

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

Webex video conferencing
January 5, 2024 – 12 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
Bryson King
Shane Bahr

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 December 1, 2023, meeting. With no changes, Judge DiReda moved to approve the minutes as presented. Judge Carpenter seconded the motion. The motion passed unanimously.

(2) CJA 3-101. Judicial performance standards.

The public comment period for CJA 3-101 closed on January 4, 2024. No comments were received. The proposed amendments are intended to provide clarity regarding case under advisement performance standards and reporting terms. Following a discussion, the committee did not make any additional amendments.

With no further discussion, Judge Gardner moved to recommend to the Judicial Council that CJA rule 3-101 be approved as final with an effective date of May 1, 2024. Judge DiReda seconded the motion. The motion passed unanimously.

(3) CJA 3-201. Court commissioners.

Currently, rule 3-201 creates standing commissioner nominating committees in each judicial district with three-year member terms. Because commissioners are appointed so rarely, and there will now be both domestic and criminal commissioners, the proposed amendments eliminate standing committees. New nominating committees would be created each time a commissioner vacancy needs to be filled. Paragraph (3)(C) accounts for the development of a joint committee when court commissioners would serve more than one district, making paragraph (3)(D) unnecessary.

The committee made the following minor corrections to ensure paragraph (3)(C) adequately addresses the procedures for joint nominating committees:

- Added parenthetical (s) to presiding judge, district, and designee throughout paragraph (3)(C) (lines 41, 42, 44, 46, 49, and 50)

Following further discussion, Judge Gardner moved to recommend to the Judicial Council that CJA rule 3-201 be approved for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(4) CJA 1-201. Judicial Council membership – election.

The proposed amendments add a Business and Chancery Court (BCC) judge to the Judicial Council. Under 78A-2-104, Council members must be elected by the judges in their respective court level. Given that, the sole BCC judge may not be exempt from the election requirement and will simply have to elect themselves when necessary.

Following a discussion, Judge Gardner moved to recommend to the Judicial Council that CJA 1-201 be published for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

Technology report/proposals:

Appendix F. Utah Court Records Retention Schedule.

The Technology Advisory Subcommittee recommends adoption of the proposed amendments to Appendix F of the Code of Judicial Administration, overhauling the email use and retention policy. Most of the amendments update email use and storage policies to account for current technology. The remaining amendments address retention. All active employee email accounts are vaulted, but the AOC must purchase licenses to retain accounts permanently. The amendments clarify what happens to accounts when an employee resigns or is terminated and at what point email records are transferred to the Utah Division of Archives and Records Service. The default retention period for senior level employees and judicial officers will be seven (7) years and one (1) year for all other employees.

Following a discussion, the committee changed “Department” to “IT Department” in line 311 for clarity purposes. Appendix F does not require a 45-day public comment period.

With no further discussion, Judge DiReda moved to recommend to the Judicial Council that Appendix F of the Code of Judicial Administration be approved as final with an effective date of May 1, 2024. Judge Gardner seconded the motion. The motion passed unanimously.

Old Business/New Business:

The committee determined that the May and November meetings will change to the regular 12 p.m. – 2 p.m. schedule. The May 3, 2024 meeting will be moved to May 17, 2024 due to a conflict with the District Court Judges Conference the week of April 30-May 3.

Adjourn: With no further items for discussion, the meeting adjourned at 1 p.m. The next meeting will be held on February 2, 2024, at noon via Webex video conferencing.