A), may be appealed by the complainant to the Judicial Council. All such appeals must be submitted in writing to the Chair of the Council, and must be received within 30 days of the notice of dismissal. In the appeal, the complainant must set forth the specific grounds on which the appeal is based. A copy of the appeal shall be provided to the Committee chair,

the commissioner, and the presiding judge(s) of the district(s) the commissioner serves.

(5)(A)(ii) The Council, a designated Council member, or a committee of the Council shall conduct a de novo review of the file, and shall either affirm the dismissal, or shall require the Court Commissioner Conduct Committee to set the matter for hearing or re-hearing.

(5)(A)(iii) The Council's decision shall be in writing and a copy provided to the Committee chair, the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves.

(5)(A)(iv) If the dismissal is affirmed, the complainant has no other right of appeal.

(5)(B) Council review following a hearing.

(5)(B)(i) The Committee's findings, conclusions, and recommendations following a hearing will be reviewed by the Council, and considered at a meeting of the Council to be held at least 45 days after issuance of the Committee's decision.

(5)(B)(ii) The complainant, the commissioner, or presiding judge(s) of the district(s) the commissioner serves may file objections to the Committee's findings, conclusions or recommendations. Any such objections must be submitted in writing to the Council within 30 days of the date the Committee's findings, conclusions, and recommendations were issued.

(5)(B)(iii) No person other than the members of the Council are entitled to attend the Council meeting at which the Committee's decision is reviewed.

(5)(B)(iv) In conducting its review, the Council shall review the record of the Committee's hearing, and shall determine whether to adopt, modify, or reject the Committee's findings, conclusions, and recommendations, including any recommendations for corrective action.

(5)(B)(v) The Council's decision shall be in writing and provided to the Committee chair, the commissioner, the complainant, and the presiding judge(s) of the district(s) the commissioner serves.

197 (5)(B)(vi) The decision reached by the Council after review is final and is not
198 appealable.

199 (5)(C) **Annual Report.** The chair of the Committee shall report to the Council not less
200 than annually on the Committee's work including a general description of any
201 complaint dismissed without a hearing.

202 *Effective May/November 1, 20____*

Rule 3-201.02. Court Commissioner Conduct Committee.**Intent:**

To establish a procedure for the review of complaints filed against court commissioners.

Applicability:

This rule shall apply to all trial courts of record.

Statement of the Rule:**(1) Court Commissioner Conduct Committee.**

(1)(A) The Court Commissioner Conduct Committee is established to:

(1)(A)(i) receive, review, and investigate any complaint filed against a court commissioner;

(1)(A)(ii) conduct any hearing related to a complaint, and

(1)(A)(iii) make recommendations to the Council and the presiding judge(s) of the district(s) the commissioner serves regarding corrective actions or removal of the commissioner pursuant to CJA 3-201, where the Committee finds misconduct by a preponderance of the evidence. For purposes of this rule, "misconduct" means:

(1)(A)(iii)(a) action that constitutes willful misconduct in office;

(1)(A)(iii)(b) final conviction of a crime punishable as a felony under state or federal law;

(1)(A)(iii)(c) willful and persistent failure to perform commissioner duties; or

(1)(A)(iii)(d) violations of the Code of Judicial Conduct.

(1)(A)(1)(B) The ~~Court Commissioner Conduct~~ Committee ~~shall~~ consists of the following members:

(1)(A)(i)(1)(B)(i) ~~as chair,~~ the Court of Appeals member of the Ethics Advisory Committee, who shall serve as chair of the Committee;

(1)(A)(ii)(1)(B)(ii) two presiding judges from judicial districts with a court commissioner, which presiding judges shall be from districts other than the district the commissioner primarily serves;

(1)(A)(iii)(1)(B)(iii) the immediate past Bar Commissioner member of ~~the~~ ~~Judicial~~ Council; and

~~(1)(A)(iv)~~(1)(B)(iv) the chair of the Supreme Court Advisory Committee on the Rules of Professional Conduct.

(1)(C) Circumstances which require recusal of a judge shall require recusal of a Committee member from participation in Committee action.

(1)(C)(i) If the chair is recused, a majority of the remaining members shall select from among themselves a chair pro tempore.

(1)(C)(ii) If a presiding judge is recused, the chair shall temporarily appoint a presiding judge of another judicial district with a commissioner.

(1)(C)(iii) If the immediate past Bar Commissioner member of~~a~~ the ~~Judicial~~ Council is recused or otherwise unable to serve, the chair shall temporarily appoint another past Bar Commissioner member on of the ~~Judicial~~ Council.

(1)(C)(iv) If the chair of the Supreme Court Advisory Committee on the Rules of Professional Conduct is recused or otherwise unable to serve, the chair shall temporarily appoint another member of the Supreme Court Advisory Committee on the Rules of Professional Conduct.

(1)(D) Three members of the Committee constitute a quorum. Any action of a majority of the quorum constitutes the action of the Committee. The chair shall vote only as necessary to break a tie vote. The Committee shall be organized and meet only as often as necessary to resolve a complaint not previously dismissed by the chair pursuant to paragraph (2)(C) below. Committee members may attend meetings in person, by telephone, by videoconference, or by other means approved in advance by the chair.

~~(1)(B)~~(1)(E) All actions and materials related to a complaint, hearing, appeal, and Council review shall be kept confidential.

(2) Complaint submission and initial review.

(2)(A) A person who has a complaint against a commissioner shall submit a copy of the complaint to the Committee chair.

(2)(B) Each complaint shall be in writing and shall contain:

(2)(B)(i) the complainant's name;

(2)(B)(ii) the complainant's preferred contact information;

(2)(B)(iii) the name of the involved commissioner;

(2)(B)(iv) a description of the commissioner's actions in sufficient detail to inform the Committee of the nature and date of the alleged misconduct; and

(2)(B)(v) when possible, supporting documentation.

~~(1)(C) — Upon receiving a complaint, the chair shall conduct an initial review to determine if the allegations raise an issue that would be appropriately addressed by the full Committee. The chair shall dismiss frivolous complaints and complaints found to raise only issues of law or fact for which the remedy is the review of the case by the trial court judge or by an appellate court. If the chair dismisses a complaint following initial review, the chair shall provide notice of and basis for the dismissal to the complainant, the presiding judge(s) of the district(s) the commissioner serves, and the commissioner. The chair shall refer any complaint not dismissed following initial review to the full Committee.~~ **Informal complaint.** ~~An informal complaint against a court commissioner may be filed with the presiding judge of the court the court commissioner serves. The presiding judge shall conduct such investigation and take such corrective action as warranted by the complaint.~~

~~(1)(D) —~~ **Formal complaint.**

~~(1)(E) — A formal complaint against a court commissioner shall be in writing and filed with the presiding officer of the Council. The presiding officer shall refer the complaint to the committee and provide a copy of the complaint to the court commissioner and to the presiding judge of the court the commissioner serves.~~

~~(1)(F) — All proceedings and materials related to a formal complaint shall be kept confidential.~~

~~(1)(G) — The chair or the committee shall dismiss a frivolous complaint. The chair or the committee shall dismiss a complaint found to raise only issues of law or fact for which a remedy is the review of the case by the trial court judge or by an appellate court. The chair or the committee shall provide notice of and basis for the dismissal to the complainant, the presiding judge and the commissioner.~~

~~(1)(H) — The committee may investigate a complaint that is not dismissed under paragraph (3)(C). This investigation shall be conducted to determine whether dismissal or a hearing is appropriate.~~

~~(1)(I) The committee may request that the state court administrator appoint a staff person within the administrative office to perform any investigation and make any presentations to the Committee or the Council.~~

~~(2)(C)~~

(3) Committee examination

(3)(A) The Committee shall examine any complaint referred to it by the chair under paragraph (2)(C) to determine whether the allegations set forth therein, if true, could support a finding of misconduct by a commissioner. If no such finding is possible, even if the allegations are presumed true, the Committee shall dismiss the complaint, and the chair shall notify the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves of the dismissal in writing. If a finding of misconduct is possible, the matter should proceed to a hearing.

(3)(B) If the Committee determines that the matter should proceed to a hearing, the chair shall send notice to the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves. The notice shall:

(3)(B)(i) inform the commissioner of the allegations and the canons allegedly violated;

(3)(B)(ii) invite the commissioner to respond to the allegations in writing within 30 days; and

(3)(B)(iii) include a copy of the complaint.

(3)(C) If the commissioner chooses to respond to the allegations, the commissioner shall send a copy of the response to the complainant, the Committee chair, and the presiding judge(s) of the district(s) the commissioner serves.

(3)(D) At any time prior to a hearing, the complainant may request to withdraw his or her complaint. If such a request is made, the Committee may grant the request and dismiss the complaint, or it may deny the request and proceed with the hearing.

(2)(4) Hearings of the Court Commissioner Conduct Committee.

(4)(A) If the Committee determines that a matter should proceed to a hearing under paragraph (3), a hearing shall be scheduled after receipt of the commissioner's response or expiration of the time to respond in paragraph (3)(B)(ii). Notice of the date, time, and place of the hearing shall be sent to the complainant, the

commissioner, and the presiding judge(s) of the district(s) the commissioner serves.

(4)(B) Hearings shall be closed to the public.

(4)(C) Not later than 20 days before the hearing, the commissioner and complainant shall exchange all proposed exhibits and a list of all potential witnesses. The commissioner and the complainant are not considered witnesses.

(4)(D) The commissioner and complainant may be present at the hearing and have the assistance of counsel.

(4)(E) The Committee shall interview the complainant, the commissioner, and any witnesses determined by the Committee to have relevant information. The commissioner and complainant have the right to testify.

(4)(F) The complainant may ask the Committee to pose specific questions to the commissioner, and the commissioner may ask the Committee to pose specific questions to the complainant. But ordinarily, neither the complainant nor the commissioner, whether acting on their own or through counsel, will be allowed to cross-examine the other unless, upon request, the Committee chair determines that cross-examination would materially assist the Committee in its deliberation.

(4)(G) The commissioner and complainant may present, examine, and cross-examine witnesses.

(4)(H) Testimony shall be presented under oath and a record of the proceedings maintained.

(4)(I) At any time before final decision by the Committee, the commissioner may admit some or all of the allegations in the complaint, and may stipulate to findings and recommendations by the Committee.

(4)(J) Within 30 days after the completion of the hearing, the Committee shall make written findings and conclusions concerning the allegations in the complaint and provide a copy to the complainant, the commissioner, the presiding judge(s) of the district(s) the commissioner serves, and the Council.

(4)(K) If the Committee finds misconduct by a preponderance of the evidence, the Committee shall recommend appropriate corrective actions under CJA Rule 3-201.

(4)(L) In making recommendations for corrective actions, the Committee shall consider the following non-exclusive factors:

(4)(L)(i) the nature of the misconduct;

- (4)(L)(ii) the gravity of the misconduct;
- (4)(L)(iii) the extent to which the misconduct has been reported to or is known by the presiding judge(s) of the district(s) the commissioner serves or the commissioner, and the source of the dissemination of information;
- (4)(L)(iv) the extent to which the commissioner has accepted responsibility for the misconduct;
- (4)(L)(v) the extent to which the commissioner has made efforts to avoid repeating the same or similar misconduct;
- (4)(L)(vi) the length of the commissioner's service with the courts;
- (4)(L)(vii) the effect the misconduct has had upon the confidence of court employees, participants in the judicial system, or the public in the integrity or impartiality of the judiciary;
- (4)(L)(viii) the extent to which the commissioner profited or satisfied his or her personal desires as a result of the misconduct; and
- (4)(L)(ix) the number and type of previous corrective actions against the commissioner.

(4)(M) At the conclusion of the Committee's work, a copy of the complete file shall be delivered to the State Court Administrator or designee.

(5) Council review of committee action.

(5)(A) Appeals from decisions without a hearing.

- (5)(A)(i) Complaints dismissed prior to hearing, either by the chair under paragraph 2(C) or by the Committee under paragraph (3)(A), may be appealed by the complainant to the Judicial Council. All such appeals must be submitted in writing to the Chair of the Council, and must be received within 30 days of the notice of dismissal. In the appeal, the complainant must set forth the specific grounds on which the appeal is based. A copy of the appeal shall be provided to the Committee chair, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves.
- (5)(A)(ii) The Council, a designated Council member, or a committee of the Council shall conduct a de novo review of the file, and shall either affirm the dismissal, or shall require the Court Commissioner Conduct Committee to set the matter for hearing or re-hearing.

196 (5)(A)(iii) The Council's decision shall be in writing and a copy provided to the
197 Committee chair, the complainant, the commissioner, and the
198 presiding judge(s) of the district(s) the commissioner serves.

199 (5)(A)(iv) If the dismissal is affirmed, the complainant has no other right of
200 appeal.

201 **(5)(B) Council review following a hearing.**

202 (5)(B)(i) The Committee's findings, conclusions, and recommendations
203 following a hearing will be reviewed by the Council, and considered at
204 a meeting of the Council to be held at least 45 days after issuance of
205 the Committee's decision.

206 (5)(B)(ii) The complainant, the commissioner, or presiding judge(s) of the
207 district(s) the commissioner serves may file objections to the
208 Committee's findings, conclusions or recommendations. Any such
209 objections must be submitted in writing to the Council within 30 days
210 of the date the Committee's findings, conclusions, and
211 recommendations were issued.

212 (5)(B)(iii) No person other than the members of the Council are entitled to
213 attend the Council meeting at which the Committee's decision is
214 reviewed.

215 (5)(B)(iv) In conducting its review, the Council shall review the record of the
216 Committee's hearing, and shall determine whether to adopt, modify,
217 or reject the Committee's findings, conclusions, and
218 recommendations, including any recommendations for corrective
219 action.

220 (5)(B)(v) The Council's decision shall be in writing and provided to the
221 Committee chair, the commissioner, the complainant, and the
222 presiding judge(s) of the district(s) the commissioner serves.

223 (5)(B)(vi) The decision reached by the Council after review is final and is not
224 appealable.

225 **(5)(C) Annual Report.** The chair of the Committee shall report to the Council not less
226 than annually on the Committee's work including a general description of any
227 complaint dismissed without a hearing.

228 ~~(2)(A)(i) The hearings of the committee shall be closed to the public. The~~
229 ~~committee shall interview the complainant, the court commissioner,~~

and any witnesses determined to have relevant information. The commissioner has the right to testify. The commissioner and complainant may be present at any hearing of the committee and have the assistance of counsel. The commissioner may present and examine and cross-examine witnesses. Testimony shall be presented under oath and a record of the proceedings maintained. The commissioner may obtain a copy of the record upon payment of any required fee.

(2)(A)(ii) The committee shall make written findings concerning the merits of the complaint and provide a copy of the findings to the complainant, the court commissioner, and the presiding judges of the court the commissioner serves.

(2)(B) If the committee finds the complaint to have merit, the committee shall recommend to the Council that a sanction be imposed under CJA Rule 3-201(6). The committee shall dismiss any complaint found to be without merit.

(2)(C) **Council Review.**

(2)(C)(i) **Complaints dismissed without a hearing.** The chair of the committee shall report to the Council not less than annually on the committee's work including a general description of any complaint dismissed without a hearing.

(2)(C)(ii) **Complaints with a committee hearing.**

(2)(C)(ii)(a) The Council shall review the record of the committee hearing to determine the correct application of procedures and to determine the sanction to be imposed.

(2)(C)(ii)(b) The complainant, commissioner or presiding judges of the districts the commissioner serves shall file any objections to the committee's findings in writing with the Council. No person is entitled to attend the Council meeting at which the complaint is reviewed.

TAB 3

4-403. Electronic and Signature Stamp Usage

3-104. Presiding Judges

Notes: The proposed amendment to 4-403 authorizes judges' electronic signatures to be automatically affixed to automatic expungement orders. The proposed amendment to 3-104 makes the district court presiding judge the signing judge for all automatic expungement orders in the presiding judge's district, including both district and justice courts.

Rule 3-104. Presiding Judges.

Intent:

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

Applicability:

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

Statement of the Rule:

(1) Election and term of office.

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

(1)(B) Associate presiding judge.

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

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

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

(2) Court organization.

(2)(A) Court en banc.

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

- 35 for the purpose of discussing the performance of the court executive.
36 In single-judge courts, the judge shall meet with the court executive to
37 discuss and decide court business.
- 38 (2)(A)(ii) The presiding judge shall call and preside over court meetings. If
39 neither the presiding judge nor associate presiding judge, if any, is
40 present, the presiding judge's designee shall preside.
- 41 (2)(A)(iii) Each court shall have a minimum of four meetings each year.
- 42 (2)(A)(iv) An agenda shall be circulated among the judges in advance of the
43 meeting with a known method on how matters may be placed on the
44 agenda.
- 45 (2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a
46 majority of the judges may call additional meetings as necessary.
- 47 (2)(A)(vi) Minutes of each meeting shall be taken and preserved.
- 48 (2)(A)(vii) Other than judges and court executives, those attending the meeting
49 shall be by court invitation only.
- 50 (2)(A)(viii) The issues on which judges should vote shall be left to the sound
51 discretion and judgment of each court and the applicable sections of
52 the Utah Constitution, statutes, and this Code.
- 53 (2)(B) Absence of presiding judge. When the presiding judge and the associate
54 presiding judge, if any, are absent from the court, an acting presiding judge shall
55 be appointed. The method of designating an acting presiding judge shall be at
56 the discretion of the presiding judge. All parties that must necessarily be informed
57 shall be notified of the judge acting as presiding judge.
- 58 (3) **Administrative responsibilities and authority of presiding judge.**
- 59 (3)(A) **Generally.**
- 60 (3)(A)(i) The presiding judge is charged with the responsibility for the effective
61 operation of the court. He or she is responsible for the implementation
62 and enforcement of statutes, rules, policies and directives of the
63 Council as they pertain to the administration of the courts, orders of
64 the court en banc, and supplementary rules. The presiding judge has
65 the authority to delegate the performance of non-judicial duties to the
66 court executive. When the presiding judge acts within the scope of
67 these responsibilities, the presiding judge is acting within the judge's
68 judicial office.
- 69 (3)(A)(ii) Caseload. Unless the presiding judge determines it to be impractical,
70 there is a presumption that the judicial caseload of the presiding judge
71 shall be adjusted to provide the presiding judge sufficient time to
72 devote to the management and administrative duties of the office. The
73 extent of the caseload reduction shall be determined by each district.

- (3)(A)(iii) Appeals. Any judge of the judicial district may ask the Chief Justice or Judicial Council to review any administrative decision made by the presiding judge of that district.
- (3)(B) **Coordination of judicial schedules.**
- (3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of judges and be responsible for an orderly plan of judicial absences from court duties.
- (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to the presiding judge consistent with Rule 3-103(4).
- (3)(C) **Authority to appoint senior judges.**
- (3)(C)(i) The presiding judge is authorized to use senior judge coverage for up to 14 judicial days if a judicial position is vacant or if a judge is absent due to illness, accident, or disability. Before assigning a senior judge, the presiding judge will consider the priorities for requesting judicial assistance established in Rule 3-108. The presiding judge may not assign a senior judge beyond the limits established in Rule 11-201(6).
- (3)(C)(ii) The presiding judge will notify the State Court Administrator when a senior judge assignment has been made.
- (3)(C)(iii) If more than 14 judicial days of coverage will be required, the presiding judge will promptly present to the State Court Administrator a plan for meeting the needs of the court for the anticipated duration of the vacancy or absence and a budget to implement that plan. The plan should describe the calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget should estimate the funds needed for travel by judges and for time and travel by senior judges.
- (3)(C)(iv) If any part of the proposed plan is contested by the State Court Administrator, the plan will be reviewed by the Management Committee of the Judicial Council for final determination.
- (3)(D) **Court committees.** The presiding judge shall, where appropriate, make use of court committees composed of other judges and court personnel to investigate problem areas, handle court business and report to the presiding judge and/or the court en banc.
- (3)(E) **Outside agencies and the media.**
- (3)(E)(i) The presiding judge or court executive shall be available to meet with outside agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar association leaders, probation and parole officers, county governmental officials, civic

- 112 organizations and other state agencies. The presiding judge shall be
113 the primary representative of the court.
- 114 (3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding
115 judge, the court executive shall represent the court and make
116 statements to the media on matters pertaining to the court and
117 provide general information about the court and the law, and about
118 court procedures, practices and rulings where ethics permit.
- 119 (3)(F) **Docket management and case and judge assignments.**
- 120 (3)(F)(i) The presiding judge shall monitor the status of the dockets in the court
121 and implement improved methods and systems of managing dockets.
- 122 (3)(F)(ii) The presiding judge shall assign cases and judges in accordance with
123 supplemental court rules to provide for an equitable distribution of the
124 workload and the prompt disposition of cases.
- 125 (3)(F)(iii) Individual judges of the court shall convey needs for assistance to the
126 presiding judge. The presiding judge shall, through the State Court
127 Administrator, request assistance of visiting judges or other
128 appropriate resources when needed to handle the workload of the
129 court.
- 130 (3)(F)(iv) The presiding judge shall discuss problems of delay with other judges
131 and offer necessary assistance to expedite the disposition of cases
- 132 (3)(F)(v) The district court presiding judge will be the signing judge for all
133 automatic expungement orders in the presiding judge's district,
134 including district and justice courts.
- 135 (3)(G) **Court executives.**
- 136 (3)(G)(i) The presiding judge shall review the proposed appointment of the
137 court executive made by the State Court Administrator and must
138 concur in the appointment before it will be effective. The presiding
139 judge shall obtain the approval of a majority of the judges in that
140 jurisdiction prior to concurring in the appointment of a court executive.
- 141 (3)(G)(ii) The presiding judge for the respective court level and the state level
142 administrator shall jointly develop an annual performance plan for the
143 court executive.
- 144 (3)(G)(iii) Annually, the state level administrator shall consult with the presiding
145 judge in the preparation of an evaluation of the court executive's
146 performance for the previous year, also taking into account input from
147 all judges in the district.
- 148 (3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the
149 court executive, including coordination of annual leave.

- (3)(G)(v) Pursuant to Council policy and the direction of the state level administrator, the court executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects, intergovernmental relations and other administrative responsibilities as determined by the presiding judge and the state level administrator.
- (3)(H) **Courtrooms and facilities.** The presiding judge shall direct the assignment of courtrooms and facilities.
- (3)(I) **Recordkeeping.** Consistently with Council policies, the court executive, in consultation with the presiding judge, shall:
- (3)(I)(i) coordinate the compilation of management and statistical information necessary for the administration of the court;
 - (3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of these policies;
 - (3)(I)(iii) approve proposals for automation within the court in compliance with administrative rules.
- (3)(J) **Budgets.** The court executive, in consultation with the presiding judge, shall oversee the development of the budget for the court. In contract sites, the court executive shall supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.
- (3)(K) **Judicial officers.** In the event that another judge or commissioner of the court fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment, or violates the Code of Judicial Conduct, the presiding judge may:
- (3)(K)(i) Meet with and explain to the judge or commissioner the reasons for the directive given or the position taken and consult with the judge or commissioner.
 - (3)(K)(ii) Discuss the position with other judges and reevaluate the position.
 - (3)(K)(iii) Present the problem to the court en banc or a committee of judges for input.
 - (3)(K)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy, education or treatment.
 - (3)(K)(v) Reassign the judge or commissioner to a different location within the district or to a different case assignment.

- (3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.
- (3)(K)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem to the Council or the Judicial Conduct Commission.
- (3)(L) **Cases under advisement.**
- (3)(L)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination. The final determination occurs when the judge resolves the pending issue by announcing the decision on the record or by issuing a written decision, regardless of whether the parties are required to subsequently submit for the judge's signature a final order memorializing the decision.
- (3)(L)(ii) Once a month each judge shall submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.
- (3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate state level administrator and indicate the reasons why the case or issue continues to be held under advisement.
- (3)(L)(iv) If a case or issue is held under advisement for an additional 30 days, the state level administrator shall report that fact to the Council.
- (3)(M) **Board of judges.** The presiding judge shall serve as a liaison between the court and the Board for the respective court level.
- (3)(N) **Supervision and evaluation of court commissioners.** The presiding judge is responsible for the development of a performance plan for the Court Commissioner serving in that court and shall prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and evaluation shall be maintained in the official personnel file in the Administrative Office.
- (3)(O) **Magistrate availability.** The presiding judge in a district court shall consult with the presiding judge in the justice court of that judicial district and the justice court administrator to develop a rotation of magistrates that ensures regular availability of magistrates within the district. The rotation shall take into account each magistrate's caseload, location, and willingness to serve.

Rule 4-403. Electronic signature and signature stamp use.

Intent:

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule shall apply to all trial courts of record and not of record.

Statement of the Rule:

- (1) A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following:
 - (1)(A) bail bonds from approved bondsmen;
 - (1)(B) bench warrants;
 - (1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;
 - (1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);
 - (1)(E) orders to show cause;
 - (1)(F) orders to take into custody;
 - (1)(G) summons;
 - (1)(H) supplemental procedure orders;
 - (1)(I) orders setting dates for hearing and for notice;
 - (1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;
 - (1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and
 - (1)(L) orders appointing a court visitor.
- (2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.
- (3) ~~In a case where a domestic relations injunction must be issued under URCP 109, the electronic signature of the judge assigned to the case may be automatically attached to the domestic relations injunction form approved by the Judicial Council, without the need for specific direction from the assigned judge and without the need for a clerk's signature accompanying the judge's signature.~~ The electronic signature of a judge may be

36 automatically affixed to the following documents without the need for specific direction
37 from the assigned judge when issued using a form approved by the Judicial Council;

38 (3)(A) a domestic relations injunction issued under URCP 109;

39 and

40 (3)(B) an automatic expungement order issued under Utah Code § 77-40-114.

41 **[Alt]** (3) The Judicial Council hereby creates an artificially intelligent judge to be known as
42 Judge Pat Doe. [The Judicial Council creates the pseudonym of Judge Pat Doe to
43 represent the collective of all judge]. The electronic signature of Judge Doe may be
44 automatically affixed to the following documents when issued using a form approved by
45 the Judicial Council:

46 (3)(A) a domestic relations injunction issued under URCP 109; and

47 (3)(B) an automatic expungement order issued under Utah Code § 77-40-114.

48 (4) All other documents requiring the judge's or commissioner's signature shall be personally
49 signed by the judge or commissioner, unless the judge or commissioner, on a document
50 by document basis, authorizes the clerk to use the judge's or commissioner's electronic
51 signature or signature stamp in lieu of the judge's or commissioner's signature. On such
52 documents, the clerk shall indicate in writing that the electronic signature or signature
53 stamp was used at the direction of the judge or commissioner and shall sign his or her
54 name directly beneath the electronic signature or stamped imprint of the judge's or
55 commissioner's signature.

56 *Effective January 1, 2020*

TAB 4

Rules back from public comment

Notes: The following rules are back from a 45-day comment period. No comments were received.

- 1-201. Membership – Election
- 6-102. Election of District Court Judges to the Judicial Council
- 7-101. Juvenile Court Board, Executive Committee and Council Representatives

Rule 1-201. Membership - Election.**Intent:**

To establish the manner of election of Council members as authorized by statute.

To establish the procedure for filling a vacancy on the Council as authorized by statute.

Applicability:

This rule shall apply to all elected members of the Council. This rule shall not apply to the Chief Justice of the Supreme Court.

This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah State Bar.

As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of Judges and the Board of Commissioners of the Utah State Bar.

Statement of the Rule:

(1) The composition of the Council, the term of office of elected Council members, and the electorate of elected Council members shall be as prescribed by law. The term of office of all elected Council members shall begin with the Council meeting immediately following the annual judicial conference.

(2) Election of ~~Council judicial~~ members ~~of the Council from courts of record~~ shall take place ~~at during~~ the annual judicial conference at the business meeting of each respective court. ~~Election of Council members from courts not of record shall take place at the annual spring training conference of the justice court judges.~~ Election of the representative of the Utah State Bar shall take place at a regularly scheduled meeting of the Board of Commissioners.

(3) (3)(A) If a vacancy exists for a judicial member of the Council who represents a trial court ~~is unable to complete a term of office~~, the Board for the court represented by that ~~member~~ seat shall appoint a judge to serve on the Council until the next judicial conference ~~or the next spring training conference as the case may be~~. At such conference, the judges shall elect a member to the Council to serve for the unexpired portion of the original term. If a judicial member of the Council who represents an appellate court is unable to complete a term of office, the members of that court shall appoint a judge to serve on the Council until the expiration of the vacated term.

(3)(B) If the representative of the Utah State Bar is unable to complete a term of office, the Board of Commissioners shall elect a member or ex officio member of the Board of Commissioners to serve for the unexpired portion of the original term.

(3)(C) No person shall serve on the Judicial Council for more than two consecutive three-year terms and-plus the remainder of a predecessor's any unexpired portion of a term.

(4) The Boards shall develop procedures for the nomination and election of Council members and shall certify to the Council the names of the members elected. The Boards shall give due regard to geographic representation, security of the election, timely publication of Council vacancies or expired terms, and ease of administration.

(5) When a judicial member of the Council is unable to attend a Council meeting, that member may designate a judge from the same level of court to attend the Council meeting and observe the proceedings. When the representative of the Utah State Bar is unable to attend a Council meeting, that member may designate a member or ex officio member of the Board of Commissioners to attend the Council meeting and observe the proceedings. The designee shall be provided with a copy of the Council agenda and other meeting materials, and may attend the open and closed sessions of the meeting. The designee may participate in the general discussion of agenda items but may not make motions or vote on Council issues.

(6) Council members or their designated substitutes may be reimbursed for actual and necessary expenses incurred in the execution of their duties as Council members.

(7) Council members shall not be eligible to serve as voting members of a Board of Judges of a trial court or to serve as members of the standing committees of the Council. The representative of the Utah State Bar may vote at meetings of the Board of Commissioners if permitted to vote under rules governing the conduct of the Board of Commissioners.

Effective June 22, 2020

Rule 6-102. Election of District Court judges to the Judicial Council.**Intent:**

To establish a procedure for the election of District Court judges to the Judicial Council as provided in this Code.

Applicability:

This rule shall apply to the election process of the District Court judges to the Judicial Council.

Statement of the Rule:

(1) The District Court has ~~five~~six representatives on the Council. These representatives shall serve staggered three-year terms with ~~one or~~ two District Court judges being elected to the Council each year. ~~The election of a District Court judge to the Council shall occur at the annual business meeting of the State District Court Judges.~~

(2) District court positions on the Judicial Council shall be as follows:

(2)(A) one from the ~~First or~~ Second Judicial District;

(2)(B) two from the Third Judicial District;

(2)(C) one from the Fourth Judicial District; ~~and~~

(2)(D) one from the ~~First or Fifth District; and, Sixth, Seventh, or Eighth Judicial District.~~

(2)(E) one from the Sixth, Seventh, or Eighth Judicial District.

(3) The election rotation shall be as follows:

(3)(A) year one: Third Judicial District and Sixth, Seventh, or Eighth Judicial District;

(3)(B) year two: Second Judicial District and First or Fifth Judicial District; and

(3)(C) year three: Third Judicial District and Fourth Judicial District.

(3)(4) Timing of elections, and the process for filling vacancies, shall be conducted pursuant to Rule 1-201. Nominations must come from a sitting District Court judge in the district or districts where the vacancy exists. Voting shall be by all District Court judges present at the annual business meeting. Those present at the business meeting will constitute a quorum.

Effective June 22, 2020

Rule 7-101. Juvenile Court Board, Executive Committee and Council Representatives.**Intent:**

- To establish a Board of Juvenile Court Judges.
- To establish an Executive Committee of the Board.
- To establish the authority and duties of the Board and the Executive Committee.
- To establish the election procedure for Board members, Chair elect of the Board and the Judicial Council representatives.

Applicability:

- This rule shall apply to the Board of Juvenile Court Judges.

Statement of the Rule:

- (1) Juvenile court board.
 - (1)(A) Establishment. There is hereby established a Board of Juvenile Court Judges.
 - (1)(B) Membership. The Board shall be composed of seven juvenile court judges elected at the Annual Judicial Conference Juvenile Court business meeting by sitting Juvenile Court Judges.
 - (1)(C) Representation. Representation from each judicial district shall be as follows:
 - (1)(C)(i) Five Board members from the Second, Third and Fourth Judicial Districts with at least one representative from each District; and
 - (1)(C)(ii) Two Board members from the First, Fifth, Sixth, Seventh or Eighth Districts.
 - (1)(D) Election. The juvenile court judges present at the annual business meeting shall constitute a quorum. Nominations for board positions may be made by sitting Juvenile Court Judges only. Nominations must come from the Judicial District or Districts in which the vacancy exists. All sitting judges shall be entitled to vote for all members of the Board.
 - (1)(E) Terms. The terms of the initial Board members shall be determined by lot, with four members selected to serve three year terms and three members selected to serve two year terms. Successors shall be elected for three year terms.
 - (1)(F) Vacancies. If a vacancy occurs for any reason on the Board between Annual Judicial Conferences, the Board shall elect a replacement for the unexpired term

- 31 of the vacancy. In filling the vacancy, the Board shall adhere to and perpetuate
32 the District representation in effect at the time of the vacancy.
- 33 (2) Chair and vice chair.
- 34 (2)(A) Establishment. There shall be a Chair and Vice Chair of the Board.
- 35 (2)(B) Chair's term. The Chair shall serve a one year term beginning immediately after
36 the Annual Judicial Conference in the year following election as Vice Chair.
- 37 (2)(C) Responsibilities. The Chair shall preside over all meetings of the Board and the
38 Juvenile Court Judges Meeting at the Annual Judicial Conference, and perform
39 other duties as set forth in the Juvenile Court Act, this Code and as directed by
40 the Board.
- 41 (2)(D) Vacancy in office of chair. In the event that the Chair resigns or leaves the Board
42 for any reason, the Vice Chair shall become Chair, serving both the unexpired
43 term of the Chair and the full term as Chair.
- 44 (2)(E) Election. The Vice Chair shall be elected by the Board members at the
45 commencement of the first or second year of the Vice Chair's three year term on
46 the Board. The Vice Chair shall serve as Chair in the absence of the Chair or at
47 the request of the Chair.
- 48 (2)(F) Vice chair's term. The Vice Chair shall become Chair of the Board for a one year
49 term immediately following the Annual Judicial Conference next succeeding his
50 election as Vice Chair.
- 51 (2)(G) Vacancy in office of vice chair. In the event that the Vice Chair resigns or leaves
52 the Board for any reason, a new Vice Chair shall be elected by the Board from
53 among its members to serve the unexpired term of the Vice Chair and to succeed
54 as Chair as otherwise provided in this rule.
- 55 (3) Meetings of the board.
- 56 (3)(A) The Board shall meet a minimum of once every two months to transact any and
57 all business that is within its jurisdiction. This meeting shall be presided over by
58 the Chair of the Board or the Vice Chair in the absence of the Chair or at the
59 request of the Chair.
- 60 (3)(B) The Board shall rule by majority vote. All Board members have the right to vote.
61 Four members of the Board constitute a quorum.
- 62 (3)(C) The Board meetings shall be conducted in accordance with Roberts' Rules of
63 Order and this Code.

- (3)(D) When a Board member is unable to attend a Board meeting, that member may designate a juvenile court judge to attend the meeting on behalf of the absent member. The substitute and the absent member must be from the same district group identified by paragraph (1)(C) above. The substitute judge shall be provided with a copy of the agenda and other meeting materials, may attend the open and closed sessions of the meeting, and may participate in the discussion of agenda items. The substitute judge may make motions and vote.
- (4) Executive committee.
- (4)(A) Membership. There is hereby established an Executive Committee of the Board. The committee shall be comprised of three members: the Chair of the Board, the Vice Chair and one member of the Board selected by the Board members to serve at large.
- (4)(B) Duties and responsibilities of the executive committee. The duties and responsibilities of the Executive Committee are as follows:
- (4)(B)(i) Assist the Board in establishing a planning capability in assessing and projecting needs, resources, and policies.
- (4)(B)(ii) Act as liaison with other agencies and parties who seek contact with the Board.
- (4)(B)(iii) Screen and reduce the number of matters presented to the full Board for its consideration to ensure that all matters referred to it require full Board consideration.
- (4)(B)(iv) Review initiatives, proposals and questions that will be submitted to the full Board to ensure that information is complete and in proper form to facilitate expeditious handling by the Board.
- (4)(B)(v) Assist the Administrative Office in staff work as assigned by the Board where judicial guidance may be required in carrying out Board policy.
- (4)(B)(vi) Consult with the Administrative Office on matters requiring immediate attention or on matters needing judicial consideration but not requiring full Board consideration.
- (4)(B)(vii) Accomplish all other assignments as may be directed by the Board.
- (5) Procedures of the board.
- (5)(A) The Chair of the Board shall serve as Chair of the Executive Committee. When the Chair of the Board is not available, the Chair elect shall act in the Chair's behalf.

- (5)(B) All action taken by the Executive Committee shall be reported to the full Board in the form of minutes and reports and may be subject to ratification by the full Board.
- (5)(C) A time and date certain shall be established for Executive Committee meetings. The juvenile court administrator or designee shall serve as secretariat to the Committee.
- (6) Judicial council representatives.
- (6)(A) The Juvenile Court shall have ~~two~~three representatives on the Council, with no two representatives serving from the same judicial district:-
- (6)(A)(i) one from the Second, Third, or Fourth Judicial District;
- (6)(A)(ii) one from the First, Fifth, Sixth, Seventh, or Eighth Judicial District; and
- (6)(A)(iii) one serving at-large.
- (6)(B) ~~The Juvenile Court judges shall elect representatives to the Council at the Annual Judicial Conference Juvenile Court business meeting in September in those years when the term of office for a Council representative expires. Timing of elections, and the process for filling vacancies, shall be conducted pursuant to Rule 1-201.~~ Nominations can be made by any sitting judge for any Council representative. Voting shall be by all Juvenile Court judges present at the annual business meeting. Those present at the business meeting will constitute a quorum.
- (6)(C) Council representatives shall serve staggered three-year terms, with one Juvenile Court judge elected to the Council each year beginning October 1 of the year in which elected.
- ~~(6)(D) A vacancy in the Council position resulting from resignation, retirement or other reasons shall be filled by election at the next Board of Judges meeting. The term shall begin immediately and terminate at the next annual Judicial Conference when the judges elect a new representative for the unexpired term.~~

TAB 5

Cases under advisement tracking system

NOTES: At its August meeting, Policy and Planning discussed the potential creation of an electronic tracking system in CORIS for cases under advisement and asked Paul Barron to devise a proposal that could be considered and prioritized by the Technology Committee.

Proposal for adding Taken Under Advisement information to Judicial Workspace.

August 2020

IT estimates approximately 120 hours of work would be required to provide visibility to a judge's Under Advisement cases within CORIS (District and Justice Courts), in a manner similar to what is described below. Additional analysis and work would be required for other enhancements or integration with CARE or AIS for Juvenile and Appellate courts.

Work would include preparing formal Design Specification Documents to agree to desired changes, to be signed off by District and Justice Court administrators. Testing, documentation and deployment are also included in the time estimate. Changes to two major components are anticipated: Workspace, and the Taken Under Advisement report in CORISWeb.

1. **Modify Workspace.** IT proposes that a new menu item "Reports" be added to the right of "My Profile", and below this an "Under Advisement" menu item. Alternatively, a static link could be added to another page, like the Cases page, however it could be anticipated that additional reports may be desired, so a new Reports menu item is proposed.

The screenshot shows the Judicial Workspace web application. The browser tabs include 'Inbox (5) - paulb@utcourts.gov', 'Clerk ECF', and 'Judicial Workspace'. The address bar shows 'apps.utcourts.gov/MyWorkspaceWEB/jsp/main.jsp'. The page has a dark blue header with 'Welcome: PAUL BARRON (AOC)'. Below the header is a navigation bar with links: 'My Hearings', 'Cases', 'My Documents', 'Sign Documents', 'XChange', 'Jury', 'My Profile', 'Admin', 'Help', and 'Logout'. The main content area has a blue header with 'Cases -> District'. Below this is a search form with fields for 'Judge/Commissioner', 'Case Number', 'First Name', 'Last Name', 'Location', 'Birth Date', 'Filing Start Date', and 'Filing End Date'. There are checkboxes for 'Exact' and 'Extended search for MyCase Account' and 'Extended search for SID'. A 'Find' button and a 'Reset' button are at the bottom right of the search form. Below the search form is a section titled 'Cases' with a link for 'Advanced Sort'. There is a 'Case Last Name' input field. Below this is a table with columns: 'Case', 'Case Type', 'Filing Date', 'Party Type', 'Case Name', 'Party Details', 'All Docs', 'Case Notes', 'DOB', 'Location', and 'Assigned Judge'. The table is currently empty.

Selection of that Reports / Under Advisement menu item would open the CORISWeb "Taken Under Advisement Report" page.

Note: Any sort of dynamic link that displays some sort of Under Advisement status is not desired because of the overhead in computing that value each time that page is accessed.

2. The CORISWeb Taken Under Advisement Report page would be modified as follows:

Taken Under Advisement Report

Search

Court Type* District **Location*** Provo District

Start/End* 09/01/2019 08/26/2020 **Judge/Commissioner** All Judges/Commissioners

Search **Clear**

Results

Show 100 entries

Case Number	Case Type	Review Date	Name	Set Date	Clerk	Judge / Comm	Aged Days	Actions
194400406	Divorce/Annulment	06/03/2020	HORNE, DUSTIN HENRY	04/04/2020	MEAD, CANDICE	DAVIS, LYNN W	144	
204400770	Protective Orders	06/22/2020	VANWAGENEN, ROBYN ANNE	04/23/2020	MEAD, CANDICE	JUDGE, CA	125	
134401927	Paternity	06/22/2020	CLARK, ZACHARY	04/23/2020	MEAD, CANDICE	DAVIS, LYNN W	125	
194403406	Divorce/Annulment	06/29/2020	DAVENPORT, RANDOLPH GRAY	04/30/2020	MEAD, CANDICE	DAVIS, LYNN W	118	
034402561	Divorce/Annulment	07/07/2020	WILSON, BENTLEY D	05/08/2020	MEAD, CANDICE	JOHNSON, CHRISTINE	110	
034402561	Divorce/Annulment	07/07/2020	WILSON, BENTLEY D	05/08/2020	MEAD, CANDICE	JOHNSON, CHRISTINE	110	
034402561	Divorce/Annulment	07/07/2020	WILSON, BENTLEY D	05/08/2020	MEAD, CANDICE	JOHNSON, CHRISTINE	110	
194400158	Divorce/Annulment	07/14/2020	CARTER, DAVID LEE	05/15/2020	MEAD, CANDICE	MCDADE, DAROLD	103	
200400428	Miscellaneous	07/21/2020	STACY, JOSHUA	05/30/2020	VAI AVAI A-	POWELL	88	

Save As **Email As** **Close**

- The option to run for "All" courts would be added to the "Location" list box.
- Court Location would be added as a column in the result set, between the Case Number and Case Type columns.
- If the user is a judge, that judge's Court Type, "All" as the Location, and the Judge name would be pre-selected.
- The 1-year date range restriction would be lifted from this report page.
- The date range would be pre-populated with a starting date of 1/1/1900 and an ending date 60 days in the future from the current date. This will allow for display of any case that is Under Advisement with a review date in the past or up to 60 days in the future.
- If the user is a judge, the screen would pre-load with all the defaults described above. (i.e. Search button automatically selected,.) Selections could be changed so a different search could be done.

Note: This screen is already sorting by default with the cases under advisement the longest at the top of the list. Case History and Case Summary links are already available on this page. Changes to the underlying CORIS "TUA" tracking data (e.g. to end tracking for that case) would need to be made by the Judge or JA from within CORIS.

TAB 6

Office of Fairness and Accountability

Notes: The Judicial Council created the Office of Fairness and Accountability and tasked Policy and Planning with identifying the purpose of the Office and creating a rule that defines the scope of the director's responsibilities.

At its August meeting, Policy and Planning asked Ms. Williams to research rules in other states, reach out to the National Center for State Courts and the Institute for the Advancement of the American Legal System for guidance, and create a draft rule for consideration.

Rule 3-419. Office of Fairness and Accountability**Intent:**

To establish the Office of Fairness and Accountability within the Administrative Office of the Courts.

To identify the objectives of the Office of Fairness and Accountability.

To identify the duties of the Director of the Office of Fairness and Accountability.

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

(1) **Establishment of the Office.** The Office of Fairness and Accountability is established within the Administrative Office of the Courts to organize and lead the judiciary in examining and addressing processes and outcomes within the judicial system that contribute to or cause the unequal treatment of individuals based on factors such as race, ethnicity, sexual orientation, or gender.

(2) **Objectives.**

(2)(A) The Office shall support the judiciary in its efforts to ensure that Utah courts are achieving the judiciary's mission to provide an open, fair, efficient, and independent system to advance access to justice under the law.

(2)(B) The Office shall work collaboratively with other offices, departments, judges, commissioners, court employees, boards of judges, and Judicial Council standing committees.

(2)(C) The Office shall advance efforts to eliminate bias from court operations, promote equal access to the court, and inspire a high level of trust and public confidence in the Judiciary.

(3) **Director Duties.** The Director of the Office of Fairness and Accountability shall:

(3)(A) Create and operationalize a strategic plan that includes the following areas of focus:

(3)(A)(i) Identifying and addressing racism and other forms of bias within the judicial system by:

(3)(A)(i)(a) Engaging in community outreach and serving as a liaison between the courts and other agencies and organizations;

(3)(A)(i)(b) Networking with community partners such as the Utah Commission on Criminal and Juvenile Justice, the Utah Center for Legal Inclusion, Diversity Offices, universities, and community organizations;

(3)(A)(i)(c) Partnering on access to justice initiatives and projects; and

(3)(A)(i)(d) Developing a speakers' bureau to reach K-12 schools statewide.

(3)(A)(ii) Conducting data collection and research through:

(3)(A)(ii)(a) Collaboration with national experts and thought leaders to identify, gather and analyze relevant data; and

(3)(A)(ii)(b) Coordination with Court Data Services and Information Technology Services to capture and report relevant data.

(3)(A)(ii)(c) A special area of focus shall be collecting and analyzing jury information, including juror selection, service, and pools.

(3)(A)(iii) Coordinating with the Judicial Education Department to develop education curriculum and training for judicial officers and employees on issues including but not limited to:

(3)(A)(iii)(a) cultural competency;

(3)(A)(iii)(b) implicit bias, institutional bias, and individual biases; and

(3)(A)(iii)(c) any other relevant issues.

(3)(A)(iv) Monitoring Human Resources implementation of best practices for recruitment and retention, and collaborating with Human Resources on:

(3)(A)(iv)(a) the recruitment and selection of court commissioners and employees; and

(3)(A)(iv)(b) obtaining and analyzing data.

(3)(A)(v) Collaborating with organizations such as the Utah State Bar, Utah Center for Legal Inclusion, and schools to encourage individuals from marginalized communities to apply for judicial openings.

(3)(B) Serve as a resource for minorities within the court system and work to increase cultural awareness, foster greater appreciation of racial and cultural diversity, and engender mutual respect in persons who deliver court services and represent our justice system

(3)(C) Make recommendations for improvement in court processes, procedures, and policies as they relate to race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, and any other status protected by law.

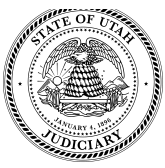
(3)(D) Oversee the interpreter and language access programs, and the communication and public information programs.

(3)(E) Review and report on the efficient allocation and fair application of available resources to addressing issues of disparity in the judiciary

(3)(F) Implement standards, policies, and rules as directed by the State Court Administrator and Judicial Council.

(3)(G) Report to the Judicial Council at least annually.

Effective May/November 1, 20__



The Utah Judiciary Office of Fairness and Accountability



Charter

The Utah Judiciary belongs to the people of Utah. The work of the courts is to provide an open, fair, efficient, and independent system to advance access to justice under the law. Fairness is the basic premise of our system of justice. The goal is a fair process that produces a just result. The goal cannot be achieved in a system tainted by racism or any other form of bias.

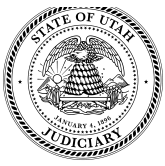
The Utah judiciary understands the public's trust and confidence in the courts requires us to identify any part of our process or outcomes that contribute to or cause the unequal treatment of individuals based on factors such as race, ethnicity, socio-economic status, sexual orientation or gender. We understand we must take action to address inequities and hold ourselves accountable for equitable treatment for all.

The Office of Fairness and Accountability is created to organize and lead the Utah Courts in examining and addressing bias within the judicial system. The Office will work collaboratively, both within the courts and with individuals and entities outside our system, including the executive and legislative branches of government. The Office will focus on, among other items, outreach to marginalized communities; data collection and research; judicial officer and employee education; recruitment and selection of court commissioners and employees; interpreter and language access; and reporting.

Role

The Office of Fairness and Accountability, composed of a Director and additional staff will work collaboratively with other offices and departments in the judiciary, such as Data Services, Judicial Education, Human Resources, the State Law Library and Self-Help Center, and Information Technology Services. The Director will also collaborate with Judicial Council standing committees including: the Standing Committee on Judicial Outreach; the Standing Committee for Self-Represented Parties; the Standing Committee on Language Access; and the Standing Committee on Judicial Branch Education.

The Director will create and operationalize a strategic plan consistent with the charter.



The Utah Judiciary Office of Fairness and Accountability

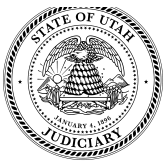


The strategic plan will include the following areas of focus:

- Identify and address racism and other forms of bias within the judicial system
- Community outreach
 - Network with community partners such as CCJJ, UCLI, Diversity Offices, universities, etc.
 - Partner on access to justice initiatives and projects
 - Develop a speakers bureau to reach K-12 schools statewide
- Data collection and research
 - Collaborate with national experts and thought leaders to identify, gather and analyze relevant data
 - Coordinate with Court Data Services and Information Technology Services to capture and report relevant data
 - Jury information including juror selection, service, and pools
- Education for judicial officers and employees
 - Coordinate with the Judicial Education Department
 - Cultural competency
 - Implicit bias, institutional and individual biases
 - Other relevant skill sets
- Recruitment and selection of court commissioners and employees
 - Collaborate with Human Resources to obtain and analyze data
 - Monitor Human Resources implementation of best practices for recruitment and retention
 - Collaborate with organizations such as the Utah State Bar, UCLI, and schools to encourage individuals from marginalized communities to apply for judicial openings
- Interpreter and language access program
- Reporting

Director Qualifications and Skills

The Director of the Office of Fairness and Accountability is established in the Administrative Office of the Courts under the direction of the State Court Administrator. The Director serves as a member of leadership in the Administrative Office of the Courts and works collaboratively with the leadership team to implement the strategic plan and advance the goals of the Office. Qualifications include:



The Utah Judiciary Office of Fairness and Accountability



- At least a bachelor's degree or equivalent level of education in Criminal or Social Justice, Court Administration, Institutional Change Management, Public Administration, Business Administration or related education. Master's degree preferred.
- Six (6) or more years of professional experience and two (2) or more years in a supervisory or management capacity.
- Experience advancing diversity, equity, and inclusion in a complex organization.
- Knowledge and skill in both qualitative and quantitative data analysis methodologies, tools, and strategies.
- Ability to interface with diverse populations and various criminal/juvenile justice stakeholders.
- Ability to build strong professional relationships.
- Second language skills preferred but not required.



STATE OF UTAH
invites applications for the position of:

**Director of the Office of Fairness and
Accountability - Administrative Office of the
Courts - SLC**

SALARY:	\$40.82 - \$62.50 Hourly
OPENING DATE:	08/10/20
CLOSING DATE:	08/31/20 11:59 PM
# OF OPENINGS:	1
BENEFITS:	This position is eligible for a full benefits package. See benefits tab below for details.
BACKGROUND CHECK:	You must successfully pass a criminal history check.
DRIVER LICENSE REQUIREMENTS:	Employees hired for this recruitment will be subject to the Driver Eligibility standards found at the following link: https://rules.utah.gov/publicat/code/r027/r027-007.htm#T3
LOCATION:	Administrative Office of the Courts - Matheson Courthouse (450 South State Street, Salt Lake City UT 84114)
RECRUITER:	Sarah O saraho@utcourts.gov 801-578-3801
SCHEDULE CODE:	AO - Employees of the Judiciary.
SCHEDULE CODE DESCRIPTION:	(1) Full time, FLSA exempt, at-will position with benefits; Monday-Friday, 8:00 am to 5:00 pm

JOB DESCRIPTION:

Does pioneering new leadership territory as an agent for change appeal to you? Do you want to be part of an organization whose people are passionate about a bold and noble purpose? Are you someone who knows how to balance data-driven decision making with a consistent, creative vision?

If so, this may be the perfect opportunity for you to join an energetic, mutually supportive, and visionary team as the Director of the Office of Fairness and Accountability. This job was recently created with strong, enthusiastic support from the top governing body of Utah's Judicial Branch (the Judicial Council) as well as the Administrative Office of the Courts. The judiciary is deeply committed to the principles of fairness and accountability, and energetic about the goals of this new Office.

The Utah judiciary understands the public's trust and confidence in the courts requires us to identify any part of our process or outcomes that contribute to or cause the unequal treatment of individuals based on factors such as race, ethnicity, sexual orientation or gender. We understand we must take action to address inequities and hold ourselves accountable for equitable treatment for all.

The Office of Fairness and Accountability is created to organize and lead the Utah Courts in examining and addressing bias within the judicial system. The Office will work collaboratively, both within the courts and with individuals and entities outside our system. The Office will focus on outreach to marginalized communities; data collection and research; judicial officer and employee education; recruitment and selection of court commissioners and employees; interpreter and language access; and reporting.

The Office of Fairness and Accountability, composed of a Director and additional staff will work collaboratively with other offices and departments in the judiciary, such as Court Data Services, Judicial Education, Human Resources, the State Law Library and Self-Help Center, and Information Technology Services. The Director will also collaborate with Judicial Council standing committees including: the Standing Committee on Judicial Outreach; the Standing Committee for Self-Represented Parties; the Standing Committee on Language Access; and the Standing Committee on Judicial Branch Education

EXAMPLE OF DUTIES:

The Director will create and operationalize a strategic plan consistent with the charter.

The strategic plan will include the following areas of focus:

- Community outreach
 - Network with community partners such as CCJJ, UCLI, Diversity Offices, universities, etc.
 - Partner on access to justice initiatives and projects
 - Develop a speakers bureau to reach K-12 schools statewide
- Data collection and research
 - Collaborate with national experts and thought leaders to identify, gather and analyze relevant data
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 - Collaborate with organizations such as the Utah State Bar, UCLI, and schools to encourage individuals from marginalized communities to apply for judicial openings
- Interpreter and language access program
- Reporting

TYPICAL QUALIFICATIONS:

The ideal candidate possesses:

- At least a Bachelor's degree or equivalent level of education in Criminal or Social Justice, Court Administration, Institutional Change Management, Public Administration, Business Administration, Data Science/Data Analytics or related education. Master's degree preferred.
- Six (6) or more years of professional experience and two (2) or more years in a supervisory or management capacity.

- Experience advancing diversity, equity, and inclusion in a complex organization.
- Knowledge and skill in both qualitative and quantitative data analysis methodologies, tools, and strategies.
- Ability to interface with diverse populations and various criminal/juvenile justice stakeholders.
- Ability to build strong professional relationships.
- Second language skills preferred but not required.

SUPPLEMENTAL INFORMATION:

The State of Utah is an equal opportunity employer. Hiring is done without regard to race, color, religion, national origin, sex, sexual orientation, gender identity, age or disability. The State provides reasonable accommodations to the known disabilities of individuals in compliance with the Americans with Disabilities Act. For accommodation information or if you need special accommodations to complete the application process, please contact the Department of Human Resource Management at (801) 538-3025 or TTY (801) 538-3696.

APPLICATIONS MAY BE FILED ONLINE AT:
<https://www.governmentjobs.com/careers/utah>

Position #24028
 DIRECTOR OF THE OFFICE OF FAIRNESS AND ACCOUNTABILITY -
 ADMINISTRATIVE OFFICE OF THE COURTS - SLC
 SO

2120 State Office Building
 Salt Lake City, UT 84114
 801-538-3025

statejobs@utah.gov

Director of the Office of Fairness and Accountability - Administrative Office of the Courts - SLC Supplemental Questionnaire

- * 1. For this position we are requiring a cover letter, resume and a list of three (3) professional references. Have you attached your cover letter, resume and professional references?
☐ Yes ☐ No

- * 2. What is the highest level of education you've completed?
☐ High School Diploma or GED
☐ Associates Degree
☐ Bachelors Degree
☐ Masters/JD/PhD
- 3. Please indicate your major, course of study and area of interest.

- * 4. Please provide your salary expectations.

- * 5. Select the category that best describes your years of experience in a supervisory or management capacity.
☐ None
☐ Less than 2 years
☐ 2-4 years
☐ 4-6 years
☐ 6-8 years
☐ 8-10 years
☐ More than 10 years

- * 6. Select the category that best describes your years of experience advancing diversity, equity, and inclusion in a complex organization.
☐ None
☐ Less than 2 years
☐ 2-4 years
☐ 4-6 years

- ☐ 6-8 years
- ☐ 8-10 years
- ☐ More than 10 years

* 7. Select the category that best describes your years of experience in both qualitative and quantitative data analysis methodologies, tools, and strategies.

- ☐ None
- ☐ Less than 2 years
- ☐ 2-4 years
- ☐ 4-6 years
- ☐ 6-8 years
- ☐ 8-10 years
- ☐ More than 10 years

* 8. Select the category that best describes your years of experience in serving or teaching underrepresented and marginalized communities.

- ☐ None
- ☐ Less than 2 years
- ☐ 2-4 years
- ☐ 4-6 years
- ☐ 6-8 years
- ☐ 8-10 years
- ☐ More than 10 years

* Required Question

RACIAL AND ETHNIC FAIRNESS
State Survey of Rules/Commissions
Related Research

Indiana Supreme Court Commission on Race and Gender Fairness

- **Duties:**
 - study the status of race and gender fairness in Indiana's justice system
 - investigate ways to improve race and gender fairness in the courts, legal system, among legal service providers, state and local government, and among public organizations
 - recommend to the Supreme Court the implementation of policies and procedures which promote race and gender fairness in the courts, among legal service providers in state and local government and by public organizations

Arkansas Access To Justice Commission

- **Objective:** To provide equal access to justice in civil cases for all Arkansans.
- **Charge:**
 - Develop an objective and accurate understanding of the problems Arkansans face in using our legal system to obtain justice in civil cases
 - Devise a strategic plan for statewide delivery of civil legal services to all Arkansans
 - Review and report on the efficient allocation and application of available resources
 - Educate the people of Arkansas about the importance of equal access to justice and of the problems many Arkansans face in gaining effective access to our civil justice system
 - Encourage a strong and consistent commitment to providing equal access to justice among the leaders of our state
 - Suggest innovations that will increase effective access to the civil justice system for all Arkansans
 - Provide technical and other support to the efforts of the legislature, courts, and other government agencies to improve access to justice for the people of Arkansas
 - Develop stable, long-term funding and other resources to support access to civil justice.

California Court Advisory Committee on Providing Access and Fairness

- [Rule 10.34. Duties and responsibilities of advisory committees](#)
- **Mission:**
 - make recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties
 - recommend to the Governing Committee of the Center for Judicial Education and Research, proposals for the education and training of judicial officers and court staff
- **Projects:**
 - Judicial Diversity Toolkit

- Improving access and fairness through technology.

Connecticut Commission on Racial and Ethnic Disparity in the Criminal Justice System

- **Purpose:** “to establish a commission dedicated to eliminating racial and ethnic disparity in the criminal justice system.”
- **Public Act 15-109:** (b) **Mission:** to address the overrepresentation of racial and ethnic minorities, with particular attention to African-Americans and Latinos, in the state's criminal justice system, and shall include consideration of the impact of such racial and ethnic disparity on minority communities. The commission shall:
 - (1) Develop and recommend policies for reducing the number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities and reducing the number of African-Americans and Latinos who are victimized by crime;
 - (2) Examine the impact of statutory provisions and current administrative policies on racial and ethnic disparity in the criminal justice system and recommend legislation to the Governor and the General Assembly to reduce such disparity;
 - (3) Research and gather relevant statistical data and other information concerning the impact of disparate treatment of African Americans and Latinos in the criminal justice system;
 - (4) Develop and recommend a training program for personnel in agencies involved in the criminal justice system concerning the impact of disparate treatment of African-Americans and Latinos;
 - (5) Research and examine the issue of the use of guidelines by courts when sentencing criminal defendants and recommend whether the General Assembly should create a sentencing guidelines commission to establish sentencing guidelines for state courts;
 - (6) Examine the implementation of policies and procedures that are consistent with policies of the American Bar Association intended to ensure that death penalty cases are administered fairly and impartially in accordance with due process, to minimize the risk that innocent persons may be executed and to eliminate discrimination in capital sentencing on the basis of the race of either the victim or the defendant;
 - (7) Annually prepare and distribute a comprehensive plan to reduce racial and ethnic disparity in the criminal justice system without affecting public safety;
 - (8) Develop and recommend policies and interventions to reduce the number of African-Americans and Latinos in the juvenile justice system;
 - (9) Analyze the key stages in the juvenile justice system to determine if any stage disproportionately affects racial or ethnic minorities including the decision to arrest a juvenile, the decision to turn a juvenile over to a detention center, the decision to nonjudicially dispose of the case or to file a petition of delinquency, and the decision to resolve the case by placement on probation, placement in a residential facility or placement at Long Lane School or the Connecticut Juvenile Training School;
 - (10) Annually prepare and distribute a juvenile justice plan having as its goal the reduction of the number of African-Americans and Latinos in the juvenile justice system, which plan shall include the development of standard risk assessment

policies and a system of impartial review, culturally appropriate diversion programs for minority juveniles accused of nonviolent felonies, intensive in-home services to families of pretrial delinquents and youths on probation, school programs for juveniles being transferred from detention centers, Long Lane School or the Connecticut Juvenile Training School, the recruitment of minority employees to serve at all levels of the juvenile justice system, the utilization of minority juvenile specialists to guide minority juvenile offenders and their families through the juvenile justice system, and community service options in lieu of detention for juveniles arrested for nonserious offenses;

- (11) Develop a curriculum for training of all employees at all levels of the juvenile justice system on issues of cultural competency and strategies to address disproportionate minority confinement;
- (12) Submit an annual report to the Governor and the General Assembly concerning:
 - (A) The number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities;
 - (B) The progress being made toward reducing the number of African-Americans and Latinos comprising the pretrial and sentenced population of correctional facilities;
 - (C) The adequacy of legal representation for indigent defendants;
 - (D) The adequacy of the number of residential and nonresidential treatment slots available for African-Americans and Latinos;
 - (E) The adequacy of the number of court interpreters; and
 - (F) Such other information as the commission deems appropriate.
- (13) Sponsor conferences, forums and educational and training programs on the causes, effects and implications of racial and ethnic disparity in the state's criminal justice system;
- (14) Collaborate with national, state and local organizations and institutions to identify strategies for reducing racial and ethnic disparity in the state's criminal justice system;
- (15) Develop, evaluate and recommend promising and emerging policies and practices, including any legislation to implement such policies and practices;
- (16) Determine whether any statutory provision negatively impacts the racial and ethnic disparity in the state's criminal justice system and recommend statutory changes to the Governor and General Assembly to reduce such impact;
- (17) Make recommendations to the Governor, the General Assembly and state and local agencies and organizations on the implementation of any such strategy, policy, practice or legislative change; and
- (18) Assess the impact of any implementation of such strategies, policies, practices or legislative changes.
- (c) Not later than January 15, 2017, and biennially thereafter, the commission shall report to the Governor and the General Assembly, not later than January first of each year, concerning additional resources that should be made available to reduce racial and ethnic disparity in the criminal justice system without affecting public safety concerning the activities and accomplishments of the commission. Such report shall cover the time period since the previous report.

Florida Supreme Court Standing Committee on Fairness and Diversity

- **Purpose:** to help advance the State Court's efforts to eliminate biases from court operations based on race, gender, ethnicity, age, disability, financial status, or any characteristic that is Justice for All without legal relevance.
- **Tasks:**
 1. Funding for the purposes of ensuring that the courts and court administration staff have access to fairness and diversity education programs.
 2. Establish the necessary relationship with the Florida Bar, local bar associations, local community organizations/partners, and Florida law Schools.
 3. Continue to develop, publish, and distribute educational material on implicit bias. The committee will be also be preparing educational activities for the courts and the communities to build awareness as to implicit bias.
 4. Undertake a review of the Young Lawyers Division Survey on Women in the Legal Profession. The goal will be to make recommendations to the court on creating educational programs to deal with the issues raised as a result of the survey.
 5. Develop relationships between the committee and Florida Court Educational Programs and submit recommendations to the council regarding court education as it applies to fairness and diversity issues.
 6. Create relationships with the District Court of Appeal Budget Commission and the Trial Court Budget Commission to secure additional funding for fairness and diversity educational programs.
 7. Establish relationships with the Florida Courts Technology Commission so that any of the recommendations made by the full committee that would impact technology would be made known to this committee.

Florida Bar Diversity and Inclusion Committee

- **Mission:**
 - To increase diversity and inclusion in The Florida Bar so that the Bar will reflect the demographics of the state, to develop opportunities for community involvement, and to make leadership roles within the profession and The Florida Bar accessible to all attorneys, including those who are racially, ethnically and culturally diverse, women, members of the LGBTQ community and persons with disabilities.
 - To support initiatives and programs which encourage diversity, diversity training and dialogue among lawyers in Florida through financial support of conferences, seminars, summits and symposia planned and hosted by local and specialty bar associations.
- **Recommendations** to improve the Bar's diversity efforts:
 - Adopt the following definition of diversity:
 - "The term "diversity" has a dynamic meaning that changes as the demographics of Floridians change. Apart from differences in race, color, gender, national origin, religion, age, sexual orientation, citizenship, and geography, to mention a few, the public and our profession will experience changes in thought, culture, and beliefs. These demographics

are constantly in flux. Defining “diversity” based on current differences would limit its application to future changes, and likewise restrict or limit The Florida Bar’s consideration of and response to such changes.”

- Adopt the following statement of commitment towards promoting diversity in the legal profession:
 - “The Florida Bar is fully committed to the enhancement of diversity within the Bar, the legal profession, legal education, and in the justice system, and affirms its commitment toward a diverse and inclusive environment with equal access and equal opportunity for all.”
- Establish a Florida Bar diversity grant program for voluntary bars to support initiatives and programs which encourage diversity training and dialogue among lawyers in Florida through financial support of conferences, seminars, summits and symposia planned and hosted by local and specialty bar associations.
- Create a Florida Bar Special Committee for Diversity and Inclusion for the purpose of setting up the structure and implementing The Florida Bar diversity grant program, as well as handling other tasks as assigned by The Florida Bar President. The Committee's term will be one year.
- Request that the President-elect appoint no less than one Board of Governor liaison to the Special Committee for Diversity and Inclusion.
- Ensure that each Annual Convention of The Florida Bar contains some type of diversity programming within its schedule of events.
- Increase communication efforts to sections, committees, divisions, voluntary bar associations and members of The Florida Bar regarding the Bar's diversity initiative.
- Request that the President-elect of The Florida Bar create a video message for all members explaining The Florida Bar's committee appointment process and the importance of diversity and inclusion.
- Create a Florida Bar staff role for The Florida Bar's initiative on diversity and inclusion.
- Ensure that support for diversity and inclusion is included both within Standing Board Policies and the strategic plan of The Florida Bar.
- Conduct a Board of Governors Program Evaluation Committee review of The Florida Bar's diversity initiative to ascertain how implementation efforts of the various recommendations have proceeded.

Illinois State Bar Association – Section on Racial and Ethnic Minorities and the Law

- **Mission:**
 - To educate attorneys, judges, and members of the public about the law as it relates to racial and ethnic minority groups;
 - To monitor and comment upon proposed legislation, administrative rules, and judicial decisions that uniquely affect racial and ethnic minority groups;
 - To gather and centralize resources on other issues impacting racial and ethnic minorities and to serve as a voice to the ISBA, the legal profession, and society at large on those issues: and

- To further the professional development and inclusion of minority attorneys and law students, as well as practitioners who serve minority clients, by creating programming and other resources to support their professional needs.

Maryland Judiciary Committee on Equal Justice

- **Mission:**
 - make recommendations on strategies to dismantle any discriminatory behaviors in all aspects of the Judiciary's functions
 - identify necessary improvements, resources, and support services and develop educational opportunities for ongoing Judiciary-wide engagement in the pursuit of equal justice for all

Massachusetts Office of Diversity, Equity, Inclusion, and Experience

- **Strategic Plan:** to address bias, embrace diversity, equity, and inclusion, and eradicate discrimination. [Trial Court Strategic Plan 3.0](#)
 - Trial Court leaders can better ensure the focus and attention needed to increase organizational capacity, highlight best practices and address concerns.
 - Elements of the plan include building leadership capacity, reviewing policies, and building operational capacity to support the experience of all court users.
- **5 priority areas:** 1) User Experience, 2) Diversity, 3) Equity & Inclusion, Judicial System Excellence, 4) Operational Excellence, and 5) Responsiveness to Societal Challenges
- **Vision:** All employees, including elected and appointed court officials, and all users of the court system are unfailingly treated with dignity and respect. We are sensitive and adaptive to cultural, racial, ethnic, gender, class, and language differences. The Massachusetts Trial Court is dedicated to addressing bias, embracing diversity, equity, and inclusion, and eradicating discrimination.
- **Plan:**
 - Build leadership capacity around diversity, equity, and inclusion;
 - Increase diversity of the workforce through recruitment, outreach, career development, and promotion;
 - Deploy training on cultural competency and make diversity, equity, and inclusion part of all trainings; and
 - Establish policies, data, and compliance standards to ensure diversity, equity, and inclusion
- **Key Performance Indicators:**
 - Trial court diversity relative to MA workforce diversity (parity)
 - Diversity of new hires and promotions
 - Improvements in employee engagement (pulse check, disparate treatment survey)
 - Lower disparities in user surveys (online and access and fairness)

Minnesota Judicial Council Committee for Equality and Justice

- **Mission:** To work collaboratively across the Judicial Branch to advance efforts to eliminate bias from court operations, promote equal access to the court, and inspire a high level of trust and public confidence in the Minnesota Judicial Branch.
- **Charge:**

- Recommending diversity and inclusion education programs and course materials for judges and Judicial Branch employees;
- Promoting diversity and inclusion in the Judicial Branch employment and in appointments to Judicial Branch committees and boards to reflect the population served by the Judicial Branch;
- Making recommendations for improvement in court processes, procedures and policies as they relate to race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, and any other status protected by law; and
- Assisting district Equal Justice Committees in their work at the local level, and providing assistance in outreach efforts to the communities they serve.

Nebraska Committee on Equity and Fairness

- Joint committee of the Nebraska Supreme Court and the Nebraska State Bar Association
- **Mission:** to develop and coordinate community outreach initiatives designed to broaden access to and improve public understanding of the legal system.
- **Objectives:** 1) to address racial disparities in the juvenile and adult criminal justice systems; 2) to ensure equal access to justice; and 3) to increase the diversity of Nebraska's legal profession and judicial workforces.
- **New subcommittee on equity and fairness**
 - **Mission:** to ensure racial, ethnic, and gender fairness in matters related to accessing the courts.
 - **Projects:**
 - Collection and study of Confidential Juror Information regarding race, ethnicity, gender, and age.
 - That confidential information was added to the Juror Qualification forms to study minority participation in jury pools, with the goal of identifying the need for specific initiatives to increase juror engagement among all demographics.

New Mexico Supreme Court Commission on Equity and Justice

- **Mission:** to study issues related to race and bias in the state's justice system and promote diversity among judges and judicial employees.
- **Tasks:**
 - analysis of data, education for judges and court staff regarding implicit bias,
 - the creation and improvement of court policies relating to diversity and inclusion,
 - a commitment to nominate more diverse individuals to serve on the bench
 - make recommendations to the Supreme Court about the work, goals and structure of the commission, including its membership

New Jersey Supreme Court Committee on Diversity, Inclusion, and Community Engagement

- **Charge:** Overseeing the implementation of court-approved recommendations designed to "rid the court of all vestiges of bias and discrimination."
- **Advisory Committees:** To assist the standing committee in its ongoing work in this area, the court created advisory committees in each of the state's 15 vicinages to work in

collaboration with the standing Supreme Court committee, vicinage leaders, and other vicinage advisory committees.

- **Tasks:**
 - Publish biennial report
 - Assure implementation of the court-approved recommendations, advises the court on:
 - court goals and how the Judiciary can best assure fairness, impartiality and equal access
 - objectives and implementation time tables
 - provides guidance to vicinage advisory committees on minority concerns
 - monitors execution of the statewide minority concerns program
 - reviews and advises the court on major policies and procedures
 - conducts studies recommended by the court and committee
 - conducts other research as it deems appropriate
- **2020-2021 Goals:**
 - **Supporting Juror Impartiality.** The Judiciary will work to implement policies and protocols to support juror impartiality, including:
 - (a) expanded juror orientation content regarding implicit and explicit bias;
 - (b) model jury charges on impartiality and implicit bias;
 - (c) new and revised mandatory model jury selection questions on recognizing and counteracting bias in the jury process; and
 - (d) examining options for changes to the Court Rules relating to impartiality in the juror selection process.
 - **Reducing Timeframes for Post-Dispositional Supervision.** Focusing on objective measures of client outcomes and community safety, we will reexamine durational requirements established by and within the control of the Supreme Court for persons on probation supervision.
 - The Judiciary will codify recommended timeframes for adults on probation including those graduating from our Drug Court Program and/or Intensive Supervision Program (“ISP”) to ensure that supervisory terms are tailored to provide maximum benefit without prolonging non-rehabilitative court involvement for the purpose of collecting fines and fees that can be enforced without further supervision.
 - We also will explore standardized best practices for juvenile probationary terms, including for the Juvenile Intensive Supervision Program (“JISP”), that prioritize incentives proven to have the greatest effect on long-term prosocial behavior changes.
 - **Supporting Juvenile Rehabilitation.** The Judiciary will examine options for retroactively rescinding and prospectively eliminating court-imposed punitive fines and penalties for juveniles, excluding restitution of monetary obligations and other statutorily required victim-compensation amounts.
 - In conjunction with those efforts, we will continue expanding Juvenile Probation and JISP resources, including through development of culturally focused trainings and programs to meet the needs of all youth under supervision, including substantial numbers of youth of color.

- **Requiring Anti-Bias Continuing Legal Education.** The Supreme Court will revisit, refine, and adopt an “elimination of bias” requirement as part of statewide mandatory Continuing Legal Education for judges and attorneys.
- **Using Technology to Make the Expungement Process Easier.** The Judiciary will improve opportunities for all persons to access expungement resources, including through ongoing in-person and virtual outreach efforts and expanded use of technology.
- **Enabling Alternative Methods of Resolving Municipal Court Matters.** We will reduce the need for litigants to appear in person at Municipal Courts, including by expanding
 - (a) the Statewide Violations Bureau Schedule to allow payment (without appearance) of additional low-level statutory fines and penalties; and
 - (b) the Municipal Online Dispute Resolution application, which enables persons charged with minor matters to negotiate a plea amount via an online portal for approval by a judge.
- **Broadening Language Access Resources.** Building on initial steps implemented during the COVID-19 pandemic, the Supreme Court will supplement the Judiciary Language Access Plan to provide more detailed guidance on interpreting services for remote court proceedings and additional resources and standards for indigenous language services.
- **Reexamining Access to Misused Court Records.** The Supreme Court will prioritize ongoing efforts to amend Court Rule 1:38 (“Public Access to Court and Administrative Records”) to exclude from public access records that as currently maintained create inappropriate hardships for disadvantaged populations (e.g., records of landlord/tenant complaint filings that do not note the outcome), while upholding the Judiciary’s commitment to transparency.
- **Improving the Landlord/Tenant Process.** The Judiciary will support fairer processes by providing plain language information to tenants and landlords about claims and defenses and engaging judges in focused review

New York Franklin H. Williams Judicial Commission

- **Mission:** educates and advises decision makers in the New York Court System on issues affecting both employees and litigants of color, and implements recommendations developed to address said issues.
- **Charge:** developing programs to improve the perception of fairness within the court system and to ensure equal justice in New York State.
- **Work:**
 - Serving as a conduit to persons of color within the court system, meeting annually with the Chief Judge and court administrators to discuss issues of concern to court employees and matters pertaining to racial and ethnic fairness in the courts.
 - Sponsoring seminars and conferences for Judges and court personnel on issues of diversity and race within the courts.
 - Holding professional development and leadership workshops for court personnel and providing judicial mentors for attorneys interested in judicial appointments
 - Acting as a liaison to community groups, fraternal organizations within the court, bar associations and judicial appointing authorities.

- Producing and distributing various publications, including a newsletter.
- Hosting the Diversity Awards program honoring individuals and organizations working to promote racial and ethnic fairness in the New York State Unified Court System and the legal community.
- Presenting a class for new judges on cultural awareness at the New York State Judicial Institute training session for new judges.

New York Judicial Standing Committee on Women in the Courts

- **Mission:** works to secure the equal justice, equal treatment, and equal opportunity that were often denied women.
- **Charge:** Addresses a variety of concerns of women litigants, attorneys, and court employees ranging from: domestic violence victims to immigrant women and from sexually-harassed employees to self-represented matrimonial litigants. The committee was instrumental in the creation of a statewide network of human trafficking intervention courts.
- **Work:**
 - Organized numerous educational programs for New York judges.
 - Helped train nonjudicial court personnel.
 - Planned conferences and forums on a wide range of topics.
 - Published pamphlets and books.
 - Issued periodic reports.
 - Conducted surveys and collected data.
 - Advocated for change in court practices and operations that adversely affect litigants.
 - Responded to complaints from the public and from advocacy groups.
 - Helped write and implement policies that apply to court employees.
 - Created and nurtured a network of local gender fairness and gender bias committees.

North Dakota Supreme Court Gender Fairness Implementation Committee

- **Mission:**
 - Oversee the development of a detailed course of action to implement recommendations of the Final Report of the North Dakota Commission on Gender Fairness in the Courts.
 - Monitor the progress of the Judicial Branch toward eradicating gender bias in the courts.
 - Recommend action beyond that set forth by the Commission where necessary to achieve the goals identified in the Final Report.
 - Review information and make recommendations concerning bias-related issues not identified in the Final Report but which may be related to or have an effect upon the courts or the judicial process.

Ohio Task Force on Racial Fairness

- **Mission:** to identify racial bias where it exists and propose methods for eliminating it from the legal profession and the justice system. This will include gathering information about the perception and reality of disparate treatment toward African-Americans,

Hispanics, Native Americans and Asian-Americans, and recommending methods of addressing and eliminating those perceptions and realities.

- **Charge:**
 - study every aspect of the state court system and the legal profession to ascertain the manner in which African-Americans, Hispanics, Native Americans and Asian-Americans are perceived and treated as parties, victims, lawyers, judges and employees;
 - determine public perceptions of fairness or lack of fairness in the judicial system and legal profession; and
 - make recommendations on needed reforms and remedial programs.
- **6 areas of study:**
 - judges' and attorneys' perceptions;
 - employment and appointment practices in the courts;
 - jury issues;
 - criminal justice and sentencing;
 - law schools; and
 - interpreter services

Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF)

- **Mission:** to ensure that all persons have equal access to Oregon state courts for fair and efficient dispute resolution. It also advises the Chief Justice on matters of systemic racial, ethnic, and gender bias in the Oregon Judicial Department.
- **Charge:**
 - Monitoring and assisting in the implementation of goals and strategies identified in the Oregon Judicial Department Strategic Plan regarding access, inclusion, and fairness.
 - Identifying ways to integrate inclusion and fairness into Oregon Judicial Department practices and procedures and to coordinate efforts in order to ensure access, fairness, equality, and integrity at all levels.
 - Establishing, implementing, and monitoring methods to ensure the Oregon Judicial Department reaches out to the diverse people we serve to understand and address their needs and priorities as they relate to Oregon Courts.
 - Providing reports on the council's work and recommendations to the Chief Justice and the State Court Administrator.

Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness

- **Mission:** promote the equal application of the law for all citizens of the Commonwealth of Pennsylvania.
- **Charge:**
 - evaluate and select for implementation recommendations proposed by the Pennsylvania Supreme Court Committee
 - raise both public and professional awareness of the impact of race, ethnic origin, gender, sexual orientation or disability on the fair delivery of justice in the Commonwealth of Pennsylvania;
 - suggest ways to reduce or eliminate such bias or invidious discrimination within all branches of government and within the legal profession; and

- increase public confidence in the fairness of all three branches of government in the Commonwealth of Pennsylvania.
- **Study Areas:**
 - Litigants with limited English proficiency
 - Racial and ethnic bias in jury selection
 - Gender bias in jury selection
 - Sentencing disparities in the criminal justice system
 - Indigent defense in Pennsylvania
 - Racial and ethnic disparities in the imposition of the death penalty
 - Civil litigation
 - Inequities in personal injury and wrongful death awards to women and minorities
 - Inequities in employment discrimination cases
 - Employment and appointment practices of the courts
 - Perceptions and occurrences of racial, ethnic, and gender bias in the courtroom
 - Domestic violence
 - Sexual assault
 - Family law
 - Racial, ethnic, and gender bias in the juvenile justice system
 - Intersection of racial and gender bias

Rhode Island Supreme Court's Permanent Advisory Committee on Women and Minorities in the Courts

- Court is committed to a system of justice where no one is disadvantaged, or even perceived as being disadvantaged, based on gender, race, religion, national origin or sexual orientation.
- **Mission:**
 - identify problems and make recommendations that ensure fair and equal treatment for all parties, attorneys, court employees and other persons who come in contact with the state courts.
 - examine all levels of the state judicial system, including a review of court statutes, rules, practices and conduct, and raising awareness about the problems and effects of bias in the judicial process.
- **Initiatives:**
 - an informational flyer for court users entitled "Your Day in Court," which has been translated into Spanish, Portuguese, Cambodian and Russian;
 - an "Equal Justice for All" booklet, with a protocol to ensure fair treatment to all who must access the court system; and
 - a report with recommendations on gender bias based upon a survey completed by members of the Rhode Island Bar
 - established an Office of Court Interpreters, since 2004, readily available for non-English speaking court users.
 - various trainings and seminars to further educate those in the court system
 - diversity awareness training for judges
 - a Spanish workshop for court employees
 - a discussion panel on diversity for new attorneys

- Diversity Awareness Seminars for employees of the Rhode Island Judiciary (Judiciary), Capitol Police, and Sheriffs
- examines diversity among the judicial workforce in an effort to increase diversity among the court employees

Washington Supreme Court Gender and Justice Commission

- **Mission:** to identify concerns and make recommendations regarding the equal treatment of all parties, attorneys, and court employees in the State courts, and to promote gender equality through:
 - researching, recommending, and supporting the implementation of best practices;
 - providing educational programs that enhance equal treatment of all parties; and
 - serving as a liaison between the courts and other organizations in working toward communities free of bias.
- **Charge:**
 - devise, recommend and assist with institutionalizing such educational programs, record keeping systems, research projects and other relevant means by which our system of justice may be continuously examined to ensure that gender bias plays no part in the treatment of parties, attorneys and court employees and plays no part in the judicial decision-making process.
 - exercise leadership in partnering with other organizations in addressing gender equality, gender bias and gender discrimination issues in the law and justice community.
 - cooperate and coordinate with national and regional gender and justice programs, networks, committees, task forces and commissions for purposes of developing effective judicial education programs and research projects and for the purpose of sharing ideas.
 - report on a regular basis to the Governor, Legislature, and Chief Justice with respect to the work, findings and recommendations of the Commission.
 - devise ways of communicating its existence, goals, and projects to the legal and judicial communities and to the public at large.

Washington State Minority and Justice Commission

- **Mission:** to foster and support a fair and bias-free system of justice in the Washington State courts and judicial systems by:
 - 1) identifying bias of racial, ethnic, national origin and similar nature that affects the quality of justice in Washington State courts and judicial systems;
 - 2) taking affirmative steps to address and eliminate such bias, and taking appropriate steps to prevent any reoccurrence of such bias; and
 - 3) working collaboratively with the other Supreme Court Commissions and other justice system partners.
- **Projects:** Task force on jury diversity and Task force on pretrial reform
- **Education Committee:**
 - **Mission:** to improve the administration of justice by eliminating racism and its effects by offering and supporting a variety of innovative, high quality, education programs designed to improve the cultural and professional competency of court employees and other representatives of the Washington State justice system.

- **Goals:**
 - To provide and foster leadership for all components of the state justice system with the goal of eliminating racial, cultural, and ethnic bias and disparate treatment and fostering systemic change.
 - To ensure that cultural diversity and cultural competency trainings becomes a normal and continuous aspect of employment or service within the state justice system.
 - To increase cultural awareness, foster greater appreciation of racial and cultural diversity, and engender mutual respect in persons who deliver court services and represent our justice system.
 - To provide and /or collaborate with others in recommending resources and education programs consistent with the mission of the Committee.
 - To be flexible and creative in developing high quality education programs tied to learning outcomes/objectives.
- **Juvenile Justice Committee**
 - **Mission:** work with justice partners to focus attention, inquiry, and action on addressing bias and undoing institutional racism in the juvenile justice system and juvenile courts that allow for disparities for youth of color to persist.
 - **Goals:**
 - Expand the ways that youth can be diverted away from juvenile justice involvement.
 - Review the types and utilization of detention alternatives in Washington and leverage and increase their use beyond those achieved through the Juvenile Detention Alternative Initiative (JDAI).
 - Shift the paradigm of juvenile justice from corrections/"rehabilitate" to one that is trauma informed, restorative, and positively transformative.
 - Reduce lifelong impacts of juvenile justice involvement, like debt, juvenile records, registration and other stigma.
 - Develop race equity impact tools and statements for proposed rules, guidelines, laws, and policies.
- **Outreach Committee**
 - **Mission:** to facilitate communication between the Washington State Minority and Justice Commission and the public and, specifically, the legal and court communities of Washington State, regarding interaction with and participation in the justice system by minorities or persons of color.
 - **Goals:**
 - Establish, maintain and enhance sustained relationships between courts, legal community organizations and other public and private agencies engaged in work relating to the courts and diversity.
 - Oversee development and production of the Commission's annual report.
 - Obtain artwork expressing an issue important to the Commission's goals and mission for the Commission's annual poster.
 - Assist the Commission in broadening its exposure to the public and constituencies it serves by recommending and facilitating Commission meetings and other public events at locations and in communities throughout the state.

- Create and maintain materials such as brochures and multi-media products such as videos and the Commission's website.
- Evaluate and recommend individuals for appointment to the Commission's membership.
- **Workforce Diversity Committee**
 - **Mission:** to promote equal employment and to study and improve the conditions needed to increase the opportunities for racial, ethnic and other traditionally underrepresented minorities to be employed by and supported in the justice system, including judicial and non-judicial leadership positions.
 - **Goals:**
 - Study the status, importance and benefits of a representative workforce in the courts, their state administrative agency, and the bar.
 - Conduct internal and external outreach about status, importance and benefits of a representative workforce in the justice system.
 - Coordinate with the Commission's Education Committee and other entities to ensure that these issues are a continuous and regular part of the continuing education of the courts, bar and other stakeholders.
 - Develop resource materials that can be used to improve the conditions needed to develop and sustain a diverse workforce in the courts and their state administrative agency.

The National Consortium on Racial and Ethnic Fairness in the Courts

- Over 27 state task forces and commissions are members
- **Mission:**
 - The National Consortium is committed to encouraging the highest courts of each state to create commissions to examine the treatment accorded minorities in their courts; sharing the collective knowledge of task forces and commissions with courts, law enforcement, and the community; and providing technical assistance and expertise to commissions, task forces, and other interested organizations and individuals on the subject of racial and ethnic fairness.
 - In order to promote a court system that is fair to all and free of racial and ethnic bias, the National Consortium will work collaboratively to:
 - Advance efforts to eliminate bias from court operations, promote equal access to the courts and inspire a high level of trust and public confidence in the courts;
 - Share scholarly information, recommendations, and evidence-based practices with courts, the legal community, law enforcement, and the public;
 - Strongly encourage the highest courts of each state to create, revitalize and support commissions to examine racial and ethnic fairness within their courts; and
 - Provide technical expertise, consultation and support to existing commissions and other organizations.

- **Purpose:**
 - To provide an annual forum to discuss and share research and program activities, as well as progress made in program activities and recommended reforms;
 - To encourage all state courts to establish or cause to establish an appropriate entity or investigative body with the purpose of examining the treatment accorded racial and ethnic minorities in the courts;
 - To encourage all state courts or other established bodies to implement recommendations made as a result of a state's findings; monitor the progress; advise the court on major emerging policies and procedures; and advise the court of proposed legislation that may adversely impact racial and ethnic minorities, women, and other low-income citizens;
 - To work with the National Center for State Courts in its role as a clearinghouse and repository for task force and commission reports on racial and ethnic fairness in the courts;
 - To develop a national agenda for educating the courts, the legal profession, the law enforcement community, and the general public concerning racial and ethnic fairness in the courts;
 - To share the collective knowledge of former or existing task forces and commissions on racial and ethnic bias and fairness in the courts;
 - To share and promote the collective knowledge in dealing with and promoting racial and ethnic fairness and impartiality in the courts, the legal profession, the law enforcement community, and the general public.
- [Links to State Commissions](#)

NCSC / Conference on Chief Justices / Conference of State Court Administrators

- Resolution 1 in support of racial equality and justice for all
- **Court efforts:**
 - to identify and address unconscious bias, and facilitate the uncomfortable conversations that arise from the recognition of such bias;
 - to diminish the extent to which pretrial release depends on a defendant's ability to pay;
 - to develop evidence-based practices in sentencing and throughout the criminal justice process;
 - to establish proportionate sanctions for the failure to pay fines and fees for those who willfully fail to pay, and to prevent sanctions from being imposed on those who are financially unable to pay;
 - to collect, maintain and report court data regarding race and ethnicity that enables courts to identify and remedy racial disparities;
 - to develop career pathways to improve the racial and ethnic diversity of the bench, law clerks, and court staff, as well as the legal community; and
 - to engage in conversations with communities of color, so that, in the words of Bryan Stevenson, our courts "get proximate" to the challenges faced by such communities

- **Resolved:** to continue and to intensify efforts to combat racial prejudice within the justice system, both explicit and implicit, and to recommit to examine what systemic change is needed to make equality under the law an enduring reality for all, so that justice is not only fair to all but also is recognized by all to be fair

Research

City of Long Beach, CA

[Initial Report on Racial Equity and Reconciliation Initiative](#)

- Report details actions to address anti-Black racism, advance racial equity, and reconcile with the vision that race should not determine social and economic outcomes for those who live or work in Long Beach.
- **Goals/Strategies:** of the initial report include actions related to government/ infrastructure, public safety and policing, violence prevention, health equity and economic inclusion.
 - 4 goals:
 - End systemic racism in Long Beach, in all local government and partner agencies, through internal transformation.
 - Design and invest in community safety and violence prevention.
 - Redesign police approach to community safety.
 - Improve health and wellness in the City by eliminating social and economic disparities in the communities most impacted by racism.
- Plan consists of 21 distinct strategies and 107 potential actions. The purpose of the potential actions is to center the needs, voices and assets of those most affected by anti-Black systemic racism and eliminate disparities in order to expand opportunities for all Long Beach residents.
- **Contact:** Katie Balderas, Equity Officer, City of Long Beach, Katie.Balderas@longbeach.gov

National Association for Court Management

Podcasts for Court Leaders

Part 1: [Courts and Systemic Bias: What Lessons Have We Learned?](#) (8-20-20)

- Since the death of George Floyd, this nation has agonized with divided perceptions of police and criminal justice. One perception sees systemic bias, mostly centered on law enforcement, with problems that need institutional change. The other perception sees isolated events that need individual investigations and limited corrections.
- Although the courts have not been in the spotlight recently, this might be a good time for some introspection. Can the impartiality of courts remain intact or is this is an opportunity for proactive improvement? What is the state of our courts regarding systemic bias? What advice do we have for moving forward?
- Co-host is Charleston Carter, Trial Court Administrator for the 26th Judicial District in Mecklenburg County, (Charlotte, North Carolina)
- Panel:

- The Honorable John Pacheco, Judge of the Superior Court for San Bernardino County (California).
- Alena Clark with the Prosecutor's Office in Genesee County (Michigan).
- Linda Romero-Soles, Retired Court Executive Officer for the Superior Court in Merced County (California).
- Elisa Chinn-Gary, Clerk of the Superior Court in Mecklenburg County (Charlotte, North Carolina).

Part 2: [Courts and Systemic Bias: What Lessons Have We Learned?](#) (8-28-20)

- We continue to look at the state of our courts regarding systemic bias and what advice we have for others moving forward. The panel discusses the specifics regarding systemic bias and expungements, fines and fees, evictions, allowing ex-felons the vote, and the need for better racial sensitivity training.

[**Black Lives Matter: Eliminating Racial Inequality in the Criminal Justice System**](#)

- **Best Practices** for Reducing Racial Disparities in the Criminal Justice System:
 - (1) Revise policies and laws with disparate racial impact
 - Implement pre-arrest diversion strategies providing law enforcement with options to divert individuals arrested on drug or prostitution charges, or those with MH issues, to social services rather than incarceration
 - Legislation requiring a racial impact analysis before codifying a new crime or modifying the criminal penalty for an existing crime.
 - Amend DA plea guidelines emphasizing prior arrests which can create racial disparities in plea offers
 - Use risk instruments, but ensure the risk factors do not correlate with race or create racial disparities
 - (2) Address implicit racial bias among criminal justice professionals
 - Bias and excessive use of force among police officers
 - Recruit and retain persons of color
 - Use body cameras
 - Eliminate racial disparities in charging decisions
 - Address potential bias among jurors
 - Establish objective criteria and guidelines for decision making
 - (3) Reallocate resources to create a fair playing field
 - Increase pretrial release, emphasize risk assessment over monetary bail
 - Establish alternatives to incarceration for low-income individuals
 - Expand alternative community programs
 - Offer Spanish language resources: Spanish-speaking court
 - Expand bilingual staff
 - (4) Revise policies that exacerbate socioeconomic inequalities and redirect public spending toward crime and prevention and drug treatment
 - Reduce barriers to employment for those with criminal records, i.e., remove the question about conviction history from job applications, and expungements
 - Invest in MH and SA treatment
 - Create programs to reduce school truancy and prevent dropouts, and victim services

- Address housing insecurity
 - Limit the collateral consequences of criminal convictions (i.e., voter eligibility)
- Analyze the impact of reforms to address racial disparities within the justice system with comprehensive data and a framework for measuring success
 - Key question: whether an initiative should be designed to reduce the *total number* of people of color in the justice system (in absolute count or as a rate) or the *relative ratio* of racial disparity (a comparison of rates of contact with the justice system).