

**UTAH JUDICIAL COUNCIL
POLICY, PLANNING, & TECHNOLOGY COMMITTEE
MEETING AGENDA**

November 4, 2022 – 9:00 a.m. to 5:00 p.m.

Webex

9:00	Welcome new members and approval of minutes	Action	Tab 1	Judge Connors
9:05	<p><u>Rules back from public comment:</u></p> <ul style="list-style-type: none"> • No action needed (Tab 2): <ul style="list-style-type: none"> ○ CJA 4-208. Automated case processing procedures ○ CJA 3-108. Judicial assistance ○ CJA 4-403. Electronic signature and signature stamp use ○ CJA 3-412. Procurement of goods and service • Final approval (no amendments) (Tab 3): <ul style="list-style-type: none"> ○ Appendix B. Justice Court Standards for Recertification ○ CJA 1-201. Judicial Council Membership – Election ○ CJA 1-302. Board of Judges Membership – Officers – Secretariat ○ CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case • Final approval (with amendments) (Tab 4): <ul style="list-style-type: none"> ○ CJA 4-202.02. Records classification ○ CJA 4-202.08. Fees for records, information, and services ○ CJA 1-204. Executive committees 	Action	Tabs 2-4	<p>Tabs 2-3: Stacy Haacke</p> <p>Tab 4: Judge Michelle Christiansen Forster</p> <p>Nick Stiles</p> <p>Stacy Haacke</p> <p>Keri Sargent</p> <p>Brody Arishita</p>
10:30	CJA 6-501. Reporting requirements for guardians and conservators	Action	Tab 5	Stacy Haacke Shonna Thomas Judge Keith Kelly
11:00	CJA 3-406. Budget and fiscal management	Action	Tab 6	Karl Sweeney
11:25	CJA 3-104. Presiding judges	Action	Tab 7	Shane Bahr
11:40	<p>Request for rule amendments (Mr. Eames)</p> <ul style="list-style-type: none"> • CJA 1-204. Executive committees • CJA 4-202.07. Appeals 	Action	Tab 8	Stacy Haacke
11:50	Technology report/proposals	Discussion		Brody Arishita
12:10	Elect New Committee Chair	Action		Judge Connors
12:20	Old Business/New Business: 2023 meeting schedule	FYI	Tab 9	
12:30	Adjourn			

2022 Meetings: December 2, 2022

TAB 1

Minutes

September 2, 2022

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

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

DRAFT

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.

TAB 2

Rules back from Public Comment (*no action needed*)

CJA 4-208. Automated case processing procedures

CJA 3-108. Judicial assistance

CJA 4-403. Electronic signature and signature stamp use

CJA 3-412. Procurement of goods and service

Notes: The following rules were approved by the Judicial Council as final with expedited effective dates. No public comments were received on any rule. No further action is needed on these rules unless the committee makes additional changes.

CJA 4-208. Automated case processing procedures (*effective October 1, 2022*)

HB 139, deferred traffic prosecution, goes into effect on October 1, 2022. The amendments authorize the Administrative Office of the Courts to develop a process for issuing automated orders in deferred traffic prosecution cases, similar to the clean slate expungement process. Removes definitions of terms that are not included in the rule.

CJA 3-108. Judicial assistance (*effective October 1, 2022*)

HB 139, deferred traffic prosecution, goes into effect on October 1, 2022. The amendments allow the presiding officer of the Council to appoint a district court presiding judge as the signing judge for deferred traffic prosecution orders in all district courts within the presiding judge's district with jurisdiction over eligible cases.

CJA 4-403. Electronic signature and signature stamp use (*effective October 1, 2022*)

HB 139, deferred traffic prosecution, goes into effect on October 1, 2022. The amendments allow the electronic signature of a judge to be automatically affixed to orders related to deferred traffic prosecution cases.

CJA 3-412. Procurement of goods and service (*effective September 13, 2022*)

The small purchase limits have been increased to \$5,000 per item and up to \$10,000 for an entire purchase.

Rule 3-108. Judicial assistance.**Intent:**

To establish the authority, procedure and criteria for judicial assistance.

Applicability:

This rule shall apply to judicial assistance provided by active senior judges and judges of courts of record.

Statement of the Rule:

(1) **Criteria for requesting assistance.** Judicial assistance shall be provided only for the following reasons:

(1)(A) when assistance is needed because of a judicial vacancy or an absence due to an illness, accident, or disability;

(1)(B) to prevent the occurrence of or to reduce a critical accumulated backlog;

(1)(C) to handle a particular case involving complex issues and extensive time which would have a substantial impact on the court's calendar;

(1)(D) to replace a sitting judge who is absent because of assignment as a tax judge, illness or to replace the judges in that location because of disqualification in a particular case;

(1)(E) to mentor a newly appointed judge;

(1)(F) to handle cases during vacation periods or during attendance at education programs by the sitting judge, following every effort by that judge to adjust the calendar to minimize the need for assistance and only to handle those matters which cannot be accommodated by the other judges of the court during the absence;

(1)(G) to provide education and training opportunities to judges of one court level in the disposition of cases in another court level;

(1)(H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration;

(1)(I) to handle automatic expungement cases; and

(1)(J) to serve on a grand jury panel.

(2) **Assigning a senior judge for judicial assistance.**

(2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance under the priorities listed in paragraph (3) before assigning a senior judge.

(2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the presiding judge shall seek approval from the Management Committee, and present to the Management Committee a plan for meeting the needs of the court and a budget to implement the 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 the judges and senior judges.

(3) Criteria for transferring or assigning judges. The transfer or assignment of judges for judicial assistance under this rule, shall, in general, be based upon the following priorities:

(3)(A) experience and familiarity with the subject matter, including, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, knowledge of the theory and practice of ad valorem, excise, income, sales and use, and corporate taxation;

(3)(B) active judges before active senior judges with consideration of the following:

(3)(B)(i) active judges from a court of equal jurisdiction in a different geographical division than the court in need, and who are in close proximity to that court;

(3)(B)(ii) active senior judges from a court of equal jurisdiction to the court in need and who are in close proximity to that court;

(3)(B)(iii) active judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is most closely related to that court and who are in close proximity to that court;

(3)(B)(iv) active judges from a court of equal jurisdiction in a different geographical division than the court in need who are far removed from that court;

(3)(B)(v) active or active senior judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is similar to that court and who are not in close proximity to that court;

(3)(C) availability;

(3)(D) expenses and budget.

(4) Assignment of active judges.

(4)(A) Any active judge of a court of record may serve temporarily as the judge of a court with equal jurisdiction in a different judicial district upon assignment by the presiding

judge of the district in which the judge to be assigned normally sits or, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, assignment by the supervising tax judge with the approval of the presiding officer of the Council.

(4)(B) Any active judge of a court of record may serve temporarily as the judge of a court with different jurisdiction in the same or a different judicial district upon assignment by the presiding officer of the Council or assignment by the state court administrator or designee with the approval of the presiding officer of the Council.

(4)(C) The presiding officer of the Council may appoint a district court presiding judge as the signing judge for automatic expungements and deferred traffic prosecution orders in all district courts within the presiding judge's district with jurisdiction over eligible cases. The length of the assignment may coincide with the judge's term as presiding judge.

(4)(D) The assignment shall be made only after consideration of the judge's calendar. The assignment may be for a special or general assignment in a specific court or generally within that level of court and shall be for a specific period of time, or for the duration of a specific case. Full time assignments in excess of 30 days in a calendar year shall require the concurrence of the assigned judge. The state court administrator or designee shall report all assignments to the Council on an annual basis.

(4)(E) Requests for the assignment of a judge shall be conveyed, through the presiding judge, to the person with authority to make the assignment under paragraphs (A) and (B). A judge who is assigned temporarily to another court shall have the same powers as a judge of that court.

(5) Notice of assignments. Notice of assignments made under this rule shall be made in writing, a copy of which shall be sent to the state court administrator or designee.

(6) Schedule of trials or court sessions. The state court administrator or designee, under the supervision of the presiding officer of the Council, may schedule trials or court sessions and designate a judge to preside, assign judges within courts and throughout the state, reassign cases to judges, and change the county for trial of any case if no party to the litigation files timely objections to the change.

Effective: October 1, 2022~~6/28/2021~~

Rule 3-412. Procurement of goods and services.**Intent:**

To identify the respective responsibilities of the judiciary and the Department of Administrative Services in the procurement of goods and services.

Applicability:

This rule shall apply to the judiciary's expenditure of funds appropriated by the legislature.

Statement of the Rule:

(1) **Definitions.** Except as provided in Subsection (2), All terms are defined as provided by the Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy Board, as amended and the Division of Purchasing's Policies and Procedures. Any discrepancy between the statutory definition and the definition contained in the regulations shall be controlled by the statutory definition.

(2) **Chief procurement officer**~~Purchasing authority. Under the Utah Code~~As used in this rule, chief procurement officer means the state court administrator~~is the purchasing authority for the judiciary in the expenditure of appropriated funds for the procurement of supplies, services, and construction.~~

(3) **Procurement officers.** The state court administrator may designate a others to serve as procurement officers for various parts of the judiciary. For example, cCourt executives are the procurement officers for their courts. The state court administrator or designee or a procurement officer may enter into contracts or make written determinations with respect thereto as provided in this rule. Court Purchasing will advise procurement officers on purchases to ensure compliance with rules, policies, and statutes.

(4) Contracts to conform to statute and regulations.

(4)(A) All contracts for the procurement of supplies, services, or construction entered into, by or on behalf of the judiciary, shall conform to the Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy Board, as amended and the Division of Purchasing's Policies and Procedures. Any discrepancy between the procedures provided for by statute and the procedures provided for by regulation shall be controlled by the statutory procedures.

(4)(B) Subject to the availability of funds, the state court administrator may establish within the administrative office a procurement section that shall have the responsibility and authority as provided by the Utah Procurement Code and the Regulations of the Utah State Procurement Policy Board. Unless a procurement section is established, the judiciary shall work with and through the Department of Administrative Services, Division of Purchasing in the procurement of supplies, services, or construction.

(5) **Authority to contract.**

(5)(A) Contracts for the procurement of supplies, services, or construction for an amount greater than \$5000 per individual item or \$10,000 per overall purchase shall be approved by the state court administrator or his designated procurement officer. General eCounsel shall approve such contracts as to form and legal sufficiency, and the manager of finance shall approve such contracts as to availability of funds. Other provisions for contract management contained in this Code shall be followed if they apply to the particular contract.

(5)(B) Requests to enter into contracts greater than \$5000 per individual item or \$10,000 per overall purchase shall be directed to the Chief Procurement Officer or designee~~appropriate state level administrator or the director of support services~~. The Chief Procurement Officer or designee~~state level administrator or the director of support services~~ shall coordinate all procedures required by the Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy Board, as amended and the Division of Purchasing's Policies and Procedures. Before final award of the contract, the contract shall be approved pursuant to paragraph (5)(A).

(5)(C) Court executives are authorized to approve and enter into contracts for the procurement of supplies, services, or construction on behalf of their courts when ~~the amount of the contract is not greater than \$5000~~they are under the small purchase rule thresholds of up to \$5,000 for individual items and up to \$10,000 total per purchase. Court executives may enter into such contracts subject to the availability of funds and in accordance with paragraph (4) of this rule.

(5)(D) Procurement requirements shall not be artificially divided so as to avoid the provisions of this rule.

(5)(E) Courts should check to see if items are available on state contract before making a purchase by using the State Purchasing website contract search page or contacting Court Purchasing. Contract Search Page link: <https://statecontracts.utah.gov/Home/Search>.

Effective: ~~November 1, 2008~~September 13, 2022

Rule 4-208. ~~Automatic expungement of cases~~Automated case processing procedures.**Intent:**

The intent of this rule is to govern the Administrative Office of the Court's development and implementation of ~~an~~ automated expungement and deferred traffic prosecution processeses.

This rule applies to cases in district and justice courts.

Statement of the Rule:**(1) Definitions.**

~~(1)(A) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety.~~

~~(1)(B) "Clean slate eligible case" means the same as defined in Utah Code §77-40-102.~~

~~(1)(C) "Conviction" means a judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.~~

~~(1)(D) "Expunge" means to seal or otherwise restrict access to the individual's court record when the record includes a criminal investigation, detention, arrest, or conviction.~~

(2) Automated expungement and deferred traffic prosecution processeses

(2)(A) The Administrative Office of the Courts shall develop and implement an automated ~~process for expunging eligible court records~~expungement and deferred traffic prosecution processes.

(2)(B) Automated processes must comply with the requirements outlined in the Utah Rules of ~~Criminal~~ Procedure and the Utah ~~Expungement Act~~Code.

(2)(C) All automated ~~expungement~~ processes developed by the Administrative Office of the Courts shall be approved by the Utah Judicial Council.

(3) Standing and automated orders ~~and orders of expungement~~

(3)(A) The presiding officer of the Judicial Council may appoint a district court presiding judge as a signing judge for automatic expungements in all district courts within the presiding judge's district in accordance with Rule 3-108.

(3)(B) The presiding officer of the Judicial Council may appoint a district court presiding judge as a signing judge for automated deferred traffic prosecution orders in all district courts within the presiding judge's district with jurisdiction over eligible cases in accordance with Rule 3-108.

(3)(~~CB~~) A justice court presiding judge may act as a signing judge for automatic expungements and automated deferred traffic prosecution orders in all justice courts within the presiding judge's district. The length of the assignment must coincide with the judge's term as a presiding judge.

(3)(C) If the district or justice court presiding judge determines that the requirements under the Utah Code, Utah Rules of ~~Criminal~~ Procedure, and this rule have been met, the presiding judge shall issue a standing order authorizing the Administrative Office of the Courts to prepare and automatically affix the presiding judge's judicial signature to orders of expungements and deferred traffic prosecution issued in relation to cases from that judicial district.

(3)(D) The form and content of automated orders ~~of expungement~~ must be approved by the Utah Judicial Council.

(4) Notice of action taken.

~~(4)(A)~~ The Administrative Office the Courts shall send notice that an order of ~~expungement~~ deferred traffic prosecution has been issued in accordance with the Utah Rules of ~~Criminal~~ Procedure. Notifications and orders may be sent electronically.

Effective: ~~5/1/2022~~October 1, 2022

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 and orders to appear/attend under URCP 7A(c)(4) and URCP 7B(c)(4);

(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) The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council;

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

~~and~~

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

(3)(C) automated orders related to deferred traffic prosecution cases under Utah Code § 77-2-4.2.

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

Effective: ~~5/24/2021~~ October 1, 2022

TAB 3

Rules back from Public Comment

(Final Approval – No Amendments)

Appendix B. Justice Court Standards for Recertification

CJA 1-201. Judicial Council Membership – Election

CJA 1-302. Board of Judges Membership – Officers – Secretariat

CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case

Notes: The following rules are back from a 45-day public comment period. No comments were received on any rule and no additional amendments are recommended. Staff recommends that the Committee vote to send the rules to the Judicial Council with a recommendation that they be adopted as final with a **May 1, 2023 effective date**.

Appendix B. Justice Court Standards for Recertification

Code of Judicial Administration Rule 9-108 requires that justice court standards be reviewed and updated every two years. The proposed amendments are intended to streamline the appendix, provide clarity, and incorporate recent statutory amendments.

CJA 1-0201. Judicial Council Membership – Election

CJA 1-0302. Board of Judges Membership – Officers – Secretariat

Clarifies that Council members may serve as non-voting members of a trial court board and continues to allow an exception for the appellate courts. Reflects the Judicial Council's membership exception for the Standing Committee on Judicial Fairness and Accountability set forth in rule 1-205(1)(C).

CJA 4-0202.04. Request to access a record associated with a case; request to classify a record associated with a case

Clarifies that requesters denied access to non-public court records associated with a case that they are not authorized to access under rule 4-202.03 must file a motion or petition to access the record.

1 **Rule 1-201. Judicial Council Membership - Election.**

2
3 **Intent:**

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

5
6 To establish the procedure for filling a vacancy on the Council as authorized by statute.

7
8 **Applicability:**

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

11
12 This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah State
13 Bar.

14
15 As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of
16 Judges and the Board of Commissioners of the Utah State Bar.

17
18 **Statement of the Rule:**

19 (1) The composition of the Council, the term of office of elected Council members, and the
20 electorate of elected Council members shall be as prescribed by law.

21
22 **(2) Term.** The term of office of all elected Council members shall begin with the Council meeting
23 immediately following the annual judicial conference. No person shall serve on the Judicial
24 Council for more than two consecutive three-year terms plus the remainder of any unexpired
25 portion of a term.

26
27 **(2) Election.** Election of judicial members of the Council shall take place during the annual
28 judicial conference at the business meeting of each respective court. Election of the
29 representative of the Utah State Bar shall take place at a regularly scheduled meeting of the
30 Board of Commissioners.

31
32 **(3) Vacancies**

33
34 (3)(A) **Judges.** If a vacancy exists for a judicial member of the Council who represents a
35 trial court, the Board for the court represented by that seat shall appoint a judge to serve
36 on the Council until the next judicial conference. At such conference, the judges shall
37 elect a member to the Council to serve for the unexpired portion of the original term. If a
38 judicial member of the Council who represents an appellate court is unable to complete
39 a term of office, the members of that court shall appoint a judge to serve on the Council
40 until the expiration of the vacated term.

41
42 (3)(B) **Bar representative.** If the representative of the Utah State Bar is unable to
43 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 plus the remainder of any unexpired portion of a term.~~

(4) **Board nomination procedures.** 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) **Meeting attendance.** 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) **Expenses.** 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) **Board membership.** Council members ~~shall not be eligible to~~may not 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, except for the Standing Committee on Judicial Fairness and Accountability. 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~~May 1, 20230

Rule 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case.

Intent:

To establish the process for accessing a court record associated with a case.

Applicability:

This rule applies to court records associated with a case.

Statement of the Rule:

(1) **Written request.** A request to access a public court record shall be presented in writing to the clerk of the court unless the clerk waives the requirement. A request to access a non-public court record to which a person is authorized access shall be presented in writing to the clerk of the court. A written request shall contain the requester's name, mailing address, daytime telephone number and a description of the record requested. If the record is a non-public record, the person making the request shall present identification.

(2) Motion or petition to access record.

(2)(A) If a written request to access a public court record is denied by the clerk of court, the person making the request may file a motion to access the record.

(2)(B) A person not authorized to access a non-public court record pursuant to rule 4-202.03 must file a motion to access the record. If the court allows access, the court may impose any reasonable conditions to protect the interests favoring closure.

(3) Motion or petition to reclassify record.

(3)(A) If the court record is associated with a case over which the court has jurisdiction, a person with an interest in a court record may file a motion to classify the record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social; or to have information redacted from the record. The court shall deny access to the record until the court enters an order.

(3)(B) If the court record is associated with a case over which the court no longer has jurisdiction, a person with an interest in the record may file a petition to classify the record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social; or to have information redacted from the record. The court shall deny access to the record until the court enters an order.

(3)(C) As appropriate for the nature of the case with which the record is associated, the motion or petition shall be filed and proceedings shall be conducted under the rules of civil procedure, criminal procedure, juvenile procedure, or appellate procedure. The

person filing the motion or petition shall serve any representative of the press who has requested notice in the case. The court shall conduct a closure hearing when a motion or petition to close a record is contested, when the press has requested notice of closure motions or petitions in the particular case, or when the court decides public interest in the record warrants a hearing.

(4) **Classify – Redact.** The court may classify the record as private, protected, ~~or~~ sealed, safeguarded, juvenile court legal, or juvenile court social, or redact information from the record if the record or information:

(4)(A) is classified as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social under Rule 4-202.02;

(4)(B) is classified as private, controlled, or protected by a governmental entity and shared with the court under the Government Records Access and Management Act;

(4)(C) is a record regarding the character or competence of an individual; or

(4)(D) is a record containing information the disclosure of which constitutes an unwarranted invasion of personal privacy.

~~(5) As appropriate for the nature of the case with which the record is associated, the motion or petition shall be filed and proceedings shall be conducted under the rules of civil procedure, criminal procedure, juvenile procedure, or appellate procedure. The person filing the motion or petition shall serve any representative of the press who has requested notice in the case. The court shall conduct a closure hearing when a motion or petition to close a record is contested, when the press has requested notice of closure motions or petitions in the particular case, or when the court decides public interest in the record warrants a hearing.~~

(56) **Factors and findings.** In deciding whether to allow access to a court record or whether to classify a court record as private, protected, or sealed, safeguarded, juvenile court legal, or juvenile court social, or to redact information from the record, the court may consider any relevant factor, interest, or policy, including but not limited to the interests described in Rule 4-202. In ruling on a motion or petition under this rule the court shall:

(56)(A) make findings and conclusions about specific records;

(56)(B) identify and balance the interests favoring opening and closing the record; and

(56)(C) if the record is ordered closed, determine there are no reasonable alternatives to closure sufficient to protect the interests favoring closure.

~~(67)~~(A) **Appellate briefs.** If an appellate brief is sealed, the clerk of the court shall seal the brief under Rule 4-205. If an appellate brief is classified as private, protected, safeguarded, juvenile

88 court legal, or juvenile court social, the clerk of the court shall allow access only to persons
89 authorized by Rule 4-202.03. If the court orders information redacted from the brief, the clerk of
90 the court shall remove the information and allow public access to the edited brief.

91
92 (7)(B) **State Law Library.** If the petitioner serves the order on the director of the State Law
93 Library, the director shall comply with the order in the same manner as the clerk of the court
94 under paragraph (67)(A).

95
96 (87)(C) **Compliance.** Unless otherwise ordered by the court, the order is binding only on the
97 court, the parties to the motion or petition, and the state law library. Compliance with the order
98 by any other person is voluntary.

99
100 (98) **Governing rules.** A request under this rule to access a public court record -is also
101 governed-~~also~~ by Rule 4-202.06. A motion or petition under this rule is not governed by Rule 4-
102 202.06 or Rule 4-202.07.

103
104 *Effective: May 1, 20~~23~~¹⁶*

Rule 1-302. Board of Judges Membership - Officers - Secretariat.

Intent:

To delegate the authority for the election of members and leaders of the various Boards to the Boards themselves or to the judges of the respective courts.

To minimize the costs of organization and administration of the Boards by coordinating the election of members of all Boards.

Applicability:

This rule shall apply to all Boards of Judges, except the Board of Senior Judges.

Statement of the Rule:

(1) **Term – Election.** The judges of the respective courts shall determine an appropriate term of office for the members of their Board. Election to the Board of a court of record shall take place at the annual judicial conference. Election to the Board of Justice Court Judges shall take place at the annual spring training conference. After an election or upon any change in membership, each Board shall certify to the Council the names of its members.

(2) **Membership.** Judicial Council members may not serve as voting members of a Board of Judges of a trial court. ~~A member of a Board may also serve as a member of the Council.~~

(3) **Chair – Officers.** Each Board shall establish the position of chair of the Board and other positions of leadership as the Board deems appropriate. Each Board shall establish the term and manner of election to such offices. Each Board shall certify to the Council the names of the chair and other officers of the Board.

(4) **Secretariat.** The Administrative Office shall serve as secretariat to the Boards.

(5) **Expenses.** Members of the Boards may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as members.

Effective: November May 1, 19982023

Appendix B. Justice Court Standards for Recertification

Instructions to applicant for recertification

As part of the application process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of ~~its Justice the~~ Court, the governing body of each entity must request a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for the operation of the ~~Justice~~ Court during the period of certification. A copy of the attorney's opinion and the resolution must accompany the application.

A representative of the entity may appear before the ~~Committee~~ Board of Justice Court Judges to present the application and may present any additional information which the applicant desires to present to the ~~Board~~ Committee. In the event that additional information is deemed necessary, the ~~Committee-Board~~ may request such additional information from the applicant.

Certification will ~~certify-authorize~~ the court to process all cases which come within the jurisdiction of the ~~Justice e~~ Court including criminal, civil and small claims cases pursuant to Section 78A-7-106 of the Utah Code.

(1) Statutory Requirements. Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

(1)(A) All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Section 78A-7-213).

(1)(B) Each court shall be ~~opened~~ and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.

(1)(C) The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).

(1)(D) The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).

(1)(E) The entity ~~creating-operating~~ the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206 and Section 78A-7-207~~44~~).

(1)(F) The entity ~~creating-operating~~ a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial

education and training (Section 78A-7-205).

(1)(G) The entity ~~creating~~ operating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A-7-~~103214~~).

(1)(H) The entity ~~creating~~ operating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-~~103209~~).

(1)(I) The entity ~~creating~~ operating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (Section 78A-7-~~103209~~).

(1)(J) The entity ~~creating~~ operating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Section 78A-7-~~103209~~).

(1)(K) Witnesses and jury fees as required by law shall be paid by the entity which creates the Court (~~Section 10-7-76 and 17-50-319~~).

(1)(L) Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Section ~~78A-7-120 and 78A-7-121-and-Section 78A-7-119~~).

(1)(M) Every entity ~~creating~~ operating a court shall pay the judge of that court a fixed compensation within the range provided by statute (Section 78A-7-206).

(1)(N) Court shall be held within the jurisdiction of the court, except as provided by law (Section 78A-7-212).

(1)(O) The entity ~~creating~~ operating the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (Section 78A-7-~~103214~~).

(1)(P) All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.

~~(1)(Q) An audio recording system shall maintain the verbatim record of all court proceedings. Section 78A-7-103.~~

~~(1)(Q)(i) For Class I and Class II justice courts, the system must:~~

~~(1)(Q)(i)(a) be a stand-alone unit that records and audibly plays back the recording;~~

~~(1)(Q)(i)(b) index, back-up and archive the recording and enable the record to be retrieved.~~

~~(1)(Q)(i)(c) have at least four recording channels;~~

~~(1)(Q)(i)(d) have a one-step "on" and "off" recording function;~~

~~(1)(Q)(i)(e) have conference monitoring of recorded audio;~~

~~(1)(Q)(i)(f) have external record archiving from the unit with local access;~~

~~(1)(Q)(i)(g) be capable of being integrated with the courts public address system; and (1)(Q)(ii) For Class III and Class IV justice courts, the system must, at a minimum:~~

~~(1)(Q)(ii)(a) be a stand-alone unit that records and audibly plays back the recording;~~

~~(1)(Q)(ii)(b) index, back-up and archive the recording and enable the record to be retrieved; and~~

~~(1)(Q)(ii)(c) have at least two recording channels.~~

~~(1)(Q)(iii) The Board of Justice Court Judges may create a list of products that meet these criteria.~~

(2) Judicial Council Minimum Requirements. In addition to those requirements which are directly imposed by statute, ~~Section 78A-7-103 directs~~ the Judicial Council has established additional to promulgate minimum requirements for the creation and certification of Justice Courts, as follows. Pursuant to statute, ~~the Judicial Council has adopted the following minimum requirements:~~

(2)(A) ~~That the Court be opened~~ A clerk shall be available for at least one hour each day that the court is required to be open- and during court hearings, as required by the judges as provided by law (Section 78A-7-213). These hours shall be posted on the court's website.

(2)(B) ~~That the judge~~ shall be available to ~~attend court and~~ conduct court business as needed, performing all duties required and exercising ultimate responsibility for the administration of justice as an independent branch of government.

(2)(C) All court hearings shall be conducted in a designated courtroom, including remote transmission, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.

(2)(~~DC~~) ~~That~~ the minimum furnishings for a courtroom shall include: a desk and chair for the judge (on a ~~six-inch~~ at least six inches above the well), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public, as well as a- ~~(A suggested courtroom configuration is attached).~~

149 ~~(2)(D) A judicial robe, a gavel, current fine schedules, a copy of the Code of Judicial~~
150 ~~Administration~~, and necessary forms and supplies.

152 (2)(E) Office space for the judge and clerk shall be appropriate (under certain
153 circumstances this space may be shared, but if shared, the judge and clerk must have
154 priority to use the space whenever needed). The office space shall include a desk for
155 the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a
156 telephone for the judge and a telephone for the clerk, appropriate office supplies to
157 conduct court business, a cash register or secured cash box for each clerk performing
158 cashiering duties, a ~~typewriter or computer with~~ word processing ~~software~~, and
159 access to a scanner and copy machine.

161 ~~(2)(F) A clerk must be present during the time the court is open each day and during~~
162 ~~court sessions, as required by the judge.~~

164 (2)(F) The court shall provide interpreters as required by Rule 3-306.04 of the Code of
165 Judicial Administration.

167 (2)(G) The entity ~~must~~ shall have at least one peace officer (which may be
168 contracted).

170 (2)(H) A court security plan ~~must~~ shall be submitted and approved consistent with
171 C.J.A. as required by Rule 3-414 of the Code of Judicial Administration.

173 (2)(I) Each court ~~must~~ shall have at least one computer with access to the internet,
174 and appropriate software and security/encryption technology to allow for electronic
175 reporting and access to Driver License Division and the Bureau of Criminal
176 Identification, as defined by the reporting and retrieval standards promulgated by the
177 Department of Public Safety.

179 (2)(J) Each court shall report required case disposition information to DLD, BCI and the
180 Administrative Office of the Courts electronically, as described in ~~number 9-~~
181 Section (2)(I) above.

183 (2)(K) Clerks' education hours shall be reported to the AOC on an annual basis.

185 (2)(L) The appointment of the clerk(s) assigned to serve the court shall be subject to
186 the judge's approval, who may participate in the interview and personnel evaluation
187 process for the clerk(s) at his or her discretion.

189 (2)(M) Court staff shall be certified as contemplated by Rule 3-303 of the Code of
190 Judicial Administration.

192 (2)(N) Any interlocal agreement relating to court operations, as amended to date, shall
193 be provided to the Justice Court Administrator.

195 (2)(O) The court shall accept credit and debit cards through a system that integrates
196 with CORIS.

198 (2)(P) The court shall have access to UCJIS.

199
200 (2)(Q) An audio recording system shall maintain a digital recording of all court
201 proceedings (Section 78A-7-103).

202
203 (2)(Q)(i) For Class I and Class II justice courts, the system must:

204
205 (2)(Q)(i)(a) be a stand-alone unit that records and audibly plays back the
206 recording;

207
208 (2)(Q)(i)(b) index, back-up and archive the recording and enable the
209 record to be retrieved.

210
211 (2)(Q)(i)(c) have at least four recording channels;

212
213 (2)(Q)(i)(d) have a one-step "on" and "off" recording function;

214
215 (2)(Q)(i)(e) have conference monitoring of recorded audio;

216
217 (2)(Q)(i)(f) have external record archiving from the unit with local access;

218
219 (2)(Q)(i)(g) be capable of being integrated with the court's public address
220 system; and

221
222 (2)(Q)(ii) For Class III and Class IV justice courts, the system must, at a
223 minimum:

224
225 (2)(Q)(ii)(a) be a stand-alone unit that records and audibly plays back
226 the recording;

227
228 (2)(Q)(ii)(b) index, back-up and archive the recording and enable the
229 record to be retrieved; and

230
231 (2)(Q)(ii)(c) have at least two recording channels.

232
233 (2)(Q)(iii) The Board of Justice Court Judges may create a list of products that
234 meet these criteria.

235
236
237 **(3) Classification of Courts Based on Case Filings.** In establishing minimum
238 requirements, the Judicial Council has determined that Justice Courts with higher case
239 filings require greater support services. To accommodate the great differences in judicial
240 activity between Justice Courts within the state, the Council has divided courts into four
241 classes based upon the average monthly cases filed in that court. Minimum standards have
242 been set for each classification.

243
244 **(3)(A) Class IV Courts.** Courts which have an average of less than 61 cases filed
245 each month are classified as Class IV Courts. The minimum requirements for a Class
246 IV Court ~~are stated above. (These requirements are also attached as Class IV-~~

~~minimum requirements). These requirements~~ include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

(3)(B) **Class III Courts.** Courts which have an average of more than 60 but less than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week ~~(see attached Class III minimum requirements)~~, and court must be scheduled at least twice per month every other week.

(3)(C) **Class II Courts.** Courts which have an average of more than 200 but less than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours ~~(see attached Class II minimum requirements)~~, the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his own use, clerical space may not be shared, at least one full-time clerk must be provided ~~(see attached Class II minimum requirements)~~, and the courtroom, judge's chamber and clerk's office must be in the same building.

(3)(D) **Class I Courts.** Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three full-time clerks, at least one of whom is available it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

(4) Waivers. The State Legislature has provided that any Justice Court which continues to meet the minimum requirements for its class is entitled to be recertified. However, the Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the Legislature (i.e. requirements ~~(1)(A) -- (1)(Q)~~ above, ~~which have been adopted by the Judicial Council pursuant to Section 78A-7-103~~). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified and, the fact that a waiver has been previously granted, will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas;

and in such circumstances a waiver may be requested.

(5) Extensions. The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

(6) Judge Certificate. Applications for existing courts for recertification shall be accompanied by a certificate of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met during the prior year. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual Justice Court Judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

(7) Justice Court Standards Committee. Upon submission of an application, the Board of Justice Court Judges Standards Committee will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If the Committee Board intends to recommend against certification, it shall specify the minimum requirements which have not been met. The entity may then present additional information to the Committee Board, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the Committee Board will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Committee's Board's recommendations.

If you have any questions concerning this application, please contact James Peters, Justice Court Administrator, by calling counsel to the Justice Court Standards Committee, at P. O. Box 140241, Salt Lake City, Utah 84114-0241, telephone: (801) 578-3824 or emailing jamesp@utcourts.gov.

Effective: ~~May 18~~ May 1, 2023

TAB 4

Rules back from Public Comment

(Final Approval – Amendments Recommended)

CJA 4-202.02. Records classification

CJA 4-202.08. Fees for records, information, and services

CJA 1-204. Executive committees

Notes: The following rules are back from a 45-day public comment period. Public comments were received as indicated below and the comments are included in the materials. Additional amendments are recommended.

If approved, these rules are ready to go to the Judicial Council with a recommendation that they be adopted as final. Staff requests a December 1, 2022 effective date on rule 1-204, a January 1, 2023 effective date on rule 4-202.08, and a May 1, 2023 effective date on rule 4-202.02.

CJA 4-202.02. Records classification *(2 comments)(5/1/23 effective date)*

Currently, the rules are unclear as to what happens to a record previously designated as sealed if it is included in the overall record on appeal. The proposed amendment would allow sealed records to remain sealed even if included in the record on appeal. Records may be unsealed by court order.

- Judge Christiansen-Forster and Nick Stiles will present a response to the public comments related to sealing records on appeal.
- Interestingly, the two commenters are opposing counsels in [*F.L. v. Court of Appeals*](#), 2022 UT 32, a case involving a decision by the court of appeals to, on its own motion, unseal a child sex abuse victim's counseling and therapy records (reclassifying them as private), allowing defense counsel to gain access and quote extensively from the records in an opening brief. The victim was ultimately allowed to intervene as a limited-purpose party to protect the confidentiality of her therapy records.

CJA 4-202.08. Fees for records, information, and services *(3 comments) (requesting 1/1/23 effective date)*

Allows the court to charge requesters for the first 15 minutes of personnel time.

“Impecunious” is changed to “indigent.” Indigent requesters are limited to one free copy of each record, after which they would be required to pay the standard rates. Exceptions can be made by the State Court Administrator.

- Keri Sargent and Stacy Haacke will present proposed amendments in response to the public comments.

CJA 1-204. Executive committees *(1 comment)(requesting 12/1/22 effective date)*

Creates court-level core teams and subcommittees of Policy, Planning, and Technology to assist the Committee in accomplishing its new technology responsibilities.

- Brody Arishita will present proposed amendments in response to the public comment.

PUBLIC COMMENTS

Rule 4-202.02

Douglas Thompson

August 23, 2022 at 3:12 pm

Re: Rule 4-0202.02

As for the ambiguity in the current rule, the proposed amendment makes sense. It is better for everyone, and especially the appellate clerks, to know the status of the records and how to handle them.

My concern is that this proposal is not accompanied by a proposed amendment to the factors in the rule allowing the “unseal[ing]” of records alluded to in the description (“Records may be unsealed by court order.”). My presumption is that the reference about unsealing is to Rule 4-202.04(3)(A) where “a person with an interest in the record may file a petition to classify the record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social; or to have information redacted from the record.” (If there is another source of authority for courts to unseal records, I apologize). The rule goes on to say that in considering whether to allow access to a record the court may consider any relevant factor including the interests described in Rule 4-202, which include

- (1)(A) to obtain information concerning the conduct of the public’s business;
- (1)(B) to educate the public about the workings of government and the decisions being made on the public’s behalf;
- (1)(C) to contribute to informed debate;
- (1)(D) to hold public officers and employees accountable;
- (1)(E) to increase public confidence;
- (1)(F) to give notice of important claims, rights and obligations; and
- (1)(G) to provide material for independent research on improving government policy.
- (2)(A) to protect personal privacy;
- (2)(B) to protect personal and public safety;
- (2)(C) to protect a property interest that would be lost or devalued if opened to public view;
- (2)(D) to promote the rehabilitation of offenders, especially youthful offenders; and

(2)(E) to protect non-parties participating in the court process, such as victims, witnesses, and jurors.

In theory Rule 4-202.04 allows the parties in an appeal where portions of the record are sealed to file a petition to reclassify the records from sealed to some other classification (i.e. private) in order to allow the parties to access the records for the purposes of appeal. That makes sense. The problem is that in practice the rule doesn't give much help in determining when an appellate court should come to a different conclusion about the correct classification for the record than the lower court did. But in many cases this scenario will arise where the original sealing, and the content of the sealed records themselves, will be the subject matter of the appeal. The appellate process, including the heavy burden of persuasion placed on appellants, is its own justification for reconsideration of the sealing order. In other words, if the purpose of the appeal is to challenge whether the records should have been sealed in the first place, access to the contents of the records and the ability to reference their contents in the briefing and argument to the appellate court should itself be specifically enumerated as a factor to be considered in the petition gain access. The appellate courts' policy should be to favor disclosure of the records to the parties on appeal, with whatever safeguards are appropriate, in order to facilitate the adversarial appellate process. Otherwise only the judges will be allowed to access the sealed records "when the circumstances warrant" forcing the appellate court to take the burden of persuasion from the litigants who are denied access to the record.

William Hains

October 7, 2022 at 8:57 am

The proposed amendment to Rule 4-202.02 adds critical clarity. Sometimes the subject of a sealed record is not even a party before the court and may not realize if the status of their records changed by virtue of the case moving to an appellate court. Their interests are best protected by requiring sealed portions of the record to remain sealed when the record is transferred to an appellate court, unless and until someone establishes a right to access the sealed records.

As Mr. Thompson suggests, Rule 4-202.04 appears to be the appropriate rule to establish access to a sealed record. That rule should be amended to require a movant to provide notice to parties to the litigation and require the court to provide notice to the subject of any sealed record whenever someone moves to gain access to a sealed record or to reclassify the record. Currently, the rule requires only notice to members of the press that have requested notice.

The other amendment Mr. Thompson proposes is unnecessary and unwarranted. The rule currently lets appellants make the arguments Mr. Thompson is proposing, because it says the court may consider "any relevant factor, interest, or policy," not just those specifically listed in Rule 4-202. Listing the fact that the case is on appeal as a reason to grant access would be an endorsement of the merits of the argument Mr. Thompson is making. But his argument is problematic: Granting an appellant access to a sealed record just so they can challenge the sealing of the record will often undermine the very purpose of sealing the record in the first place. Instead of endorsing one side or the other of this debate, the rule currently allows these arguments to be raised and addressed on a case-by-case basis.

Rule 4-202.02. Records Classification.**Intent:**

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Presumption of Public Court Records.** Court records are public unless otherwise classified by this rule.

(2) **Public Court Records.** Public court records include but are not limited to:

(2)(A) abstract of a citation that redacts all non-public information;

(2)(B) aggregate records without non-public information and without personal identifying information;

(2)(C) appellate filings, including briefs;

(2)(D) arrest warrants, but a court may restrict access before service;

(2)(E) audit reports;

(2)(F) case files;

(2)(G) committee reports after release by the Judicial Council or the court that requested the study;

(2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;

(2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;

(2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;

(2)(K) financial records;

(2)(L) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:

(2)(L)(i) amount in controversy;

(2)(L)(ii) attorney name;

(2)(L)(iii) licensed paralegal practitioner name;

(2)(L)(iv) case number;

(2)(L)(v) case status;

(2)(L)(vi) civil case type or criminal violation;

(2)(L)(vii) civil judgment or criminal disposition;

(2)(L)(viii) daily calendar;

(2)(L)(ix) file date;

(2)(L)(x) party name;

(2)(M) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;

(2)(N) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

(2)(O) name, business address, business telephone number, and business email address of a lawyer or licensed paralegal practitioner appearing in a case;

(2)(P) name, business address, business telephone number, and business email address of court personnel other than judges;

(2)(Q) name, business address, and business telephone number of judges;

(2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;

(2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;

(2)(T) opinions, including concurring and dissenting opinions, and orders entered in open hearings;

(2)(U) order or decision classifying a record as not public;

(2)(V) private record if the subject of the record has given written permission to make the record public;

(2)(W) probation progress/violation reports;

(2)(X) publications of the administrative office of the courts;

(2)(Y) record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person;

(2)(Z) record of the receipt or expenditure of public funds;

(2)(AA) record or minutes of an open meeting or hearing and the transcript of them;

(2)(BB) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;

(2)(CC) record of a request for a record;

(2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;

(2)(EE) rules of the Supreme Court and Judicial Council;

(2)(FF) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

(2)(GG) statistical data derived from public and non-public records but that disclose only public data; and

(2)(HH) notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be

a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary shall contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

(3) Sealed Court Records. The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on minors; and

(3)(A)(iv) Section 78B-8-402 – Actions for disease testing;

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15;

(3)(D) records showing the identity of a confidential informant;

(3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code Section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;

(3)(G) records designated as sealed by rule of the Supreme Court;

(3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings; ~~and~~

(3)(I) on appeal, any record previously designated as sealed by another court; and

(3)(~~J~~) other records as ordered by the court under Rule 4-202.04.

(4) Private Court Records. The following court records are private:

(4)(A) records in the following actions:

(4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;

(4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;

(4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed;

(4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed; and

(4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court restitution judgment.

(4)(B) records in the following actions, except that the case history, judgments, orders, decrees, letters of appointment, and the record of public hearings are public records:

(4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders, except that an action for consortium due to personal injury under Section 30-2-11 is public;

(4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;

(4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;

(4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

(4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;

(4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;

(4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

(4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);

(4)(C) records related to determinations of indigency;

- (4)(D) an affidavit supporting a motion to waive fees;
- (4)(E) aggregate records other than public aggregate records under subsection (2);
- (4)(F) alternative dispute resolution records;
- (4)(G) applications for accommodation under the Americans with Disabilities Act;
- (4)(H) jail booking sheets;
- (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
- (4)(J) judgment information statement;
- (4)(K) judicial review of final agency action under Utah Code Section 62A-4a-1009;
- (4)(L) the following personal identifying information about a party: driver's license number, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;
- (4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;
- (4)(N) medical, psychiatric, or psychological records;
- (4)(O) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:
- (4)(O)(i) name change of a minor;
- (4)(O)(ii) guardianship or conservatorship for a minor;
- (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party [\[KW1\]](#);
- (4)(O)(iv) protective orders and stalking injunctions; and
- (4)(O)(v) custody orders and decrees;
- (4)(P) nonresident violator notice of noncompliance;

(4)(Q) personnel file of a current or former court personnel or applicant for employment;

(4)(R) photograph, film, or video of a crime victim;

(4)(S) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:

(4)(S)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process; or

(4)(S)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(T) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

(4)(U) record submitted for in camera review until its public availability is determined;

(4)(V) reports of investigations by Child Protective Services;

(4)(W) statement in support of petition to determine competency^[KW2];

(4)(X) victim impact statements;

(4)(Y) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

(4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;

(4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure; and

(4)(BB) other records as ordered by the court under Rule 4-202.04.

(5) Protected Court Records. The following court records are protected:

(5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;

(5)(B) records that are subject to the attorney client privilege;

(5)(C) bids or proposals until the deadline for submitting them has closed;

(5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;

(5)(F) court security plans;

(5)(G) investigation and analysis of loss covered by the risk management fund;

(5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;

(5)(I) confidential business records under Utah Code Section 63G-2-309;

(5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:

(5)(J)(i) interfere with an investigation;

(5)(J)(ii) interfere with a fair hearing or trial;

(5)(J)(iii) disclose the identity of a confidential source; or

(5)(J)(iv) concern the security of a court facility;

(5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;

(5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;

(5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;

(5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation, or parole;

(5)(O) record the disclosure of which would jeopardize life, safety, or property;

(5)(P) strategy about collective bargaining or pending litigation;

(5)(Q) test questions and answers;

(5)(R) trade secrets as defined in Utah Code Section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report;

(5)(U) except for those filed with the court, records maintained and prepared by juvenile probation; and

(5)(V) other records as ordered by the court under Rule 4-202.04.

(6) Juvenile Court Social Records. The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;

(6)(C) medical, psychological, psychiatric evaluations;

(6)(D) pre-disposition and social summary reports;

(6)(E) probation agency and institutional reports or evaluations;

(6)(F) referral reports;

(6)(G) report of preliminary inquiries; and

(6)(H) treatment or service plans.

(7) Juvenile Court Legal Records. The following are juvenile court legal records:

(7)(A) accounting records;

(7)(B) discovery filed with the court;

(7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees;

(7)(D) name of a party or minor;

(7)(E) record of a court hearing;

(7)(F) referral and offense histories

(7)(G) and any other juvenile court record regarding a minor that is not designated as a social record.

(8) Safeguarded Court Records. The following court records are safeguarded:

(8)(A) upon request, location information, contact information, and identity information other than name of a petitioner and other persons to be protected in an action filed under [KW3](#) Title 78B, Chapter 7, Protective Orders;

(8)(B) upon request, location information, contact information and identity information other than name of a party or the party's child after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;

(8)(C) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;

(8)(D) location information, contact information, and identity information other than name of a prospective juror summoned to attend court;

(8)(E) the following information about a victim or witness of a crime:

(8)(E)(i) business and personal address, email address, telephone number, and similar information from which the person can be located or contacted;

(8)(E)(ii) date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information.

Effective: May [November](#) 1, 202_2

PUBLIC COMMENTS

Rule 4-202.08

Daniel Meza

September 22, 2022 at 12:47 pm

Regarding CJA04-0202.08. Fees for records, information, and services.

Should we consider removing references to microfiche, audio and video tapes?

I also understand why the fee for fax is \$5.00 for 10 pages or less and then there is a .50 per page for additional pages, but should the cost be the same for documents being emailed? Perhaps there should be a difference in how we charge for those.

Keri Sargent

September 26, 2022 at 9:58 am

Regarding CJA04-0202.08. Fees for records, information, and services.

Feedback from clerical staff indicate that requests for audio and video “tapes” may be outdated, and filling these requests usually results in a digital file being sent to the requestor. Also, video is not widely available, and moving forward we may want to consider if restrictions should be placed on releasing video that is available due to Webex.

Suzette Deans

September 29, 2022 at 8:48 am

I have just a minor comment regarding terminology and amount of audio tape copy. The rule has some outdated terminology related to media type. On (3)(C) and (3)(D) the word tape being used which is an outdated term as the courts don’t use tape anymore as a media choice. It makes sense to change it to audio record/CD and video record/DVD. Changing that terminology better aligns with (3)(G). I would also suggest changing the amount of (3)(C) from \$10 to \$15 that will lessen the confusion in the field as to what amount should be charged for a copy off court record.

Getting that changed would also allow us to update the CORIS miscellaneous fees screen in CORIS and update court’s accounting manual to match.

(3) Copies

(3)(C) Change to audio record/CD \$15

(3) (D) Change to video record/DVD \$15

Rule 4-202.08. Fees for records, information, and services.**Intent:**

To establish uniform fees for requests for records, information, and services.

Applicability:

This rule applies to all courts of record and not of record and to the Administrative Office of the Courts. This rule does not apply to the Self Help Center.

Statement of the Rule:

(1) **Fees payable.** Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) **Use of fees.** Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

(3) **Copies.** Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (H): \$.25 per sheet;

~~(3)(B) microfiche: \$1.00 per card;~~

~~(3)(C) audio tape: \$10.00 per tape;~~

~~(3)(D) video tape: \$15.00 per tape;~~

(3)(~~BE~~) electronic storage medium other than of court hearings: \$15.00 per unit;

(3)(~~CF~~) electronic copy of court reporter stenographic text: \$25.00 for each one-half day of testimony or part thereof;

(3)(~~DG~~) electronic copy of audio record or video record of court proceeding: \$15.00 for each one-half day of testimony or part thereof; and

(3)(~~EH~~) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4)(~~A~~) **Mailing.** The fee for mailing is the actual cost. The fee for mailing shall include necessary transmittal between courts or offices for which a public or private carrier is used.

(~~54~~)(~~B~~) **Fax or e-mail.** The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

(~~65~~) **Personnel time.**

(6)(~~A~~) Personnel time to copy the record of a court proceeding is included in the copy fee. For other matters, there is no fee for the first 15 minutes of personnel time, unless the person who submits the request:

(6)(A)(i) is not a Utah media representative; and

(6)(A)(ii) has submitted a separate records request within the 10-day period immediately prior to the date of the request to which the court or office is responding.

(~~6~~)(~~B~~) The fee for time beyond the first 15 minutes is charged in 15 minute increments for any part thereof. The fee for personnel time is charged at the following rates for the least expensive group capable of providing the record, information, or service:

(~~65~~)(~~BA~~)(~~i~~) clerical assistant: \$15.00 per hour;

(~~65~~)(~~B~~)(~~ii~~) technician: \$22.00 per hour;

(~~65~~)(~~BC~~)(~~iii~~) senior clerical: \$21.00 per hour

(~~65~~)(~~BD~~)(~~iv~~) programmer/analyst: \$32.00 per hour;

(~~65~~)(~~BE~~)(~~v~~) manager: \$37.00 per hour; and

(~~65~~)(~~BF~~)(~~vi~~) consultant: actual cost as billed by the consultant.

(~~76~~) **Public online services.**

(~~76~~)(~~A~~) The fee to subscribe to Xchange shall be as follows:

(~~76~~)(~~A~~)(~~i~~) a set-up fee of \$25.00;

(76)(A)(ii) a subscription fee of \$40.00 per month for any portion of a calendar month; and

(76)(A)(iii) \$.15 for each search over 500 during a billing cycle. A search is counted each time the search button is clicked.

(76)(B) When non-subscription access becomes available, the fee to access public online services without subscribing shall be a transaction fee of \$5.00, which will allow up to 10 searches during a session.

(76)(C) The fee to access a document shall be \$.50 per document.

(87) No interference. Records, information, and services shall be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public online services whose use interferes with computer performance or access by other users.

(98) Waiver of fees.

(98)(A) Subject to (9)(B), fFees established by this rule, other than fees for public online services, shall be waived for:

(98)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;

(98)(A)(ii) any person who is the subject of the record and who is impecuniousindigent; and

(98)(A)(iii) a student engaged in research for an academic purpose.

(9)(B) Individuals who qualify for a fee waiver under (9)(A)(ii) are entitled to one free copy of the record requested. The State Court Administrator may waive the one free copy limit under this rule for good cause.

(98)(CB) Fees for public online services shall be waived for:

(98)(CB)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(98)(CB)(ii) any government entity of Utah or its political subdivisions;

(98)(CB)(iii) the Utah State Bar;

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|131 (~~98~~)(~~CB~~)(iv) public defenders for searches performed in connection with their
132 duties as public defenders; and

133

|134 (~~98~~)(~~CB~~)(v) any person or organization who the XChange administrator
135 determines offers significant legal services to a substantial portion of the public at
136 no charge.

137

|138 *Effective: ~~November~~ January 1, 20~~23~~02*

PUBLIC COMMENTS

Rule 1-204

Meredith Mannebach

September 27, 2022 at 3:43 pm

Regarding CJA01-204 Executive Committees.

District Administration team suggests changing line 53-64 to delete naming positions and rather note having representation from each district and a representation from justice court for core membership. The current philosophy for the core team is that it is more important to have representation from each district rather than certain positions represented. The positions naturally do get represented in who each district elects to the committee. But we want to make sure we have a voice from across the state.

Line 53-58 is our core admin team make up, so wondering if we want to distinguish between core and core admin teams?

Line 81-82 Should we specify that the two members from core to serve on the advisory committee, are two members from the core admin teams?

Line 106 Do we want to specify that there is a District and a Juvenile COC? We specify that for the TCE, we should for COC as well.

Rule 1-204. Executive committees.**Intent:**

To establish executive committees of the Council.

To identify the responsibility and authority of the executive committees.

To identify the membership and composition of the executive committees.

To establish procedures for executive committee meetings.

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

(1) **Executive Committees.** The following executive committees of the Council are hereby established:

(1)(a) the Management Committee;

(1)(b) the Policy, Planning, and Technology Committee;

(1)(c) the Liaison Committee; and

(1)(d) the Budget and Fiscal Management Committee.

(2) **Management Committee.** The Management Committee shall be comprised of at least four Council members, one of whom shall be the Presiding Officer of the Council. Three Committee members constitute a quorum. The Presiding Officer of the Council or Presiding Officer's designee shall serve as the Chair. When at least three members concur, the Management Committee is authorized to act on behalf of the entire Council when the Council is not in session and to act on any matter specifically delegated to the Management Committee by the Council. The Management Committee is responsible for managing the agenda of the Council consistently with Rule 2-102 of this Code. The Management Committee is responsible for deciding procurement protest appeals.

(3) **Policy, Planning, and Technology Committee.** The Policy, Planning, and Technology Committee shall recommend to the Council periodic and long term planning efforts as necessary for the efficient administration of justice, and shall research and make recommendations regarding any matter referred by the Council. The Committee shall recommend to the Council new and amended rules for the Code of Judicial Administration, new and amended policies for the Human Resource Policies and Procedures Manual, pursuant to Rule 3-402, and new or amended technology policies and priorities.

(3)(A) **Technology Core Teams.** Each court level shall establish a Technology Core Team to review and prioritize requests impacting technology associated with court level

applications. Core Teams should include representatives from each judicial district, where applicable, and may consist of a combination of the following positions:

(3)(A)(i) Appellate Court Core Team:

(3)(A)(i)(a) Appellate Court Administrator;

(3)(A)(i)(b) Clerk of Court;

(3)(A)(i)(c) appellate court judge;

(3)(A)(i)(d) Appellate Court Coordinator; and

(3)(A)(i)(e) IT staff.

(3)(A)(ii) District/Justice Court Core Team:

(3)(A)(ii)(a) District Court Administrator or designee(s);

(3)(A)(ii)(b) Justice Court Administrator or designee(s);

(3)(A)(ii)(c) Clerk of Court;

(3)(A)(ii)(d) Trial Court Executive;

(3)(A)(ii)(e) district court judge;

(3)(A)(ii)(f) justice court judge;

(3)(A)(ii)(g) Team Manager;

(3)(A)(ii)(h) Case Manager;

(3)(A)(ii)(i) Judicial Assistant;

(3)(A)(ii)(j) Training Coordinator;

(3)(A)(ii)(k) IT staff; and

(3)(A)(ii)(l) local justice court administrator.

(3)(A)(iii) Juvenile Court Core Team:

(3)(A)(iii)(a) Juvenile Court Administrator or designee(s);

(3)(A)(iii)(b) Clerk of Court;

(3)(A)(iii)(c) Trial Court Executive;

(3)(A)(iii)(d) Chief Probation Officer;

(3)(A)(iii)(e) Probation Supervisor;

(3)(A)(iii)(f) Probation Officer;

(3)(A)(iii)(g) Team Manager;

(3)(A)(iii)(h) Case Manager;

- (3)(A)(iii)(i) Judicial Assistant;
- (3)(A)(iii)(j) Training Coordinator;
- (3)(A)(iii)(k) juvenile court judge; and
- (3)(A)(iii)(l) IT staff.

(3)(B) Technology Prioritization Subcommittee. A Technology Prioritization Subcommittee is hereby established. Members shall be designated by each Core Team and shall consist of no more than two members from each Team. A current or former member of the Policy, Planning, and Technology Committee shall be a non-voting member. Each Core Team may submit technology requests associated with court level applications to the Technology Prioritization Subcommittee. The prioritization subcommittee shall come to an agreement on the percentage of work allotted for each court level. The percentage relates to development staff compensated by general funds. Technology requests from Core Teams should fall within the work allotted to that court level for that year, unless the work requested is required by legislative or rule changes. The prioritization subcommittee may review and consider exceptions to this standard. The prioritization subcommittee will make recommendations to the Policy, Planning, and Technology Committee.

(3)(C) Technology Advisory Subcommittee. A Technology Advisory Subcommittee is hereby established. The advisory subcommittee shall be available to the Chief Information Officer, Core Teams, Technology Prioritization Subcommittee, and the Policy, Planning, and Technology Committee to provide feedback and recommendations on statewide technology services, including but not limited to, device standards, email, and bandwidth. The advisory subcommittee shall consist of:

- (3)(C)(i) one district court judge;
- (3)(C)(ii) one juvenile court judge;
- (3)(C)(iii) one appellate court judge;
- (3)(C)(iv) one justice court judge;
- (3)(C)(v) one district court Trial Court Executive
- (3)(C)(vi) one juvenile court Trial Court Executive;
- (3)(C)(vii) one district court Clerk of Court;
- (3)(C)(viii) one juvenile court Clerk of Court;
- (3)(C)(ix) one local justice court administrator;
- (3)(C)(x) each court level administrator or their designee(s);
- (3)(C)(xi) one Chief Probation Officer;
- (3)(C)(xii) the Chief Information Officer or designee;

(3)(C)(xiii) the Court Security Director; and

(3)(C)(xiv) one current or former member of the Policy, Planning and Technology Committee.

(4) **Liaison Committee.** The Liaison Committee shall recommend to the Council legislation to be sponsored by the Council. The committee shall review legislation affecting the authority, jurisdiction, organization or administration of the judiciary. When the exigencies of the legislative process preclude full discussion of the issues by the Council, the Committee may endorse or oppose the legislation, take no position or offer amendments on behalf of the Council.

(5) **Budget and Fiscal Management Committee.** The Budget and Fiscal Management Committee shall review court budget proposals, recommend fiscal priorities and the allocation of funds, and make recommendations to the Council regarding budget management and budget development in accordance with Rule 3-406.

(6) **Members.** Members of the executive committees must be members of the Council. Each executive committee shall consist of at least three members appointed by the Council to serve at its pleasure. The members of the Policy, Planning, and Technology Committee, the Budget and Fiscal Management Committee, and the Liaison Committee shall elect their respective chairs on a schedule deemed appropriate by each Committee. Chairs must be members of the Council.

(7) **Meetings and Judicial Council Reports.** Each committee shall meet as often as necessary to perform its responsibilities, but a minimum of four times per year. Each committee shall report to the Council as necessary.

(8) **Staff.** The Administrative Office shall provide staff support to the executive committees.

Effective: ~~May 23~~December 1, 2022

TAB 5

CJA 6-501. Reporting requirements for guardians and conservators

Notes: [Initial amendments](#) to Rule 6-501 go into effect on November 1, 2022. The newly adopted “Order on Review” form (attached) will be posted on the courts’ website on November 1st, accessible at the following links:

<https://www.utcourts.gov/howto/family/gc/reports.html>,
<https://www.utcourts.gov/howto/family/gc/conservatorship/minor.html>, and
<https://www.utcourts.gov/howto/family/gc/guardianship/minor.html>

The Probate Subcommittee proposed additional amendments to rule 6-501 at PP&T’s September meeting, in response to public comments received after the initial amendments were adopted by the Council (see **Tab 4** in the [Sept. PP&T meeting materials](#)). Following discussion, PP&T sent the rule back to the Probate Subcommittee for review.

Rule 6-501. Reporting requirements for guardians and conservators.**Intent:**

To establish standards and procedures for annual reports and accountings that guardians and conservators are required to file under the Utah Uniform Probate Code.

Applicability:

This rule applies to individuals seeking appointment as guardians and conservators and individuals who are appointed by the court as guardians and conservators.

Statement of the Rule:**(1) Definitions.**

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

(1)(B) "Interested person" means the respondent, if he or she is not a minor, the respondent's guardian and conservator, the respondent's spouse, adult children, parents and siblings, and any other person interested in the welfare, estate, or affairs of the respondent who requests notice under Utah Code Section 75-5-406. If no person is an interested person, then interested person includes at least one of the respondent's closest adult relatives, if any can be found. For purposes of minor guardianship, interested persons include the persons listed in Utah Code Section 75-5-207.

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

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

(1)(E) "Protected person" means a minor or an incapacitated person for whom the court appoints a guardian or a protected person for whom the court appoints a conservator.

(1)(F) "Report" means the inventory, accounting, or annual report on the status of the protected person under Utah Code Sections 75-5-209 and 75-5-312, and the final accounting under Sections 75-5-210 and 75-5-419

(1)(G) "Respondent" means a person who is alleged to be incapacitated and for whom the appointment of a guardian or conservator is sought.

(2) Exceptions.

(2)(A) Paragraph (4) does not apply to the following:

(2)(A)(i) a guardian ~~certified licensed~~ under Utah Code Section 75-5-311(1)(a);

(2)(A)(ii) the Office of Public Guardian; or

(2)(A)(iii) a conservator issued a permit ~~licensed~~ under Utah Code Section 7-5-2.

(2)(B) Paragraphs (6), (7), (8), (9), and (10) do not apply if the guardian or conservator is a parent of the protected person.

(2)(C) Paragraph (7)(C) does not apply to the guardian of a minor if the minor's estate consists of funds that are deposited in a restricted account, which requires judicial approval for withdrawal, or if there is no estate.

(2)(D) Paragraph (9) does not apply to a conservator who is appointed for the purpose of receiving a personal injury settlement for a minor if 1) no funds are to be distributed until the minor reaches the age of majority, or 2) no structured settlement payments are to be made until the minor reaches the age of majority.

(3) Examination and private information record.

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

(3)(B) Before the court enters an order of appointment, the proposed guardian or conservator must file a completed and verified Private Information Record form provided by the Administrative Office of the Courts.

(3)(C) The guardian or conservator must continue to keep the court apprised of any changes to the guardian or conservator's contact information.

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

~~**(5) Report forms.** Subject to the requirements of Paragraph (6):~~

~~(5)(A) forms substantially conforming to the Judicial Council approved forms are acceptable for content and format;~~

~~(5)(B) a corporate fiduciary may file its internal report or accounting; and~~

~~(5)(C) if the protected person's estate is limited to a federal or state program requiring an~~

~~annual accounting, the fiduciary may file a copy of that accounting.~~

(56) Information required in reports, Order on Review ~~cover sheet~~, and service.

(5)(A) Forms substantially conforming to the Judicial Council-approved forms are acceptable for content and format.

(5)(A)(i) A corporate fiduciary shall file its internal report or accounting, if any, as an attachment to the court approved form; and

(5)(A)(ii) If the protected person's estate is limited to a federal or state program requiring an annual accounting, the fiduciary may file a copy of that accounting.

~~(56)(A)(B)~~ The annual report and annual accounting must contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period. Compliance with this provision Paragraph (54) is presumed sufficient, but the court may direct that a report or accounting be prepared with content and format as it deems necessary.

~~(56)(B)(C)~~ The annual report and annual accounting must include the Judicial Council-approved Order on Review of Guardian or Conservator Report ("Order on Review"), which must be filed as a proposed document.

~~(56)(C)(D)~~ The guardian, conservator, or both must serve a copy of the report, inventory, and accounting under Rule 5 of the Utah Rules of Civil Procedure on all interested persons. The annual report and annual accounting must include the following language at the top right corner of the first page, in bold type: **You have the right to object to the report or accounting within 28 days of service. If you do not object within that time, your objection may be waived.**

(67) Annual status reports.

~~(67)~~(A) The guardian must file with the appointing court a report on the status of the protected person no later than 60 days after the anniversary of the appointment. The status report must be in substantially the same form as the status report form approved by the Utah Judicial Council, including the required attachments. The guardian must file the report with the court that appointed the guardian unless that court orders a change in venue under Utah Code Section 75-5-313. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the guardian. The guardian may not file the report before the close of the reporting period. For good cause the court may extend the time for filing the report, but a late filing does not change the reporting period.

~~(67)~~(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge must approve it.

(67)(C) If there is no conservator, the guardian must file the inventory and accounting required of a conservator under Utah Code Section 75-5-312.

(78) Inventory.

(78)(A) Within 90 days after the appointment, the conservator must file with the appointing court the inventory required by Utah Code Section 75-5-418. The inventory must be in substantially the same form as the inventory form approved by the Utah Judicial Council, including the required attachments. The court may extend the time for filing the inventory for good cause.

(78)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge must approve it.

(89) Annual accounting.

(89)(A) The conservator must file with the appointing court an accounting of the estate of the protected person no later than 60 days after the anniversary of the appointment. The accounting must be in substantially the same form as the accounting form approved by the Utah Judicial Council, including the required attachments. The conservator must file the accounting with the court that appointed the conservator unless that court orders a change in venue under Utah Code Section 75-5-403. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the conservator. The conservator may not file the accounting before the close of the reporting period. For good cause the court may extend the time for filing the accounting, but a late filing does not change the reporting period.

(89)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge must approve it.

(949) Final accounting.

(949)(A) The conservator must file with the court a final accounting of the estate of the protected person with the motion to terminate the appointment.

(949)(B) The court may conduct a hearing even though no objection is filed. If the court finds that the accounting is in order, the court must approve it.

(104) Objections.

(104)(A) If an interested person objects to a report or accounting, the person must file a written objection with the court and serve a copy on all interested persons within 28 days from the date of service of the report or accounting. A request to submit must be included with the objection. The court may for good cause, including in order to accommodate a person with a disability, waive the requirement of a writing and document the objection and request to submit

171 in the court record.

172
173 (104)(B) The objection must specify in writing the entries to which the person objects and state
174 the reasons for the objection.

175
176 (104)(C) An objection to a report or accounting may not contain a request to remove or
177 substitute the guardian or conservator. Any request for removal or substitution of the guardian
178 or conservator must be filed as a separate petition consistent with Utah Code Section 75-5-
179 307 or 75-5-415.

180
181 (104)(D) If an objection is filed, the court must conduct a hearing unless the court determines
182 that a hearing is not necessary. If the court determines that a hearing is not necessary, the
183 court must issue a minute entry or order stating why a hearing is not necessary.

184
185 (104)(E) At the hearing, the court may require the guardian or conservator to supplement or
186 amend the report or accounting if the court determines there is good cause for the objection.

187
188 (104)(F) If the court determines that the objection is unfounded or is filed in bad faith, the court
189 may deny the objection and approve the report or accounting.

190
191 (112) **Waiver.** If an interested person does not object to a report or accounting within 28 days of
192 service, the interested person waives any objection unless:

193 (112)(A) the objection relates to matters not fairly disclosed by the report or accounting; or

194
195 (112)(B) the time for objection is extended by the court under Rule 6 of the Utah Rules of Civil
196 Procedure. If the request for an extension is made before the time has run, the court may
197 extend the time for good cause. If the request is made after the time has run, the court may
198 extend for excusable neglect.

199
200 (123) **Report approval.**

201 (123)(A) **Approval.** The court must examine and approve reports as required by Utah Code
202 sections 75-5-312 and 75-5-417. Approving a report means the judge has reviewed it, to the
203 court's knowledge notice has been given to every person entitled to notice, no objection has
204 been received, the report meets the requirements set forth by the report form, and the court
205 has not requested additional information or scheduled a hearing. Such approval does not
206 foreclose a valid claim permitted under paragraphs (11)(A) or (11)(B), nor does it start an
207 appeal time.

208
209 (123)(B) **Notice to interested persons.** When a court approves a report, the court must note
210 that approval on the Judicial Council-approved Order on Review and place the Order on
211 Review in the case file. When a court does not approve a report, the court must indicate on
212 the Order on Review, or in an order, the reasons for non-approval, any additional actions
213 required, and serve the Order on Review or order on all interested persons entitled to notice.

214

215 (1~~3~~⁴) **Report on a minor.** Under Utah Code Section 75-5-209, a person interested in the welfare
216 of a minor may petition the court for a report from the guardian on the minor's welfare or the
217 minor's estate. If the court orders a report from the guardian, the status report must be in
218 substantially the same form as the status report form for guardianships of adults approved by the
219 Utah Judicial Council, including the required attachments.

220

221 *Effective November 1, 2022*

In the District Court of Utah

Judicial District _____ County

Court Address _____

In the Matter of Protection for

Respondent

**Order on Review of Guardianship or
Conservatorship Reports**

Case Number

Judge

The following reports are submitted for review: (check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Annual Financial
Accounting | <input type="checkbox"/> Court Visitor Report | <input type="checkbox"/> Inventory Report |
| <input type="checkbox"/> Proof of Minor's
Insurance Deposit | <input type="checkbox"/> Report on Status of
the Ward | <input type="checkbox"/> Final Accounting |

The judge, having reviewed the above report(s):

- ☐ Approves the reports as submitted. No further action is required.
- ☐ Requests the following additional information from the filer:

- ☐ Directs that a court visitor be appointed regarding the following:

- ☐ Directs that a hearing be set regarding the following:

- ☐ Other (describe):

Judge's signature may instead appear at the top of the first page of this document.

Signature ►

Date

Judge

(This form does not need to be sent if the court approves all the reports as submitted.)

Clerk's Certificate of Service

I certify that on _____ (date) a copy of this Order on Review of Guardianship or Conservatorship Reports was sent to the following people at the following addresses:

Date

Signature ►

Printed name of court clerk

TAB 6

CJA 3-406. Budget and fiscal management

Notes: See the attached rule amendment request form

Date of
Request

*

MM DD YYYY

09 / 23 / 2022

Name of
Requester

*

Update CJA Rule 3-406

Requester Phone
Number

*

8635597386

Name of Requester's
Supervisor

*

Ron Gordon

Please attach all required documents as outlined
above.

Type of
Request *

☒ Policy & Planning

☐ Technology

Policy & Planning Section

Location of the
Rule *

Code of Judicial Administration ▼

CJA Rule Number, HR/Accounting Section Name, Court Form
Name *

3-406

Brief Description of
Proposal *

Rule 3-406 Budget and Management has not been updated to include the role of the Budget and Fiscal Management Committee which has a central role in budget review. This revision to CJA Rule 3-406 adds the BFMC role and makes other improvements to clarify the budget process.

Reason Amendment is
Needed *

See prior answer

Is the proposed amendment *
urgent?

☐ Yes

☒ No

If urgent, please provide an estimated deadline date and explain why it is urgent.

.....

Select each entity that has approved this proposal.

*

- ☒ Accounting Manual Committee
- ☐ ADR Committee
- ☐ Board of Appellate Court Judges
- ☒ Board of District Court Judges
- ☐ Board of Justice Court Judges
- ☒ Board of Juvenile Court Judges
- ☐ Board of Senior Judges
- ☒ Budget and Fiscal Management Committee
- ☐ Children and Family Law Committee
- ☐ Clerks of Court
- ☐ Court Commissioner Conduct Committee
- ☐ Court Facility Planning Committee
- ☐ Court Forms Committee
- ☐ Ethics Advisory Committee
- ☐ Ethics and Discipline Committee of the Utah Supreme Court
- ☐ General Counsel
- ☐ Guardian Ad Litem Oversight Committee
- ☐ HR Policy and Planning Committee
- ☐ Judicial Branch Education Committee
- ☐ Judicial Outreach Committee
- ☐ Language Access Committee
- ☐ Law Library Oversight Committee
- ☐ Legislative Liaison Committee
- ☐ Licensed Paralegal Practitioner Committee

- ☐ Model Utah Civil Jury Instructions Committee
- ☐ Model Utah Criminal Jury Instructions Committee
- ☐ Policy, Planning, and Technology Committee member
- ☐ Pretrial Release and Supervision Committee
- ☐ Resources for Self-Represented Parties Committee
- ☐ Rules of Appellate Procedure Advisory Committee
- ☐ Rules of Civil Procedure Advisory Committee
- ☐ Rules of Criminal Procedure Advisory Committee
- ☐ Rules of Evidence Advisory Committee
- ☐ Rules of Juvenile Procedure Advisory Committee
- ☐ Rules of Professional Conduct Advisory Committee
- ☒ State Court Administrator
- ☒ TCE's
- ☐ Uniform Fine Committee
- ☐ WINGS Committee
- ☐ None of the Above
- ☐ Justice Court Reform Task Force
- ☐ Appellate Representation Committee
- ☒ Deputy State Court Administrator
- ☐ Judicial Fairness and Accountability Committee
- ☐ Other:

If the approving entity (or individual) is not listed above, please list it (them) here.

.....

List all stakeholders who would be affected by this proposed amendment.

*

All within the Courts who seek budget requests from the legislature and those who manage budgets.

.....

Rule 3-406. Budget and fiscal management.**Intent:**

To ~~develop and maintain~~accomplish the ~~policies and programs~~mission of the judiciary through sound fiscal management.

To provide ~~for~~ sound fiscal management ~~through the coordinated and cooperative effort of central and local authorities within~~by financially supporting both existing programs and working with the judiciary; to create new programs that enable the Courts to effectively provide an open, fair, efficient and independent system for advancement of justice under the law.

To maintain accountability for appropriated funds, and to maintain a balanced budget.

To cooperate with the Governor and the Legislature in managing the fiscal resources of the state.

Applicability:

This rule shall apply to the management of all funds appropriated by the state to the judiciary; as well as grant funds used by the judiciary.

Statement of the Rule:

(1) ~~Fiscal offices and programs and program directors established.~~ For purposes of fiscal management, the judiciary is divided into offices (which generally provide services to other areas within the judiciary) and programs; (which generally provide services to court patrons). Each office and program budget is managed by a ~~program director~~budget manager who has approval authority from AOC Finance to authorize disbursements. This approval authority is granted based on AOC Finance's periodic review to ensure adequate separation of duties (as defined by generally accepted accounting principles) for each budget manager. The budget manager is designated by the state court administrator ~~and approved by their designee. AOC Finance periodically reports to the Budget and Fiscal~~ Management Committee; ~~The budget of a geographic division shall be managed by the court executive subject to ("BFMC") on the general supervision~~adequacy of the program director. separation of duties.

(2) Budget management.

(2)(A) **Responsibility of the council.** The responsibility of the Council is to:

(2)(A)(i) cooperate with the Governor and the Legislature in managing the fiscal resources of the state;

(2)(A)(ii) assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature; and

(2)(A)(iii) allocate funds as required to maintain approved programs and to assure a balanced judicial budget.

(2)(B) **Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(2)(B)(i) implement the directives of the Council;

(2)(B)(ii) ~~direct the management of manage~~ the judiciary's budget, ~~including recommendations to reduce or redirect allocations under the direction of the Council and the BFMC;~~ and

(2)(B)(iii) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches.

(2)(C) **Responsibility of the administrative office, of the courts ("AOC") - finance.** It is the responsibility of ~~the administrative office~~ AOC finance to:

(2)(C)(i) ~~clear all warrants and other authorizations for the~~ ensure timely payment of all accounts payable ~~for the availability of funds;~~

(2)(C)(ii) monitor all expenditures and collections versus budget;

(2)(C)(iii) provide monthly ~~expenditure financial~~ reports ~~by court to court executives, program directors, the state court administrator, Boards of Judges budget managers~~ and the ~~Council~~ BFMC; and

(2)(C)(iv) develop a manual of procedures ("Accounting Manual") to govern ~~the payment of accounts receivable, accounts payable, trust accounts, the audit thereof, and the audit thereof of administrative procedures generally.~~ The procedures shall be in conformity with generally accepted principles of budgeting and accounting and budget management shall, at a minimum, conform to the requirements of this Code and state law.

(2)(D) **Responsibility of the ~~program directors~~ budget managers.** Within their respective ~~programs~~ areas of responsibility, it is the responsibility of the ~~program directors~~ budget managers to:

(2)(D)(i) comply with the directives of the Council and the state court administrator;

(2)(D)(ii) administer the reduction or redirection of allocations;

(2)(D)(iii) monitor all expenditures and collections versus budget;

(2)(D)(iv) supervise and manage ~~court~~ budgets in accordance with the ~~manual of procedures~~ Accounting Manual; and

(2)(D)(v) develop recommendations for ~~fiscal~~ judicial priorities, ~~to be funded by the allocation of funds~~ legislature, and ~~the reduction changes to programs and/or redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(E) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(2)(E)(i) comply with the directives of the Council, the state court administrator, ~~and the program director or designee~~, and to consult with the presiding judge and the individual judges of that jurisdiction concerning budget management;

(2)(E)(ii) develop work programs that encumber no more funds than may be allocated, including any reduction in allocation;

(2)(E)(iii) amend work programs as necessary to reflect changes in priorities, spending patterns, or allocation;

(2)(E)(iv) credit and debit accounts that most accurately reflect the nature of the planned expenditure;

(2)(E)(v) authorize expenditures;

(2)(E)(vi) prepare warrants and other authorizations for payment of accounts payable for submission to the ~~Administrative Office~~ AOC finance;

(2)(E)(vii) monitor all expenditures; and ~~revenues versus budget; and~~

(2)(E)(viii) develop recommendations for ~~fiscal~~ judicial priorities, ~~to be funded by the allocation of funds~~ legislature, and ~~the reduction changes to programs and/or redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(F) **Process.** After the legislative general session the ~~BFMC and~~ state court administrator shall consider all sources of funds and all obligated funds and develop a recommended spending plan that most closely achieves the priorities established by the Council at the prior annual planning meeting. The ~~state court administrator~~ BFMC shall ~~review~~ present the recommended spending plan ~~with the Management Committee and present it~~ to the Judicial Council for approval.

(3) **Budget development.**

(3)(A) **Responsibility of the council.** It is the responsibility of the Council to:

(3)(A)(i) establish responsible ~~fiscal~~judicial priorities that best enable the judiciary to achieve the goals of its policies;

(3)(A)(ii) develop the budget of the judiciary based upon the needs of organizations and the priorities established by the Council;

(3)(A)(iii) communicate the budget of the judiciary to the executive and legislative branches; and

(3)(A)(iv) allocate funds to the ~~geographic divisions of courts~~budget managers in accordance with priorities established by the Council.

(3)(B) Responsibility of the boards. It is the responsibility of the Boards to:

(3)(B)(i) develop recommendations for ~~funding~~judicial priorities; and

(3)(B)(ii) review, modify, and approve program budgets for submission to the ~~Council~~BFMC.

(3)(C) Responsibility of the state court administrator. It is the responsibility of the state court administrator to:

(3)(C)(i) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches; ~~and~~

(3)(C)(ii) implement the Council's fiscal priorities and allocation of funds; ~~and~~

~~(3)(C)(iii) work with the BFMC and the boards of judges to manage the judiciary's budget, including recommending (1) judicial priorities to be funded by the legislature, (2) changes to programs and/or offices that create efficiencies that reduce or redirect allocations;~~

(3)(D) Responsibility of ~~the administrative office~~AOC finance. It is the responsibility of ~~the Administrative Office~~AOC finance to:

(3)(D)(i) develop a schedule for the timely completion of the budget process, including the completion of all intermediate tasks;

(3)(D)(ii) assist program ~~directors~~managers and court executives in the preparation of budget requests; and

(3)(D)(iii) compile the budget of the judiciary.

(3)(E) Responsibility of the ~~program directors~~budget managers. Within their respective ~~programs~~areas of responsibility, it is the responsibility of ~~program directors~~budget managers to review, modify, and approve budget requests.

(3)(F) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(3)(F)(i) work closely with presiding judges, judges, and staff to determine the needs of the organization; and

(3)(F)(ii) develop a budget request that adequately and appropriately meets those needs.

(3)(G) Process.

(3)(G)(i) Each Board of Judges, each court and committee and each department of the administrative office of the courts may develop, prioritize and justify a budget request. The courts shall submit their requests to the appropriate Board of Judges. The committees and the departments of the AOC shall submit their requests to the state court administrator.

(3)(G)(ii) The Boards shall consolidate and prioritize the requests from the courts ~~and the requests originated by the Board. The state court administrator shall consolidate and prioritize the requests from the~~ committees and departments. AOC finance shall consolidate all of the Boards' prioritized lists for review by the BPMC.

(3)(G)(iii) The ~~state court administrator~~BPMC shall review and analyze all prioritized budget requests and develop a recommended budget request and funding plan. The ~~state court administrator~~BPMC shall review the analysis and the recommended budget request and funding plan with the Council.

(3)(G)(iv) At its annual planning meeting the Council shall consider all prioritized requests and the analysis and recommendations of the ~~state court administrator~~BPMC and approve a prioritized budget request and funding plan for submission to the governor and the legislature.

(4) General provisions.

(4)(A) Appropriations dedicated by the Legislature or allocations dedicated by the Council shall be expended in accordance with the stated intent.

(4)(B) All courts and the Administrative Office shall comply with the provisions of state law and the ~~manual of procedures~~Accounting Manual.

(4)(C) Reductions in allocations, reductions in force, and furloughs may be ordered by the state court administrator with notice to the Council. In amending the work program to reflect a budget cut, reductions in force and furloughs shall be used only when absolutely necessary to maintain a balanced budget. If reductions in force are

212 necessary, they shall be made in accordance with approved personnel procedures. If
213 furloughs are necessary, they should occur for no more than two days per pay period.

214

|215 **Effective:** ~~5/1/2020~~ May 1, 2023

TAB 7

CJA 3-104. Presiding judges

Notes: The District Court Administrator proposes amending rule 3-104 to require presiding judges to notify the appropriate state level administrator if a judge fails to submit a required case under advisement statement. If a judge fails to submit a required statement for two consecutive months, the state level administrator would be required to notify the Council.

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

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

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

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

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

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

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

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

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

(3) **Administrative responsibilities and authority of presiding judge.**

(3)(A) **General—Caseload—Appeals**

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

(3)(A)(ii) **Caseload.** Unless the presiding judge determines it to be impractical, there is a presumption that the judicial caseload of the presiding judge shall be adjusted to provide the presiding judge sufficient time to devote to the management and administrative duties of the office. The 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 assign a senior judge for judicial assistance consistent with Rule 3-108.

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

(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 organizations and other state agencies. The presiding judge shall be the primary representative of the court.

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

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

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

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

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

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

151 (3)(G) **Court executives.**

152
153 (3)(G)(i) The presiding judge shall review the proposed appointment of the court
154 executive made by the State Court Administrator and must concur in the
155 appointment before it will be effective. The presiding judge shall obtain the
156 approval of a majority of the judges in that jurisdiction prior to concurring in the
157 appointment of a court executive.

158
159 (3)(G)(ii) The presiding judge for the respective court level and the state level
160 administrator shall jointly develop an annual performance plan for the court
161 executive.

162
163 (3)(G)(iii) Annually, the state level administrator shall consult with the presiding
164 judge in the preparation of an evaluation of the court executive's performance for
165 the previous year, also taking into account input from all judges in the district.

166
167 (3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the
168 court executive, including coordination of annual leave.

169
170 (3)(G)(v) Pursuant to Council policy and the direction of the state level
171 administrator, the court executive has the responsibility for the day-to-day
172 supervision of the non-judicial support staff and the non-judicial administration of
173 the court. The presiding judge, in consultation with the judges of the jurisdiction,
174 shall coordinate with the court executive on matters concerning the support staff
175 and the general administration of the court including budget, facility planning,
176 long-range planning, administrative projects, intergovernmental relations and
177 other administrative responsibilities as determined by the presiding judge and the
178 state level administrator.

179
180 (3)(H) **Courtrooms and facilities.** The presiding judge shall direct the assignment of
181 courtrooms and facilities.

182
183 (3)(I) **Recordkeeping.** Consistently with Council policies, the court executive, in
184 consultation with the presiding judge, shall:

185
186 (3)(I)(i) coordinate the compilation of management and statistical information
187 necessary for the administration of the court;

188
189 (3)(I)(ii) establish policies and procedures and ensure that court personnel are
190 advised and aware of these policies;

191
192 (3)(I)(iii) approve proposals for automation within the court in compliance with
193 administrative rules.

194
195 (3)(J) **Budgets.** The court executive, in consultation with the presiding judge, shall
196 oversee the development of the budget for the court. In contract sites, the court
197 executive shall supervise the preparation and management of the county budget for the
198 court on an annual basis and in accordance with the Utah Code.

199
200 (3)(K) **Judicial officers.** In the event that another judge or commissioner of the court
201 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. For purposes of this rule, "submitted to the judge" is defined as follows:

(3)(L)(i)(a) When a matter requiring attention is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent;

(3)(L)(i)(b) If a hearing or oral argument is set, at the conclusion of all hearings or oral argument held on the specific motion or matter; or

(3)(L)(i)(c) If further briefing is required after a hearing or oral argument, when all permitted briefing is completed, a request to submit is filed, if required, and the matter is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent.

A case is no longer under advisement when the judge makes a decision on the issue that is under advisement or on the entire case.

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)(L)(v) If a judge fails to submit a statement required under (3)(L)(ii), the presiding judge shall notify the appropriate state level administrator. If a judge fails to submit a statement for two consecutive months, the state level administrator shall notify 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 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.

Effective June 28, 2021

TAB 8

CJA 1-204. Executive Committees

CJA 4-202.07. Appeals

Notes: Under CJA rule [2-207\(B\)](#): “The Boards of Judges, the standing and ad hoc Committees of the Council or *any other interested individual* may submit a written request to the Council, through the office of General Counsel, requesting the adoption, modification or repeal of a Council rule. The request shall set forth the proposed rule or amendment or the text of the rule proposed for repeal and shall specify the need for and anticipated effect of the proposal.”

Mr. Brady Eames, a member of the public, submitted the attached requests to the General Counsel’s Office as an “interested individual.” He is seeking to amend rules 1-204 and 4-202.07.

**RE-SUBMITTED PETITION FOR AMENDMENTS
TO UCJA RULE 4-202.07 "Appeals"
Date: Monday-October 24, 2022**

From: Brady Eames
478 E. 700 N. - Apt. #2
Logan, UT 84321
Phone: 435-881-1022 (cell)
Email address: ibuncle@yahoo.com
To: Utah Judicial Council
450 South State Street
Salt Lake City, UT

Proposed Amendments (in italics)

(5) The state court administrator shall mail notice of the Management Committee meeting to all participants at least 10 business days before the meeting. At least 7 business days before the meeting, all participants shall mail to the state court administrator and to the other participants a written statement of facts, authority and argument in support of or opposition to the appeal. The Management Committee may permit any person whose interests are substantially affected by a decision to participate. *Notice and agenda pertaining to the meeting shall be duly posted in the Utah Public Notice Website.*

(6) The Management Committee shall allow the participants a reasonable opportunity to present facts, authority and argument in support of or opposition to the appeal and then discuss, deliberate and/or vote regarding the appeal. The order of presentation shall be decided by the Management Committee. The Management Committee may review the record in a closed meeting. Discovery is prohibited, but the Management Committee may compel the production of evidence. *In strict accordance with the Utah Open and Public Meetings Act as amended (Utah Code Title 52-Chapter 4), the Management Committee shall duly discuss, deliberate and/or vote with respect to the appeal. The minutes and audio recording pertaining to the meeting shall be duly posted in the Utah Public Notice Website.*

SPECIFIED NEED FOR AMENDMENT

(1) The Management Committee is a public body that should conduct its deliberations openly and take its actions openly based on meeting the following criteria:

- (A) it was created by UCJA Rule 1-204;
- (B) it consists of two or more persons;
- (C) it expends, disburses, or is supported in whole or in part by tax revenue; and
- (D) as per UCJA Rule 4-202.07, it is vested with the authority to make decisions regarding the public's business.

(2) The Executive Committee has never respected and complied with the *Utah Open and Public Meetings Act as amended (Utah Code Title 52-Chapter 4)*.

ANTICIPATED EFFECT FOR PROPOSED AMENDMENT

The Executive Committee's respect for and compliance with the *Utah Open and Public Meetings Act as amended (Utah Code Title 52-Chapter 4)* will end all the secrecy behind the judicial administrative actions it has taken and will result in a more open judiciary department.

**RE-SUBMITTED PETITION FOR AMENDMENTS
TO UCJA RULE 1-204 "Executive Committees"
Date: Monday-October 24, 2022**

From: Brady Eames
478 E. 700 N. - Apt. #2
Logan, UT 84321
Phone: 435-881-1022 (cell)
Email address: ibuncle@yahoo.com
To: Utah Judicial Council
450 South State Street
Salt Lake City, UT

Proposed Amendments (in *italics*)

(7) Meetings and Judicial Council Reports. *In strict accordance with the Utah Open and Public Meetings Act as amended (Utah Code Title 52-Chapter 4), each committee shall meet as often as necessary to discuss, receive public comments about, deliberate and/or vote with respect to the performance of its responsibilities, but a minimum of four times per year. Each committee shall make reports to the Council as necessary and duly publish them in the minutes of its meetings which shall be duly posted in the Utah Public Notice Website.*

SPECIFIED NEED FOR AMENDMENT

- (1) The Executive Committees are public bodies which should conduct their deliberations openly and take their actions openly based on meeting the following criteria:
- (A) they were created by UCJA Rule 1-204;
 - (B) they consist of two or more persons;
 - (C) they expend, disburse, or are supported in whole or in part by tax revenue; and
 - (D) they are vested with the authority to make decisions regarding the public's business.
- (2) The Committees have never respected and complied with the *Utah Open and Public Meetings Act as amended (Utah Code Title 52-Chapter 4)*.

ANTICIPATED EFFECT FOR PROPOSED AMENDMENT

The Committees' respect for and compliance with the *Utah Open and Public Meetings Act as amended (Utah Code Title 52-Chapter 4)* will end all the secrecy behind the judicial administrative actions they have taken and will result in a more open judiciary department.

TAB 9

2023 Meeting Schedule

Unless otherwise stated, Policy, Planning, and Technology Committee meetings are held on the **first Friday** of every month from **12:00-2:00 p.m. via WebEx**. Around the end of the year, Minhvan Brimhall will send 2023 calendar invites to Committee members. Each calendar invite will include a WebEx link.

January 6, 2023

February 3, 2023

March 3, 2023

April 7, 2023

May 5, 2023 (9:00 a.m. – 5:00 p.m.)

June 2, 2023

July 7, 2023

August 4, 2023

September 1, 2023

October 6, 2023

November 3, 2023 (9:00 a.m. – 5:00 p.m.)

December 1, 2023