

**UTAH JUDICIAL COUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES**

Webex video conferencing
October 6, 2023: 12:00 p.m.

MEMBERS:

PRESENT

EXCUSED

Judge Samuel Chiara, <i>Chair</i>	•	
Judge Suchada Bazzelle	•	
Judge Michael DiReda		•
Judge James Gardner	•	

GUESTS:

Keri Sargent
Paul Barron
Shonna Thomas
Nick Stiles
Stacy Haacke

STAFF:

Keisa Williams
Brody Arishita
Minhvan Thach

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the September 1, 2023, meeting. With no changes, Judge Gardner moved to approve the minutes as presented. Judge Bazzelle seconded and the motion passed unanimously.

Judge Chin's term on the Council ended. A new PP&T member will be appointed at the Judicial Council's October meeting.

(2) Rules back from public comment:

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

Following a second public comment period, one comment was received. The Probate Subcommittee does not recommend any further amendments. The commenter repeats some of the same concerns addressed by the committee following the first public comment period. Requiring the use of a court form has been discussed at length and, overall, judges prefer the uniformity forms provide. Once practitioners adjust to using the court form, it should not add any additional costs and it should be rather easy for a corporate fiduciary to make the change. The forms were updated and approved in February and are available on the court's website.

Following a discussion, the committee made a minor amendment to subsection (2)(A), changing "Paragraph (4)" to "Paragraph (3)."

With no further discussion, Judge Gardner moved to recommend to the Council that CJA rule 6-501 be approved as final with a November 1, 2023 effective date. Judge Bazzelle seconded the motion. The motion passed unanimously.

(3) CJA 3-101. Judicial performance standards
CJA 3-104. Presiding judges

The Management Committee asked the Policy, Planning and Technology Committee to review and propose amendments to CJA 3-101 to provide clarity about both the case under advisement standards and the reporting requirements related to retention elections. The proposed rule draft deletes references to “averages” and seeks to clarify reporting terms. The first Monday in January was selected because it aligns with judicial terms in Utah Code § 78A-3-101, 78A-4-102, 78A-5-105 and 78A-6-201. The Board of District Court Judges and Board of Juvenile Court Judges approved the proposed amendments and recommended moving forward, noting that the changes provide much-needed clarity.

The committee recommended the following minor changes:

- Line 90 – replaced “first Monday in January following the general election in which they were last retained” with “the day after they submit the report in (7)(B)”
- Line 92 – changed August 14th to August 1st
- Line 94 – replaced “The next business day” with “Within 14 calendar days ...”
- Lines 102-103 – removed paragraph (7)(C). The monthly reporting requirement is captured in rule 3-104.

Since the Management Committee’s initial request, Judge Chiara and Judge Gardner received a communication from Judge Mortensen that he no longer wishes to make amendments to CJA rule 3-101. Following a discussion, the committee asked that Ms. Williams seek guidance from the Management Committee about whether they would still like to move forward. PP&T believes the amendments would provide clarity.

Technology report/proposals:

The Judicial Council approved IT policies IT-01000 and IT-01150 during their September meeting and the policies are now in effect. The TAC is reviewing the IT emergency response plan and email retention policy. Mr. Arishita plans to have the policies ready for review by the December PP&T meeting.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned at 12:12 pm. The next meeting will be held on November 3, 2023, at 9 AM via Webex video conferencing. This is scheduled to be an all-day meeting.