

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

Webex video conferencing
February 3, 2023: 12 pm

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Samuel Chiara, <i>Chair</i>	•		Paul Barron Keri Sargent
Judge Suchada Bazzelle		•	Allison Barger Shonna Thomas
Judge Augustus Chin	•		Jon Puente Todd Eaton
Judge David Connors	•		Chris Palmer
Judge James Gardner	•		
			STAFF: Keisa Williams Minhvan Brimhall

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the January 6, 2022 meeting. With no changes, Judge Chin moved to approve the minutes as presented. Judge Chiara seconded the motion. The motion passed unanimously.

(2) Rules 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 filing in juvenile court**
- **CJA 9-302. Mandatory electronic filing in justice court**

The rules were approved on an expedited basis and posted for public comment. One public comment was received from Judge Hyde and it is applicable to all five rules. The committee discussed the three recommendations made by Judge Hyde, summarized as follows:

1. Pro se email filings should be restricted to a specific email address for each jurisdiction (preferably to be “as directed by each jurisdiction”).
2. Court staff should not be expected or required to forward, redirect, or correct emailed documents that are improperly submitted.
3. Pro se email filings should be prohibited for any documents for which a filing fee is required.

Keri Sargent noted that most jurisdictions already have dedicated email addresses to which email filings are being directed. Judicial Assistants (JAs) are assisting court patrons with email filings, including working with patrons to correct filings that are improperly submitted and opening accounts and receipting payments in CORIS, just as they would for court patrons submitting filings at the front counter. The committee discussed Rule 10 of the Utah Rules of Civil Procedure, noting that it governs a clerks’ actions when they receive a non-conforming filing. Any changes to that practice would likely need to be modified through Rule 10.

Following additional discussion, the committee asked Keri Sargent to meet with the clerks of court to clarify the electronic filing process, address the public comment, and seek feedback about whether an amendment is needed to Rule 10 of the Rules of Civil Procedure or any other rule in the Code of Judicial Administration. Ms. Sargent will report back at a future meeting. No motion was made.

(3) CJA 6-507. Court visitors

The Probate Subcommittee presented proposed amendments to CJA 6-507 to PP&T in November 2021. PP&T provided feedback and sent the rule back to the subcommittee for further consideration. The proposed amendments:

1. replace “protected person” and “ward” with “respondent” where applicable;
2. clarify who may receive a court visitor report or notice;
3. require court visitors to use a Council-approved Order on Review form;
4. delete paragraph (5) because language access is addressed elsewhere in the CJA; and
5. provide the court with broad discretion in taking action on a court visitor report.

Following a discussion, Judge Connors moved to forward CJA 6-507 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

(4) CJA 3-414. Court security

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

1. 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. “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. The proposed amendment provides clarification of an existing policy.
3. 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. 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, intended to streamline the rule or provide clarification.

The committee discussed the proposed amendments and recommended minor language modifications. Line 60 was modified to read “...district court judge, juvenile court and all justice court judges who occupy the courthouse.”

With no further discussion, Judge Connors moved to forward CJA 3-414 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Chin seconded the motion. The motion passed unanimously.

(5) CJA 1-205. Standing and ad hoc committees

The proposed amendments to CJA 1-205(1)(B)(xiv) would expand the membership of the Committee on Judicial Fairness and Accountability (CJFA). The proposal would increase the number of judicial officers from four to seven, add a member from the community, and add the Director of Data and Research. The CJFA feels that it needs input from more sitting judges and several individuals have been attending CJFA meetings that have not been officially appointed. Those individuals are very experienced and provide invaluable feedback. The CJFA would like those individuals to fill some of the new positions and has other individuals in mind to fill the remaining positions. Mr. Puente noted that the work of the CJFA has picked up significantly. The committee needs guidance and direction from key members to move certain projects along.

The committee noted that rules should be amended based on the needs of a committee, rather than a desire to include a particular person or group. Following further discussion, the committee supported adding the proposed membership positions, but expressed concern that individuals are serving without Council appointment. The committee recommended that the proposed rule amendment be forwarded to the Judicial Council for approval on an expedited basis and that Mr. Puente present the individuals the CJFA would like to appoint at the same time to address the committee's concern.

With no further discussion, Judge Gardner moved to forward CJA 1-205 to the Judicial Council with a recommendation that it be approved on an expedited basis, followed by a 45-day comment period, and that Mr. Puente present the Council with the names of the proposed members at the same time. Judge Chin seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Advisory Subcommittee membership is now complete:

Justice Jill Pohlman – Appellate Court
Judge Don Torgerson – District Court, Seventh District
Judge Rick Westmoreland – Juvenile Court, Second District
Judge Barbara Finlinson – Justice Court, Fourth District
Chris Morgan – TCE, Sixth District
Shelly Waite – TCE, Fourth District
Tracy Walker – CoC, Third District
Linda Ekker – CoC, Sixth District
Nick Stiles – Administrator, Appellate Court
Shane Bahr – Administrator, District Court
Sonia Sweeney – Administrator, Juvenile Court
Jim Peters – Administrator, Justice Court
Derick Veater – Chief Probation Officer, Fifth District
Brody Arishita – Chief Information Officer
Chris Palmer – Court Security Director
Judge Derek Pullan – current or former member of the Policy, Planning, and Technology Committee

The subcommittee will be discussing readjusting audio request fees and forms, updating the court's email retention policy, bandwidth usage at courthouses, filtering and putting together a device standard for court employees. Mr. Arishita will provide an update on the subcommittee's progress at a future meeting.

Old Business/New Business: None

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