

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

Webex video conferencing  
November 3, 2023 – 9 a.m. – 5 p.m.

**MEMBERS:**

**PRESENT**

**EXCUSED**

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

**GUESTS:**

Keri Sargent  
Paul Barron

**STAFF:**

Keisa Williams  
Brody Arishita  
Minhvan Thach

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

Judge Gardner welcomed committee members to the meeting. The committee considered the minutes from the October 6, 2023 meeting. Judge Gardner noted that his name was misspelled in several places. With those corrections, Judge Gardner moved to approve the minutes as presented. Judge Bazzelle seconded and the motion passed. Judge Carpenter abstained.

The committee welcomed Judge Carpenter as the new member of the Policy, Planning, and Technology Committee.

Under rule 1-204(6), the Policy, Planning, & Technology Committee may elect its chair on a schedule deemed appropriate by the committee. Judge Chiara has been the committee's chair for the past year. Judge Carpenter moved to recommend Judge Chiara remain as the chair for an additional year. Judge Bazzelle seconded the motion. The motion passed unanimously.

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

- **CJA 6-301. Authority of court commissioner as magistrate**
- **CJA 4-202.08. Fees for records, information, and services**
- **CJA 4-202.02. Records classification**
- **CJA 4-202.03. Records access**

**CJA 6-301:**

One comment was received for CJA 6-301. The commenter appeared primarily concerned with potential inefficiencies, delays, and more work for public defenders, referring specifically to subsections (4), (5)(C), and (5)(D). Ms. Williams advised that she does not believe commissioners have the authority to perform

most of the tasks the commenter suggested. Following a discussion, the committee made the following amendments:

- Deleted “and subject to de novo review by the district court” from subsection (4) because it is already stated in (6)(A)
- Deleted subsection (5)(D) entirely because the issue is addressed in subsection (3)(G)

CJA 4-202.08:

An internal comment was submitted to Ms. Williams regarding subsections (3)(C) and (7)(B). The court does not charge a fee for electronic copies of a court reporter’s stenographic text and non-subscription access to public online services is now available. Following a discussion, the committee made the following amendments:

- Deleted subsection (3)(C)
- Deleted “When non-subscription access becomes available” from subsection (7)(B)

CJA 4-202.02 and 4-202.03:

One comment was received for rules 4-202.02 and 4-202.03. The commenter believes sealing video records will impede public scrutiny of court proceedings and strongly objects. Ms. Williams raised the same concerns discussed at an earlier meeting regarding the court’s inability to blur or redact Webex videos and the potential for sensitive or non-public information included in those videos to be released (i.e., video of a victim). Following a discussion, the committee made no additional amendments to the rule.

Ms. Williams recommend that the rules be approved on an expedited basis. The court will need time to hire court commissioners and requests for video recordings are received on a regular basis. Ms. Williams recommends a January 1, 2024 effective date for all four rules.

***With no further discussion, Judge Gardner moved to recommend to the Council that CJA rules 6-301, 4-202.08, 4-202.02 and 4-202.03 be approved as final with a January 1, 2024, effective date. Judge Bazzelle seconded the motion. The motion passed unanimously.***

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

Ms. Williams met with the Management Committee in October to discuss CJA rules 3-101 and 3-104 as requested. The Management Committee agreed with the PP&T committee that the proposed amendments provide much-needed clarity and asked that the committee conduct one final review and continue pursuing amendments through the usual rulemaking process.

The PP&T committee asked court staff to notify the boards of judges when the proposed amendments go out for public comment to give the boards an opportunity to provide additional feedback.

***With no further discussion, Judge Carpenter moved to recommend to the Council that CJA rules 3-101 and 3-104 be published for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.***

**Technology report/proposals:**

The Technology Advisory Committee will be reviewing the IT emergency response plan and email retention policy on November 16th. Mr. Arishita will provide a report to the PP&T committee at the December meeting.

**Old Business/New Business:**

Judge Gardner asked Ms. Williams how requests for rule amendments make it onto the PP&T committee's agenda. Requests for rule amendments can come from the Management Committee, Judicial Council, boards of judges, or AOC leadership. Those are generally communicated to the PP&T committee through meetings, Ms. Williams, or a PP&T committee member. Most requests for rule amendments are brought by court staff. Employees must vet their proposal through all relevant bodies within the court system and submit a rule amendment request online before it will be added to the PP&T committee's queue. Ms. Williams works with staff on those requests to determine whether the rules are ready to be placed on the committee's agenda. Individual judges can request rule amendments by contacting Ms. Williams directly. She will guide them through the process.

Ms. Williams will provide the committee with a link to the online request form following the meeting.

The committee discussed whether all-day meetings in May and November are necessary or if a half day would be sufficient. The issue will be discussed further at the December meeting.

**Adjourn:** With no further items for discussion, the meeting adjourned at 9:50 a.m. The next meeting will be held on December 1, 2023, at noon via Webex video conferencing.