

**UTAH JUDICIALCOUNCIL  
POLICY, PLANNING and TECHNOLOGY COMMITTEE  
MEETING MINUTES**

Webex video conferencing  
September 2, 2022: 12 pm -2 pm

**MEMBERS:**

**PRESENT**

**EXCUSED**

**GUESTS:**

Judge Derek Pullan, <i>Chair</i>	•	
Judge Augustus Chin	•	
Judge Samuel Chiara	•	
Judge David Connors	•	

Paul Barron  
Stacy Haacke  
Karl Sweeney  
Dustin Treanor  
Todd Eaton  
Judge Laura Scott  
Nick Stiles  
Keri Sargent

**STAFF:**

Keisa Williams  
Brody Arishita  
Minhvan Brimhall

**(1) Welcome and approval of minutes:**

Judge Pullan welcomed committee members and guests. The committee considered the minutes from the August 5, 2022 meeting. With no changes, Judge Connors moved to approve the minutes as presented. Judge Chin seconded the motion. The motion passed unanimously.

**(2) Rules back from public comment:**

- CJA 4-206. Exhibits.
- CJA 9-107. Justice court technology, security, and training account.

The public comment period on the above rules has closed. No comments were received on rule 9-107. Rule 4-206 received one comment in favor of the proposed amendments. No additional changes are recommended.

***With no further discussion, Judge Connors moved to send CJA 4-206 and CJA 9-107 to the Judicial Council for final approval with a November 1, 2022 effective date. Judge Chiara seconded the motion. The motion passed unanimously.***

**(3) CJA 3-412. Procurement of goods and services.**

The Small Purchase limit (when multiple quotes are not required) has been increased to \$5,000 per item and up to \$10,000 for an entire purchase. The Budget & Fiscal Management Committee approved the increase to mimic policies that the Executive Branch and State Purchasing have already implemented. Corresponding amendments have been made to the Accounting Manual. Ron Gordon is the chief procurement officer for the AOC. The Committee noted that the "Judicial Operations" budget no longer exists. Mr. Sweeney will delete paragraph (20) on page 3 of the attached section of the Accounting Manual, 07-00.00.

*With no further discussion or concerns, Judge Connors moved to send CJA 3-412 to the Judicial Council for expedited approval with an effective date of September 13, 2023, followed by a 45-day public comment period. Judge Chiara seconded the motion. The motion passed unanimously.*

**(4) CJA 6-501. Reporting requirements for guardians and conservators.**

Rule 6-501 was sent out for a 45-day public comment period and those comments were discussed at PP&T's August meeting. At its August 19th meeting, the Judicial Council adopted the proposed amendments and approved them as final with a November 1, 2022 effective date. After the Judicial Council meeting, Ron Gordon received an email from a local attorney, Michael Jensen, with the following comments:

“...bring to the attention of the Judicial Council, two errors in the amended CJA 6-501 Rule (i.e., the rule governing the reporting requirements for guardians and conservators) that is to become effective November 1st of this year. Specifically, Rules 6-501(5) and 6-501(9) are inconsistent with each other. Under 6-501(5), “Report Forms”, there is an exception for a “corporate fiduciary”. Under 6-501(9), such exception was mistakenly omitted. Also, under Rule 6-501(6), Line 124 [now line 91], there is a reference to “Paragraph (4)”, but I believe it should be “Paragraph (5)”.

The reference in line 91 was a typo and has been corrected. The Probate Subcommittee discussed the issues raised in sections (5) and (9). The Subcommittee recommends not exempting corporate fiduciaries from using court approved forms for annual status reports, inventory, and accounting, and therefore would recommend no change to the language found in paragraph (9).

The purpose of this recommendation was to comply with Utah Code provisions and streamline the ability of the court to review a report regardless of whether it was from a corporate fiduciary, a self-represented person, or a non-professional. Additionally, this would hold everyone to the same standard. In making these recommendations for the referenced language in Rule 6-501, the Probate Subcommittee refers to Utah Code 75-5-417(2)(d) and (3)(a). Subsection (2)(d) states the Judicial Council shall approve the forms for the accounting reports described in the statutory subsections (a) and (b), including the accounting and annual report. Forms for the annual reports, inventory, and accounting can be found on the courts website – here. Furthermore, paragraphs (7), (8), and (9) of Rule 6-501 all have the same language in the second sentence of (A) regarding use of substantially the same form as those approved by the Judicial Council, for annual reports, inventory, and accountings. Finally, U.C. 75-5-417(3) (a) indicates corporate fiduciaries are not required to fully petition the court but shall submit their internal report annually to the court.

This language was incorporated into paragraph 5 of Rule 6-501, but there is no further exception for corporate fiduciaries found in the statute. Rather, a corporate fiduciary may attach their own accounting or other documents as exhibits to the court form which is required of all filers.

The committee discussed a potential inconsistency in the language of sections 5 and 9. Section 5 allows for a fiduciary to file its own internal report or accounting, without being required to use a Judicial Council approved form. Section 9 indicates that the report is required to be the same form approved by the Judicial Council. The committee is unclear as to whether the comments provided by Mr. Jensen are asking for a change to the rule or asking for consistency in the rule. The committee sent the rule back to the Subcommittee for further discussion regarding the intent of the comments and asked for additional recommendations.

This item is tabled for further discussion at the next meeting.

**(5) CJA 1-201. Membership – Election**

**CJA 1-302. Membership – Officers - Secretariat**

There is a conflict in the rules regarding Council members' ability to serve simultaneously on boards of judges and rule 1-201 needs to be updated to reflect the membership exception for the Standing Committee on Judicial

Fairness and Accountability. There is a difference in practice and preference amongst the various boards of judges. Each respective board has its own rule and preference regarding membership. If the appellate court is exempt from 1-201(7) ("of a trial court") and Council members may be non-voting board members, each of the board rules are in compliance with 1-201(7) and do not need to be amended. The proposed amendments align rule 1-302(2) with rule 1-201(7).

***With no further discussion or concerns, Judge Connors moved to send CJA 1-201 and 1-302 to the Judicial Council for approval for a 45-day public comment period. Judge Chin seconded the motion. The motion passed unanimously.***

**(6) Records requests – associated with case:**

- **CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case**
- **CJA 4-202.08. Fees for records, information, and services**

The proposed amendments are intended to resolve two reoccurring issues associated with records access requests and to adopt recent legislative amendments to 63G-2-203(5)(c) in H.B. 96. Pursuant to 78A-2-301(1)(bb), "The Judicial Council shall, by rule, establish a schedule of fees for copies of documents and forms and for the search and retrieval of records under [GRAMA]."

**Rule 4-202.04:**

The proposed amendment clarifies that a motion is required to be filed with the court when access to non-public records in a case are requested by a person who is not authorized, pursuant to rule 4-202.03, to receive those records. Language to the rule has been modified from "may" to "must" in paragraph (2)(B).

The committee agreed that a motion is required for access to non-public records by any individual not authorized to receive those records. The committee recommended adding the word "public" to (2)(A) to distinguish between public and non-public records.

**Rule 4-202.08:**

Consistent with H.B. 96 and 63G-2-203(5)(c), the proposed amendment would allow the court to charge requesters for the first 15 minutes of personnel time if the person has submitted a separate request within the 10-day period immediately prior to the date of the new request, provided the person is not a Utah media representative. Indigent individuals would be allowed 1 free copy of each record, after which they would be required to pay the standard rates. Exceptions can be made by court order or by the State Court Administrator. Court clerks are able to note in CORIS and CARE when requests are received, what documents are requested, and when the request was fulfilled. Court clerks have at times been inundated with repeated requests from the same individual for the same record. The proposed amendment provides a balance for fulfilling those requests. In paragraph (9)(A)(ii), "impecunious" has been changed to "indigent."

The committee recommended modifying paragraph (9)(B) to clarify that the "The State Court Administrator may waive the one free copy limit under this rule for good cause." Appeals of the State Court Administrator's decision will be reviewed by the Management Committee as outlined in CJA rule 4-202.07.

***With no further discussion or concerns, Judge Connors moved to send CJA 4-202.04 and 4-202.08 to the Judicial Council for approval for a 45-day public comment period. Judge Chiara seconded the motion. The motion passed unanimously.***

**(7) Technology report/proposals:**

**CJA 1-204. Executive Committees**

The proposed amendments create court-level core teams and subcommittees of PP&T to assist the Committee in accomplishing its new technology responsibilities. The creation of a technology advisory committee would be to recommend changes on how the court operates, problem solves, or brings on new applications or software. The subcommittee will ensure that proposals are well vetted prior to review and discussion by the PP&T Committee. The IT group already has structures in place at the appellate, district, juvenile, and justice court levels to review, discuss, and propose IT level projects. The proposed amendments will streamline the review process for the existing court teams.

***With no further discussion, Judge Connors moved to send CJA 1-204 to the Judicial Council for approval for a 45-day public comment period. Judge Chiara seconded the motion. The motion passed unanimously.***

**Old Business/New Business:**

This is Judge Pullan's final meeting with the committee as his term on the Judicial Council has concluded. The committee thanked Judge Pullan for his dedication to work of the committee and his commitment to serve.

**Adjourn:** With no further items for discussion, the meeting adjourned. The next meeting will be held on October 7, 2022 at 12 PM via Webex video conferencing.