

**UTAH JUDICIAL COUNCIL
POLICY, PLANNING, & TECHNOLOGY COMMITTEE
MEETING AGENDA**
February 3, 2023 – 12:00 p.m. to 2:00 p.m.
Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Chiara
12:05	<u>Rules back from public comment:</u> <ul style="list-style-type: none"> • CJA 4-503. Mandatory electronic filing in civil and probate cases • CJA 4-603. Mandatory electronic filing in criminal cases • CJA 4-801. Filing small claims cases • CJA 4-901. Mandatory electronic filing in juvenile court • CJA 9-302. Mandatory electronic filing in justice court 	Action	Tab 2	Keisa Williams Keri Sargent Paul Barron
12:25	CJA 6-507. Court visitors	Action	Tab 3	Jace Willard Allison Barger Shonna Thomas
12:55	CJA 3-414. Court Security	Action	Tab 4	Chris Palmer
1:25	CJA 1-205. Standing and ad hoc committees	Action	Tab 5	Jon Puente
1:35	Technology report/proposals	Discussion		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

2023 Meetings:

March 3, 2023	August 4, 2023
April 7, 2023	September 1, 2023
May 5, 2023 (all day)	October 6, 2023
June 2, 2023	November 3, 2023 (all day)
July 7, 2023	December 1, 2023

TAB 1

Minutes

January 6, 2023

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

Webex video conferencing
January 6, 2023: 12 pm

DRAFT

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Samuel Chiara, <i>Chair</i>	•		Lauren Anderson Justice Diana Hagen Jace Willard Keri Sargent
Judge Suchada Bazzelle	•		
Judge Augustus Chin	•		
Judge David Connors		•	
Judge James Gardner	•		STAFF: Keisa Williams Brody Arishita Minhvan Brimhall

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the December 2, 2022 meeting. With no changes, Judge Bazzelle moved to approve the minutes as presented. Judge Chin seconded the motion. The motion passed unanimously.

(2) CJA 3-403. Judicial branch education:

In February 2022, the Office of Fairness and Accountability (OFA) made a policy recommendation to Judicial Council to address workplace and judicial climate. One of the recommendations directly addressed judicial branch education rule 3-403. The OFA recommended that judicial officers and state court employees receive training on ethics, diversity and inclusion, harassment and elimination of bias training. The Judicial Council discussed the recommendations with the OFA, and the OFA asked the Standing Education Committee to discuss whether training on ethics, harassment, elimination of bias, and diversity and inclusion should be required.

The Standing Education Committee met in June and November 2022 to discuss this matter. Draft language was then reviewed by Trial Court Executives, Clerks of Court, and Chief Probation Officers. Each group provided feedback and the feedback was incorporated into the draft language that has been approved by the Standing Education Committee and included in today's packet.

The proposed changes to Rule 3-403 will:

- Annually require judicial officers and court employees to complete training on harassment and abusive conduct; ethics; inclusion; and elimination of bias.
- Change references of "judges, commissioners" to "judicial officers" throughout the rule.
- Update language in Rule 3-403(A)(4)(A)(ii) to better reflect current onboarding and orientation practices of court employees.

The committee discussed and recommended minor language changes to the proposed rule:

- Paragraph (3)(A), lines 57 and 58: Capitalize only the word “Requirement” in the title. All other words in the title should not be capitalized. The same was also recommended for “new employee orientation” in paragraph 4(A)(ii).
- Paragraph (4)(A)(i): Switch the order of the last sentence to read “To satisfy annual program requirements state employees must complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.”
- Paragraph (4)(B)(ii): Switch the order of the last sentence to read “To satisfy annual program requirements state employees must complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.”

With those changes and no further discussion, Judge Gardner moved to send rule 3-403, as amended, to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.

(3) Back from public comment:

- CJA 6-501. Reporting requirements for guardians and conservators.
- CJA 3-406. Budget and fiscal management.
- CJA 3-104. Presiding judges.

CJA 3-406 and CJA 3-104:

No public comments were received for rules 3-406 and 3-104. The rules are ready for final approval by the Judicial Council.

With no further discussion, Judge Gardner moved to forward CJA 3-406 and 3-104 to the Judicial Council as drafted, with a recommendation that they be approved as final with a May 1, 2023 effective date. Judge Bazzelle seconded the motion.

CJA 6-501:

Three substantive public comments were received for 6-501. The committee recommended that the rule be sent back to the Probate Subcommittee for consideration and asked that the subcommittee bring the rule back to PP&T with recommendations at a later date. The committee also asked that the subcommittee review the new associated Order on Review court form.

With no further discussion, Judge Gardner moved to have the Probate Subcommittee review the public comments for CJA 6-501 and the court form. Judge Chin seconded the motion. The motion passed unanimously.

Technology report/proposals:

Brody Arishita is in the process of gathering members for the Policy, Planning, and Technology subcommittees. The advisory subcommittee will consist of judges, commissioners, TCE’s, clerks of courts, and a member from the Policy, Planning, and Technology Committee. The advisory subcommittee will look at current processes as the court transitions over to a new cloud-based program. The committee will also review possible fees on certain requests as additional personnel time is required to fulfill some of the requests. There may also be a discussion on possible fees on the forms. The committee will also review email retention and assess the needs and usage of the court’s bandwidth.

Mr. Arishita asked if any member of the Policy, Planning, and Technology Committee would like to be on the advisory subcommittee. No committee accepted the invitation to join. Mr. Arishita will contact Judge Pullan to see if he would be interested in participating. Once the subcommittees are in place, Mr. Arishita will return with an update.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned. The next meeting will be held on February 3, 2023 at 12 PM via Webex video conferencing, unless otherwise noted.

TAB 2

Back from Public Comment:

CJA 4-503. Mandatory electronic filing in civil and probate cases

CJA 4-603. Mandatory electronic filing in criminal cases

CJA 4-801. Filing small claims cases

CJA 4-901. Mandatory electronic filing in juvenile court

CJA 9-302. Mandatory electronic filing in justice court

Notes: One public comment was received. It is applicable to all five rules. The commenter makes three main recommendations:

1. Pro se email filings should be restricted to a specific email address for each jurisdiction (preferably to be “as directed by each jurisdiction”).
[Most jurisdictions already have dedicated email addresses to which email filings are being directed. I do not believe this needs to be memorialized in rule.](#)
2. Court staff should not be expected or required to forward, redirect, or correct emailed documents that are improperly submitted.
[The CoCs report a high volume of email filings. The dedicated email accounts require significant monitoring and JAs have reported occasionally missing emails. If a document is correct, it is manually added to the case history in CORIS. If a filing is improper, it requires some back-and-forth between the JA and the filer to resolve the issue, which can be burdensome. It is not always clear what a JA should do with an improper email filing. Keep it? Add a case history note? It would be helpful to have more direction on that issue.](#)

[The URCP Committee may be in the best position to provide direction. See URCP 10\(f\):](#)

[“The clerk of the court may examine the pleadings and other papers filed with the court. If they are not prepared in conformity with paragraphs \(a\) - \(e\), the clerk must accept the filing but may require counsel to substitute properly prepared papers for nonconforming papers. The clerk or the court may waive the requirements of this rule](#)

for parties appearing pro se. For good cause shown, the court may relieve any party of any requirement of this rule.”

3. Pro se email filings should be prohibited for any documents for which a filing fee is required.

Currently, case initiation is not available in MyCase for any case type. JAs must manually create an account so that filers can make an online payment. One compromise might be to prohibit email filing for case initiation (civil, domestic, probate, small claims), but allow email filing for any subsequent actions that require a fee (cross/counter, jury demand, etc.).

However, restricting email filing in this way may significantly undermine the Council’s intent in creating the pro se email filing exception in the first place.

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

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Posted: December 20, 2022

Utah Courts

Code of Judicial Administration – Comment Period Closes February 3, 2023

Amendments clarify that attorneys and licensed paralegal practitioners must file cases electronically and allow self-represented litigants to file by email.

CJA04-0503. Mandatory electronic filing [in civil and probate cases](#) (AMEND)

CJA04-0603. Mandatory electronic filing [in criminal cases](#) (AMEND)

CJA04-0801. Filing small claims cases (AMEND)

CJA04-0901. Mandatory electronic filing in juvenile court (AMEND)

CJA09-0302. Mandatory electronic filing [in justice court](#) (AMEND)

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

- [-Alternate Dispute Resolution](#)
- [-Code of Judicial Administration](#)
- [-Code of Judicial Conduct](#)
- [-Fourth District Court Local Rules](#)
- [-Licensed Paralegal Practitioners Rules of Professional Conduct](#)
- [-Rules Governing Licensed Paralegal Practitioner](#)
- [-Rules Governing the State Bar](#)

This entry was posted in [-Code of Judicial Administration, CJA04-0503, CJA04-0603, CJA04-0801, CJA04-0901, CJA09-0302](#).

« [Code of Judicial Administration – Comment Period Closes March 3, 2023](#)

[Rules of Appellate Procedure – Comment Period Closed January 29, 2023](#) »

UTAH COURTS

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One thought on “[Code of Judicial Administration – Comment Period Closes February 3, 2023](#)”

Noel S. Hyde
December 22, 2022 at 6:12 pm

Email filings, when permitted, should be restricted to a specific email address for each jurisdiction (preferably to be “as directed by each jurisdiction”), in order to avoid confusion, increased burden on clerical staff, and the substantial probability of filings being lost or misdirected. Court staff should not be expected or required to forward, redirect, or correct emailed documents that are improperly submitted. Other conditions on email filings, such as prohibiting email filings for any documents for which a filing fee is required, should also be imposed.

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- [CJA03-0111](#)
- [CJA03-0111.01](#)

Rule 4-503. Mandatory electronic filing in civil and probate cases.**Intent:**

To require that documents in district court civil cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the district court.

Statement of the Rule:

(1) **Civil and probate cases.** Except as provided in Paragraph (2), pleadings and other papers filed in civil and probate cases in the district court ~~on or after April 1, 2013~~ must be electronically filed using the electronic filer's interface. The electronic filer must be an attorney or licensed paralegal practitioner of record and must use a unique and personal identifier that is provided by the electronic filer's service provider.

(2) Exceptions.

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer or licensed paralegal practitioner may file pleadings and other papers ~~using any means of delivery permitted by the court.~~ using any of the following methods:

(2)(A)(i) email;

(2)(A)(ii) mail;

(2)(A)(iii) the court's MyCase interface, where applicable; or

(2)(A)(iv) in person.

(2)(B) **Hardship exemption.** A lawyer or licensed paralegal practitioner whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any ~~method means of delivery~~ permitted by the ~~Judicial Council~~court. To request an exemption, the lawyer or licensed paralegal practitioner must submit a written request to the District Court Administrator outlining why the exemption is necessary.

~~(2)(C) Pleadings and other papers in probate cases may be filed using any means of delivery permitted by the court until July 1, 2013, at which time they must be electronically filed using the electronic filer's interface.~~

~~(3) The electronic filer must be an attorney or licensed paralegal practitioner of record and must use a unique and personal identifier that is provided by the filer's service provider.~~

Effective: ~~January 1, 2020~~ December 19, 2022

Rule 4-603. Mandatory electronic filing in criminal cases.**Intent:**

To require that documents in district court criminal cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the district court.

Statement of the Rule:

(1) **Criminal cases.** Except as provided in Paragraph (2), pleadings and other papers filed in criminal cases in the district court ~~on or after March 31, 2014~~ shall be electronically filed using the electronic filer's interface. The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the electronic filer's service provider.

(2) Exceptions.

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer may file pleadings and other papers ~~using any means of delivery permitted by the court.~~ using any of the following methods:

(2)(A)(i) email;

(2)(A)(ii) mail;

(2)(A)(iii) the court's MyCase interface, where applicable; or

(2)(A)(iv) in person.

(2)(B) **Hardship exemption.** A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any ~~means of delivery method~~ permitted by the ~~Judicial Council~~court. To request an exemption, the lawyer shall submit a written request outlining why the exemption is necessary to the District Court Administrator.

~~(2)(C) The Information may be filed using any means of delivery permitted by the court until January 1, 2015, at which time it shall be electronically filed using the electronic filer's interface.~~

~~(3) The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the filer's service provider.~~

Effective: November 1, 2015December 19, 2022

Rule 4-801. Filing small claims cases.**Intent:**

To establish a procedure for filing small claims cases in the appropriate justice court.

To require that documents in small claims cases be filed electronically.

To provide for exceptions.

Applicability:

This rule shall apply to the courts of record and not of record.

Statement of the Rule:

(1) Jurisdiction. Small claims actions shall be filed in a justice court with territorial jurisdiction. If there is no justice court with territorial jurisdiction, the case may be filed in the district court, and the plaintiff shall state why no justice court has jurisdiction. If a small claims affidavit, without the required statement, is presented for filing in a district court, the clerk shall reject it with instructions to file in a justice court with jurisdiction. If the clerk fails to reject it initially, the affidavit and filing fee shall be returned to the plaintiff when the deficiency is first noticed.

(2) Mandatory electronic filing. Except as provided in paragraph (3), pleadings and other papers filed in small claims cases shall be electronically filed using the electronic filer's interface. The electronic filer shall be an attorney of record or licensed paralegal practitioner and shall use a unique and personal identifier that is provided by the electronic filer's service provider.

(3) Exceptions.

(3)(A) Self-represented parties. A self-represented party who is not a lawyer may file pleadings and other papers using any of the following methods:

(3)(A)(i) email;

(3)(A)(ii) mail;

(3)(A)(iii) the court's MyCase interface, where applicable; or

(3)(A)(iv) in person.

(3)(B) Hardship exemption. A lawyer or licensed paralegal practitioner whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any method permitted by the Judicial Council. To request an exemption, the lawyer or licensed paralegal practitioner must submit a written request to the District Court Administrator outlining why the exemption is necessary.

Effective: ~~September 1, 2010~~ December 19, 2022

Rule 4-901. Mandatory electronic filing in juvenile court.**Intent:**

To require that documents in juvenile court cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the juvenile court.

Statement of the Rule:

(1)(A) **Juvenile cases.** Except as provided in Paragraph (2), pleadings and other papers filed in ~~existing juvenile court cases on or after December 1, 2015~~ shall be electronically filed using the juvenile court's Court and Agency Records Exchange (C.A.R.E.). The electronic filer shall obtain and use a unique C.A.R.E. login for all electronic filings in the juvenile court.

~~(1)(B) Except as provided in Paragraph (2), pleadings and other papers filed to initiate a new juvenile court case on or after August 1, 2016 shall be electronically filed using C.A.R.E.~~

(2) Exceptions.

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer may file pleadings and other papers by email, mail, or in person. ~~using any means of delivery permitted by the court.~~

(2)(B) **Hardship exemption.** A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any ~~means of delivery method~~ permitted by the Judicial Council~~court~~. To request an exemption, the lawyer shall submit a written request outlining why an exemption is necessary to the Juvenile Court Administrator.

~~(3) The electronic filer shall obtain and use a unique C.A.R.E. login for all filings in the juvenile court.~~

Effective: ~~November 1, 2015~~December 19, 2022

Rule 9-302. Mandatory electronic filing in justice court.**Intent:**

To ~~require~~provide that documents filed in criminal cases in justice court be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the justice court.

Statement of the Rule:

(1) **Justice court cases.** Except as provided in paragraph (2), pleadings and other papers filed in criminal cases in justice court ~~between July 1, 2016 and December 31, 2016 may~~shall be electronically filed using the electronic filer's interface. The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the electronic filer's service provider.

~~(2) Except as provided in paragraph (3), pleadings and other papers filed in criminal cases in justice court on or after January 1, 2017 shall be electronically filed using the electronic filer's interface.~~

(2) Exceptions.

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer may file pleadings and other papers ~~using any means of delivery permitted by the court.~~ using any of the following methods:

(2)(A)(i) email;

(2)(A)(ii) mail;

(2)(A)(iii) the court's MyCase interface, where applicable; or

(2)(A)(iv) in person.

(2)(B) **Hardship exemption.** A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any ~~means of delivery~~method permitted by the ~~Judicial Council~~court. To request an exemption, the lawyer shall submit a written request outlining why the exemption is necessary to the Justice Court Administrator.

~~(3) The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the filer's service provider.~~

Effective: ~~May 1, 2016~~December 19, 2022

TAB 3

CJA 6-507. Court visitors

Notes: The Probate Subcommittee presented proposed amendments to PP&T in November 2021. PP&T sent the rule back to the subcommittee, asking that the subcommittee address two main points:

1. PP&T requested consistent terminology throughout. The original rule draft used “respondent,” “protected person,” and “ward.” [The subcommittee recommends using “respondent” where possible.](#)
2. PP&T was concerned that the language in what is now subsection (7) was worded in a way that would limit the court’s discretion, as opposed to limiting the objections parties can make regarding a CV report. [The subcommittee revised language to address those concerns.](#)

In addition to the items highlighted by PP&T above, the subcommittee also added clarification about who can receive the report/notice and added (5)(D), requiring the court visitor program to file an Order on Review as a proposed order along with the court visitor report.

Date of
Request

*

MM DD YYYY

01 / 12 / 2023

Name of
Requester

*

Jace Willard

Requester Phone
Number

*


385-499-4099

Name of Requester's
Supervisor

*

Keisa Williams

Please attach all required documents as outlined
above.

 Rule 6-507 Cour...

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 *

6-507

Brief Description of
Proposal *

The proposal amends the rule to be more consistent in references to a protected person as "respondent"; to omit a redundant language access provision; to clarify limitations on objections to the court visitor report; to clarify who can receive a copy of the report; and to require the filing of the form "Order on Review" as a proposed order.

Reason Amendment is
Needed *

The rule amendment is need for clarity and consistency.

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: Probate Subcommittee of the URCP Advisory Committee

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. *

Guardians, conservators, incapacitated persons, court visitors, and others interested in the welfare of incapacitated persons.

Rule 6-507. Court visitors.**Intent:**

To set forth the appointment and role of court visitors. To establish a process for the review of court visitor reports.

Applicability:

This rule applies to court visitors s and their reports in guardianship and conservatorship eases proceedings.

Statement of the Rule:**(1) Definition and visitor requirements.**

~~(1)(A) A “visitor” is, with respect to guardianship and conservatorship proceedings, a person who is trained in law, nursing, or social work and is an officer, employee, or special appointee of the court with no personal interest in the proceedings whose role is to investigate, observe, and report to the court, but is not to determine capacity of the respondent.~~

~~(1)(B) A visitor is trained in law, nursing, or social work either through life experience or through completing any training required by the court visitor program.~~

~~(1)(C) A visitor must complete any training required by the court visitor program.~~

(2) Appointment and role of court visitor. Upon its own initiative or motion of a party or any person interested in the welfare of an incapacitated person ~~an “interested person,” as that term is defined in Utah Code section 75-1-201,~~ the court shall appoint a court visitor in a guardianship or conservatorship proceeding to conduct an inquiry into whether to waive the respondent’s presence at the hearing under Utah Code section 75-5-303(5)(a), or to confirm a waiver of notice submitted by the respondent in a guardianship or conservatorship proceeding under Sections 75-5-309(3) or 75-5-405(1). ~~The~~ the court may appoint a court visitor in a guardianship or conservatorship proceeding to ~~conduct an inquiry into do~~ the following:

~~(2)(A) whether to waive the respondent’s presence at the hearing under Section 75-5-303(5)(a);~~

~~(2)(B) to confirm a waiver of notice submitted by the respondent in a guardianship or conservatorship proceeding under Sections 75-5-309(3) or 75-5-405(1);~~

(2)(AG) to investigate the respondent's circumstances and well-being, including when an attorney is not appointed under Utah Code section 75-5-303(5)(d);

(2)(BD) to review annual reports from the guardian and conservator or gather additional financial information;

(2)(CE) to locate guardians, conservators, and respondents;

(2)(DF) to investigate the proposed guardian's future plans for the respondent's residence under Section 75-5-303(4); ~~or~~

(2)(E) to meet with the adult protected person to determine their wishes regarding association under Section 75-5-312.5; or

(2)(EG) to conduct any other investigation or observation as directed by the court.

(3) **Motion to excuse respondent or confirm waiver of noticehearing.** The petitioner, the respondent, or any interested person seeking to excuse the respondent or confirm a waiver of ~~hearing~~notice submitted by respondent under Utah Code Section 75-5-309(3) or 75-5-405(1), shall file an ex parte motion and request to submit for decision at least 21 days prior to the hearing.

(3)(A) Upon receipt of the motion, the court shall appoint a court visitor to conduct an investigation in accordance with paragraph (2) unless a court visitor is not required under Utah Code section 75-5-303.

(3)(B) Upon appointment to conduct an inquiry into whether to excuse the respondent from the hearing, the court visitor maywill:

(3)(B)(i) interview the petitioner, the proposed guardian, and the respondent;

(3)(B)(ii) visit the respondent's present dwelling or any dwelling in which the respondent will reside if the guardianship or conservatorship appointment is made;

(3)(B)(iii) interview any physician or other person who is known to have treated, advised, or assessed the respondent's relevant physical or mental condition;

(3)(B)(iv) confirm a waiver of notice if submitted by the respondent; and

(3)(B)(~~iv~~) conduct any other investigation the court directs.

(4) **Other inquiries.** If the court appoints a visitor under paragraphs ~~(2)(B) through (2)(G)~~, the court visitor will conduct the inquiry in accordance with the court's order ~~or of~~ appointment.

~~(5) **Language access.** If the court visitor does not speak or understand the respondent's, proposed guardian's, proposed conservator's, or petitioner's primary language, the court visitor must use an interpretation service approved by the Administrative Office of the Courts to communicate with the respondent, proposed guardian, proposed conservator, or petitioner.~~

~~(5)(6)~~ **Court visitor report.**

(5)(A) **Filing of court visitor report.** The court visitor program must file the court visitor report by the deadline set forth in the order of appointment. If a hearing has been scheduled and there is no deadline in the order of appointment, the court visitor report should be filed at least five days prior to the hearing.

~~(5)(BA)~~ **Service of the court visitor report.** Except for court visitor appointments made under paragraph (2)(~~CE~~), in accordance with **Rule 5** of the Utah Rules of Civil Procedure and unless otherwise ordered by the court, the court visitor program must ~~file and serve thea~~ court visitor report upon ~~all parties and upon any interested person who has requested the appointment of the court visitor~~ (1) the petitioner under Utah Code section 75-5-303 and the proposed guardian or conservator if different from the petitioner; (2) persons entitled to notice pursuant to Utah Code section 75-5-309; and (3) any person who has requested notice under Utah Code Title 75.

~~(5)(CB)~~ **Request to Submit for Decision.** Upon the filing of the court visitor report, the court visitor program must file a request to submit for decision. In cases involving a motion to excuse the respondent from a hearing, the court visitor program must also file a court-approved proposed order. ~~The court visitor program will file with each court visitor report a request to submit for decision.~~

~~(6)(C) **Report regarding waiver of respondent's presence.** In cases involving a motion to excuse the respondent from the hearing, the court visitor will file with the report a court-approved proposed order. The report, a request to submit for decision, and a proposed order will be filed five days before the hearing.~~

(5)(D) **Order on Review of Guardianship or Conservatorship Reports ("Order on Review").** Upon filing the court visitor report, the court visitor program must include the Judicial Council-approved Order on Review, which shall be filed as a proposed order.

(6) **Objecting to the court visitor report.** Within 7 days of service of the court visitor report, a person who has been served with a copy of the report under paragraph (5)(B) may file a written objection and request for a hearing on the ground that the court visitor exceeded the scope of

the court's order of appointment. No other objections to a court visitor report are permitted. The court may rule on the objection, request briefing on the objection, and/or set a hearing on the objection.

(7)(8) Court findingsaction on reports.

(78)(A) Reports regarding waiver-excusing ef-respondent's presence or confirming waiver of notice. When a court visitor has filed a report regarding a request to excusewaive the respondent's presence at the hearing pursuant to Utah Code Section 75-5-303, or confirming a waiver of notice pursuant to Section 75-5-309(3) or 75-5-405(1), the court will issue findings and an order as to the waiverregarding the request to excuse or the waiver of notice at least two days prior to the hearing upon which the request has been made.

(78)(B)All other reportsReport Approval and Action. When a court visitor has filed a report and request to submit for decision involving matters other than the waiver of the respondent's presence, the court will issue findings and an order as to those matters in accordance with the timelines of Rule 3-101.review the report and take appropriate action on the report, as designated on the filed proposed Order on Review. This action may include issuing a decision, requesting further information from the court visitor or the parties, or scheduling the matter for a hearing. If the parties are attempting to resolve the issues raised in the report through mediation, the court may enter an order staying the matter until mediation is completed.

(87) Termination of court visitor appointment. The appointment of the court visitor terminates and the court visitor is discharged from the court visitor's duties upon the date identified in the order of appointment or as otherwise ordered by the court. The court may extend the appointment with or without a request from a party.

Effective May/November 1, 202_9

TAB 4

CJA 3-414. Court security

Notes: Chris Palmer, Court Security Director, recommends the following amendments to rule 3-414:

1. (lines 168-176): Currently, some law enforcement officers are entering courthouses in plain clothes and carrying unconcealed weapons. When challenged, the officers state that they are in compliance with their agency duty uniform for plain clothes officers or detectives. In addition, many are not using duty-rated holsters. The proposed amendment would require officers in plain clothes to wear something that identifies them as law enforcement officers. Such identification must be visible from at least three directions. Visible firearms would need to be in a duty-rated holster with a user-operated restraint device to prevent unauthorized access. Alternatively, officers, or others authorized to possess firearms, could use a concealment garment to prevent the public from seeing their weapon. A duty-rated holster would not be required, but the holster would need a retention feature.
2. (line 195): “Law enforcement official” is defined differently in Utah Code [§53-5-711](#) and [§53-13-103](#). The first includes prosecutors, the second does not. In accordance with [§78A-2-203](#), the Judicial Council has established its own rules and policies regarding court security and determined that prosecutors are not allowed to carry firearms in courthouses. Including the term “law enforcement official” in this paragraph has caused confusion.
3. (lines 201-205) Both judge and court commissioner requirements are clearly outlined in [§53-5-711](#), making a separate paragraph unnecessary. Court commissioners have been added to what is now (8)(B)(ii).
4. (lines 271-273): The proposed amendment would give TCEs the ability to authorize key card access to court staff not assigned to a particular courthouse.
5. All other amendments are non-substantive and intended to streamline the rule or provide clarification.

Date of
Request

*

MM DD YYYY

01 / 30 / 2023

Name of
Requester

*

Chris Palmer

Requester Phone
Number

*


8015783835

Name of Requester's
Supervisor

*

Neira Siaperas

Please attach all required documents as outlined
above.

 UCJA 3-414 (1 ...

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 *

UCJA 3-414

Brief Description of
Proposal *

In paragraph ((7)(A)(ii)(a) - clarify the definition of duty uniforms

(7)(B)(ii) - clarify who may arm, and exclude prosecutors.

(8)(E) create a process to allow court staff access to others courthouses not assigned to.

Reason Amendment is *

Needed

In paragraph ((7)(A)(ii)(a) - Currently officer are entering in plain clothes, identified as on-duty with unconcealed weapons. When challenged, the officers state that they are in compliance with their agency duty uniform, for plain clothes or detectives. They are also not using a duty rated holster. I propose a change to require that duty uniforms be identifiable from at least three directions and that the holstered weapon be a specific style, duty with mechanical releases to prevent unauthorized access and allow the courthouse security and staff to easily identify them as on-duty officers. Otherwise they should be using a concealment garment to prevent the public from seeing their weapon.

(7)(B)(ii) - the current reference judge or law enforcement in statute 53-5-711 which includes prosecutors. This is incongruent with court security protocols where they are litigants appearing before a court. Additionally, the paragraph should include court commissioners and be exclusive to those listed in the rule.

(8)(E) this would allow other court staff not assigned to a courthouse have access cards with the consent of the TCE.

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: Court Security

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 court facilities and levels.

Rule 3-414. Court Security**Intent:**

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

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

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

Applicability:

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

~~Section Paragraphs (7) and (8) on weapons~~ shall not apply to trial exhibits.

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

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

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

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

(2) Responsibilities of the Council.

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

(2)(B) As a condition for ~~the justice court~~ certification ~~of a new justice court or the continued or recertification of an existing justice court~~, the Council shall require the justice court ~~shall to~~ file an acceptable local security plan with the ~~c~~Court ~~s~~Security ~~d~~Director ~~and shall file, including any~~ amendments to the plan ~~with the Court Security Director~~ as amendments are made. The local security plan shall provide for the

presence of a law enforcement officer or constable in court during court sessions or a reasonable response time by the local law enforcement agency upon call of the court.

(3) Responsibilities of the Administrative Office.

(3)(A) The state court administrator shall appoint a cCourt sSecurity dDirector who shall:

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

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

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

(3)(C) The cCourt sSecurity dDirector shall promulgate general security guidelines to assist local jurisdictions in the development of court security plans.

(4) Responsibilities of the court executive.

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

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

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

(4)(A)(iii) file an acceptable local security plan with the cCourt sSecurity dDirector; and

(4)(A)(iv) file amendments to the plan with the cCourt sSecurity dDirector as amendments are made.

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

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

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

(4)(E) The court clerk or probation officer, under the supervision of the court executive, shall provide timely notice to transportation officers of required court appearances and cancellation of appearances for individuals in custody. The court shall consolidate scheduled appearances whenever practicable and otherwise cooperate with transportation officers to avoid unnecessary court appearances.

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

(5) Responsibilities of law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(6) Court bailiffs.

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

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

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

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

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

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

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

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

(6)(F)(iii) The bailiff shall search the interior of the courtroom and restricted areas prior to the arrival of any other court participants. Similar searches shall be

conducted following recesses to ensure the room is clear of weapons, explosives, or contraband.

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

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

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

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

(7) Weapons generally.

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

~~(7)(B)(v) If permitted by a local security plan, court personnel and volunteers may possess an otherwise legal personal protection device, other than a firearm, except while appearing as a party to litigation.~~

(7)(C) Court personnel and volunteers shall not possess a firearm while on duty, regardless of location.

(8) Firearms. ~~(7)(A)(ii)~~ All firearms permitted under this rule and a local security plan ~~(7)(A)(ii)(b)~~ shall remain in the physical possession of the person authorized to possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is locked.

~~(87)(A)(ii)(a)~~ **Firearm security.** While in publicly accessible areas of the courthouse, all firearms shall: ~~and~~

(8)(A)(i) be carried upon the person and shall be concealed, unless worn as part of a public law enforcement agency uniform, with agency affiliation visible from at least three sides;

(8)(A)(ii) if visible in accordance with (8)(A)(i), be secured in a duty-type holster with a user-operated restraining device; and

(8)(A)(iii) if concealed, be secured with a restraint feature and not visible to the public.

~~shall remain in the physical possession of the person authorized to possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is locked; and~~

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

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

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

(87)(B)(i)(a) "law enforcement officer," as defined in Utah Code Section 53-13-103;

(87)(B)(i)(b) "correctional officer," as defined in Utah Code Section 53-13-104;

(87)(B)(i)(c) "special function officer," as defined in Utah Code Section 53-13-105;

(87)(B)(i)(d) "federal officer," as defined in Utah Code Section 53-13-106; and

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

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

~~(7)(B)(iii) A court commissioner may possess in a courthouse a firearm and ammunition for which the court commissioner has a concealed weapons permit, but only if the court commissioner has obtained the training and annual retraining~~

~~necessary to qualify for a certificate issued under Section 53-5-711 and if possession is permitted by the local security plan.~~

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

(8)(B)(iii)(a) qualify for a certificate issued under Utah Code Section 53-5-711;

(8)(B)(iii)(b) qualify as a Utah police officer firearms instructor in accordance with Utah Administrative Code R728-502-9(4); or

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

~~(87)(CB)(ivii)~~ **Appearing as a party.** A person permitted ~~under subsections (i), (ii), (iii), or (vi)~~ to possess a firearm under paragraph (8)(B) ~~nevertheless~~ shall not possess a firearm in a courthouse or courtroom if the person is appearing ~~at the courthouse~~ as a party to litigation.

(8)(D) Courtrooms. Any person possessing a firearm in a courtroom shall notify the bailiff or the judge.

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

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

~~(7)(B)(vi)(a) qualify for a certificate issued under Section 53-5-711;~~

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

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

~~(87)(EG)~~ **Firearm training requirements.** ~~(7)(C)(i)~~ To requalify for a certificate issued under Utah Code Section 53-5-711, a judges and court commissioners shall annually complete with a passing score and pass a range qualification course for judges and law

enforcement officials established by the Department of Public Safety or a course established by any law enforcement agency of the state of Utah or its political subdivision for the requalification of its officers.

~~(87)(FD)~~ **Costs.** The cost of firearms, ammunition, initial qualification, requalification, and any other equipment, supplies or fees associated with a certificate of qualification issued under Utah Code Section 53-5-711 shall be the responsibility of the judge or court commissioner and shall not be paid from state funds.

(98) Security devices and procedures.

~~(98)~~(A) **Metal detectors.** The use of metal detectors or other screening devices, ~~where~~ present, shall be used by the law enforcement agency responsible for security ~~or~~ or bailiff services.

~~(98)~~(B) **Physical search.** Searches of persons in or about the courthouse or courtroom shall be conducted at the discretion of the law enforcement agency responsible for security when the local law enforcement agency has reason to believe that the person to be searched is carrying a weapon or contraband into or out of the courthouse or when the court so orders. No other person is authorized to conduct such searches. Written notice of this policy shall be posted in a conspicuous place at the entrance to all court facilities.

~~(98)~~(C) **Individuals in custody.** All persons in custody shall be kept in a holding cell, restrained by restraining devices, or supervised at all times while in a courthouse or courtroom, unless otherwise specifically ordered by the judge in whose courtroom the individual appears.

~~(98)~~(D) **Extra security.** In anticipated high risk situations or a highly publicized case, the law enforcement agency responsible for security should, on its own initiative or in response to an order of the court, provide extra security including additional personnel, controlled access, etc. A written operational plan outlining and assigning security duties should be developed in conjunction with the presiding judge, the court executive and the ~~c~~Court ~~s~~Security ~~d~~Director.

~~(98)~~(E) **Courthouse aAccess cControl.** Only judges, court commissioners, court staff, ~~and~~ security, and maintenance staff assigned to the courthouse will be granted access cards ~~s or~~ or keys and only to those areas of the courthouse to which the individual needs access. A court executive may approve access to a courthouse by judges, commissioners, and court staff not assigned to the courthouse, if the court executive determines access is appropriate under the circumstances. No access cards or keys shall be issued solely for convenience purposes. Any exceptions to this rule must be pre-approved, in writing, by the ~~d~~Deputy ~~s~~State ~~c~~Court ~~a~~Administrator.

~~(98)~~(E)(i) **Access cards or keys.** Access cards or keys will be issued by a key manager only with the prior written authorization of ~~at~~the court executive~~(s)~~ or the ~~d~~Deputy ~~s~~State ~~c~~Court ~~a~~Administrator. Detailed recording of all card ~~and~~ and key

transactions will be the responsibility of the key manager. Supervisors shall recover all issued keys and /cards from court personnel who are terminated, suspended or transferred or if loss of privileges is part of an adverse personnel action. Supervisors will return the cards or /keys to the court executive who will deactivate the access card. If the access card is not returned as required, the supervisor will immediately contact the key manager to deactivate the card.

(98)(E)(ii) **Identification.** Court personnel shall possess their court-issued identification at all times when in the courthouse or staff parking area. Court personnel may not loan their identification cards, access cards or keys to others and must report any lost or missing identification or access card or key to the key manager or their direct supervisor as soon as possible after the loss is discovered. Any lost access card will be deactivated before a replacement card is issued.

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

(98)(E)(iv) **Semi-annual review.** The court executive will undertake a semiannual review of access card records to ensure that no unauthorized use is occurring.

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

(109) Transportation of persons in custody.

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

(109)(B) The transportation officer shall:

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

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

(109)(B)(iii) support the court bailiff in the preservation of peace in the courthouse and courtroom;

(109)(B)(iv) provide advance notice of the transportation and of any extraordinary security requirements to the law enforcement agency responsible for court security, to the judge, and to the bailiff;

321 (109)(B)(v) comply with any regulations of the county sheriff regarding the
322 transportation of persons in custody to court; and

323 (109)(B)(vi) return the person in custody to the proper place of confinement.

324 (109)(C) The law enforcement agency responsible for court security shall provide
325 assistance to the transportation officer as circumstances dictate.

326 *Effective: May/November 1, 20__~~18~~*

TAB 5

CJA 1-205. Standing and ad hoc committees

Notes: See attached memo



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

August 29, 2022

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy Court Administrator

MEMORANDUM

TO: Policy and Planning Committee

FROM: Jonathan Puente, Director OFA

RE: Amendments for Rule 1-205

During their November meeting the Committee on Fairness and Accountability voted to ask to ammend rule 1-205(1)(B)(xiv). The reason Committee is asking for these ammendments is they would like more sitting judges to be on the Committee. Currently the majority of the Committee is made up of former judical officers. While this was done with the intent to facilitate the Committee to give difficult messages to the Judiciary, the Committee felt they needed more sitting judges on the Committee to bring in a current perspective on what the bench may be experiencing. After deliberation the Committee felt the proposed ammendments brings a balance of current and former judicial officers. For this reason the Committee is requesting the proposed ammendments in the attached rule.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

Requester Phone Number *

(801) 578-3974

Name of Requester's Supervisor *

Ron Gordon

Please attach all required documents as outlined above.



CFA Ammended ...



Proposed Rule A...

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 *

1-205(1)(B)(xiv)

Brief Description of Proposal *

Ammend the number of judges on Committee

Reason Amendment is Needed *

Committee would like more sitting judges as members

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. *

Committee on Fairness and Accountability

Technology

Brief Description of Technology Request *

Reason Technology request is Needed *

Is this technology request 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. *

- ☐ Juvenile Core Team
- ☐ District/Justice Courts Core Team
- ☐ Appellate Court Core Team
- ☐ Accounting Manual Committee
- ☐ Board of Appellate Court Judges
- ☐ Board of District Court Judges
- ☐ Board of Justice Court Judges
- ☐ Board of Juvenile Court Judges
- ☐ Clerks of Court
- ☐ TCE's
- ☐ None of the Above

List all stakeholders who would be affected by this request. *

.....

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Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

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

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

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

Applicability:

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

Statement of the Rule:**(1) Standing Committees.**

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

(1)(A)(i) Uniform Fine Committee;

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

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

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

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

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

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

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

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

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

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

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

(1)(A)(xiii) Committee on Court Forms;

(1)(A)(xiv) Committee on Judicial Fairness and Accountability; and

(1)(A)(xv) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

(1)(B) Composition.

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-302 and shall consist of:

(1)(B)(i)(a) one district court judge who has experience with a felony docket;

(1)(B)(i)(b) three district court judges who have experience with a misdemeanor docket; and

(1)(B)(i)(c) four justice court judges.

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and shall consist of:

(1)(B)(ii)(a) one judge from the Court of Appeals;

(1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(ii)(d) one juvenile court judge;

(1)(B)(ii)(e) one justice court judge; and

(1)(B)(ii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 shall consist of:

(1)(B)(iii)(a) one judge from an appellate court;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iii)(f) one state level administrator;

(1)(B)(iii)(g) the Human Resource Management Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and shall consist of:

- (1)(B)(iv)(a) one judge from each level of trial court;
- (1)(B)(iv)(b) one appellate court judge;
- (1)(B)(iv)(c) the state court administrator;
- (1)(B)(iv)(d) a trial court executive;
- (1)(B)(iv)(e) two business people with experience in the construction or financing of facilities; and
- (1)(B)(iv)(f) the court security director.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and shall consist of:

- (1)(B)(v)(a) one Senator appointed by the President of the Senate;
- (1)(B)(v)(b) the Director of the Department of Human Services or designee;
- (1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;
- (1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;
- (1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;
- (1)(B)(v)(f) one representative of a child advocacy organization;
- (1)(B)(v)(g) the ADR Program Director or designee;
- (1)(B)(v)(h) one professional in the area of child development;
- (1)(B)(v)(i) one mental health professional;
- (1)(B)(v)(j) one representative of the community;
- (1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;
- (1)(B)(v)(l) one court commissioner;
- (1)(B)(v)(m) two district court judges; and
- (1)(B)(v)(n) two juvenile court judges.
- (1)(B)(v)(o) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vi) The **Committee on Judicial Outreach** performs the duties described in rule 3-114 and shall consist of:

(1)(B)(vi)(a) one appellate court judge;
(1)(B)(vi)(b) one district court judge;
(1)(B)(vi)(c) one juvenile court judge;
(1)(B)(vi)(d) one justice court judge; one state level administrator;
(1)(B)(vi)(e) a state level judicial education representative;
(1)(B)(vi)(f) one court executive;
(1)(B)(vi)(g) one Utah State Bar representative;
(1)(B)(vi)(h) one communication representative;
(1)(B)(vi)(i) one law library representative;
(1)(B)(vi)(j) one civic community representative; and
(1)(B)(vi)(k) one state education representative.
(1)(B)(vi)(l) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(vii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and shall consist of:

(1)(B)(vii)(a) two district court judges;
(1)(B)(vii)(b) one juvenile court judge;
(1)(B)(vii)(c) two justice court judges;
(1)(B)(vii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;
(1)(B)(vii)(e) one representative from a social services organization providing direct services to underserved communities;
(1)(B)(vii)(f) one representative from the Utah State Bar;
(1)(B)(vii)(g) two representatives from legal service organizations that serve low-income clients;
(1)(B)(vii)(h) one private attorney experienced in providing services to self-represented parties;
(1)(B)(vii)(i) two law school representatives;
(1)(B)(vii)(j) the state law librarian; and
(1)(B)(vii)(k) two community representatives.

(1)(B)(viii) The **Language Access Committee** performs the duties described in rule 3-306.02 and shall consist of:

- (1)(B)(viii)(a) one district court judge;
- (1)(B)(viii)(b) one juvenile court judge;
- (1)(B)(viii)(c) one justice court judge;
- (1)(B)(viii)(d) one trial court executive;
- (1)(B)(viii)(e) one court clerk;
- (1)(B)(viii)(f) one interpreter coordinator;
- (1)(B)(viii)(g) one probation officer;
- (1)(B)(viii)(h) one prosecuting attorney;
- (1)(B)(viii)(i) one defense attorney;
- (1)(B)(viii)(j) two certified interpreters;
- (1)(B)(viii)(k) one approved interpreter;
- (1)(B)(viii)(l) one expert in the field of linguistics; and
- (1)(B)(viii)(m) one American Sign Language representative.

(1)(B)(ix) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and shall consist of:

- (1)(B)(ix)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(x) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(x)(a) two district court judges;
- (1)(B)(x)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(x)(c) four lawyers who primarily represent defendants; and
- (1)(B)(x)(d) one person skilled in linguistics or communication.

(1)(B)(xi) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(xi)(a) two district court judges;
- (1)(B)(xi)(b) one justice court judge;
- (1)(B)(xi)(c) four prosecutors;
- (1)(B)(xi)(d) four defense counsel; and
- (1)(B)(xi)(e) one person skilled in linguistics or communication.

(1)(B)(xii) The **Committee on Pretrial Release and Supervision** performs the duties described in rule 3-116 and shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) two justice court judges;
- (1)(B)(xii)(c) one prosecutor;
- (1)(B)(xii)(d) one defense attorney;
- (1)(B)(xii)(e) one county sheriff;
- (1)(B)(xii)(f) one representative of counties;
- (1)(B)(xii)(g) one representative of a county pretrial services agency;
- (1)(B)(xii)(h) one representative of the Utah Commission on Criminal and Juvenile Justice;
- (1)(B)(xii)(i) one commercial surety agent;
- (1)(B)(xii)(j) one state senator;
- (1)(B)(xii)(k) one state representative;
- (1)(B)(xii)(l) the Director of the Indigent Defense Commission or designee;
- (1)(B)(xii)(m) one representative of the Utah Victims' Council;
- (1)(B)(xii)(n) one representative of a community organization actively engaged in pretrial justice issues;
- (1)(B)(xii)(o) one chief of police; and
- (1)(B)(xii)(p) the court's general counsel or designee.

(1)(B)(xiii) The **Committee on Court Forms** performs the duties described in rule 3-117 and shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) one court commissioner;
- (1)(B)(xiii)(c) one juvenile court judge;
- (1)(B)(xiii)(d) one justice court judge;
- (1)(B)(xiii)(e) one court clerk;
- (1)(B)(xiii)(f) one appellate court staff attorney;
- (1)(B)(xiii)(g) one representative from the Self-Help Center;
- (1)(B)(xiii)(h) the State Law Librarian;
- (1)(B)(xiii)(i) the district court administrator or designee;

(1)(B)(xiii)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiii)(k) one paralegal;

(1)(B)(xiii)(l) one educator from a paralegal program or law school;

(1)(B)(xiii)(m) one person skilled in linguistics or communication;

(1)(B)(xiii)(n) one representative from the Utah State Bar; and

(1)(B)(xiii)(o) the LPP administrator.

(1)(B)(xiv) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee shall include members who demonstrate an interest in, or who have experience with, issues of diversity, equity, and inclusion and shall consist of:

(1)(B)(xiv)(a) three ~~one~~ sitting judges;

(1)(B)(xiv)(b) four ~~three~~ current or former judicial officers;

(1)(B)(xiv)(c) the General Counsel or designee; ~~and~~

(1)(B)(xiv)(d) a community member;

(1)(B)(xiv)(~~e~~) the Director of the Office of Fairness and Accountability; and

(1)(B)(xiv)(f) the Director of Data and Research.

(1)(B)(xv) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and shall consist of:

(1)(B)(xv)(a) **Judiciary** representatives:

(1)(B)(xv)(a)(i) two or more district court judges;

(1)(B)(xv)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;

(1)(B)(xv)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP)

(1)(B)(xv)(a)(iv) one representative from the Court Visitor Program; and

(1)(B)(xv)(a)(v) the General Counsel or designee.

(1)(B)(xv)(b) **Community stakeholder** representatives:

(1)(B)(xv)(b)(i) one representative from Adult Protective Services;

(1)(B)(xv)(b)(ii) one representative from Disability Law Center;

(1)(B)(xv)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xv)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xv)(b)(v) one representative from the Utah State Bar;

(1)(B)(xv)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xv)(b)(vii) one representative from the Utah legislature;

(1)(B)(xv)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xv)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xv)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xv)(c) **Individual community** representatives. ~~Three~~ Three or more community stakeholders representing:

(1)(B)(xv)(c)(i) mental health community;

(1)(B)(xv)(c)(ii) medical community;

(1)(B)(xv)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xv)(c)(iv) aging-adult services community;

(1)(B)(xv)(c)(v) educator from a legal program or law school;

(1)(B)(xv)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xv)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(xv)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

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

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

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

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

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

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

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

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

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

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

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

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

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

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

308 *Effective May/November ~~123~~, 202~~32~~*