

**UTAH JUDICIAL COUNCIL
POLICY, PLANNING, & TECHNOLOGY COMMITTEE
MEETING AGENDA**

April 5, 2024 – 12:00 p.m. to 2:00 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Chiara
	<u>Rules back from public comment:</u> <ul style="list-style-type: none"> • CJA 3-201. Court commissioners • CJA 1-201. Judicial Council membership - election 	Action	Tab 2	Keisa Williams
	CJA 4-202.08. Fees for records, information, and services	Action	Tab 3	Daniel Meza Rincon Keri Sargent
	CJA 4-907. Divorce education and divorce orientation courses	Action	Tab 4	Keisa Williams Johnizan Bowers
	CJA 1-205. Standing and ad hoc committees	Action	Tab 5	Keisa Williams
	CJA 4-601. Selection of indigent aggravated murder defense fund counsel (REPEAL)	Action	Tab 6	Keisa Williams
	CJA 2-212. Communication with the Office of Legislative Research and General Counsel	Action	Tab 7	Keisa Williams
	CJA 4-202.01. Definitions	Action	Tab 8	Keisa Williams
	CJA 4-206. Exhibits	Action	Tab 9	Keri Sargent
	CJA 4-101. Manner of appearance	Action	Tab 10	Keisa Williams
1:40	<u>Technology report:</u> <ul style="list-style-type: none"> • Court Employee Device Standard Policy • CJA 1-204. Executive committees 	Action	Tab 11	Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

2024 Meetings:

May 17, 2024	September 6, 2024
June 7, 2024	October 4, 2024
July 5, 2024	November 1, 2024
August 2, 2024	December 6, 2024

TAB 1

Minutes

March 1, 2024

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

Webex video conferencing
March 1, 2024 – 12 p.m.

DRAFT

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Samuel Chiara, <i>Chair</i>	•		Keri Sargent Paul Barron
Judge Suchada Bazzelle	•		Nick Stiles Meredith Mannebach
Judge Jon Carpenter	•		Todd Eaton Brody Arishita
Judge Michael DiReda	•		STAFF: Keisa Williams Minhvan Thach
Judge James Gardner		•	

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the February 2, 2024, meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge DiReda seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 3-108. Judicial assistance**
- **CJA 4-202.02. Records classification**
- **CJA 4-202.03. Records access**
- **CJA 4-208. Automated case processing procedures**

During the December 18, 2023 meeting, the Judicial Council approved amendments to rules 3-108, 4-202.02, 4-202.03, and 4-208 on an expedited basis with a January 1, 2024 effective date. The rules also went out for a 45-day public comment period that closed on February 3, 2024. No comments were received for rules 3-108, 4-202.02, and 4-208. Two comments were received on rule 4-202.03.

The amendments approved in December change the classification of and access to certain adoption records, juvenile court social records, and juvenile court legal records to align with rules of procedure and Utah Code. The amendments also allow attorneys representing individuals authorized to access adoption, expungement, and juvenile court social records to obtain copies of their client’s records with a signed and notarized release.

The first public comment notes that court staff are unable to independently verify whether requesters seeking adoption and expungement records qualify for access under the rule. PP&T agreed and added

clarifying language in lines 17-18 and 47, requiring the requester to submit evidence of qualification along with their request.

The second public comment inquired as to whether requiring a birth certificate under (2)(A) might create an unintended barrier to accessing adoption records. Often, requesters are seeking a copy of the adoption decree in order to obtain a birth certificate. The commenter asked that a provision be included allowing an individual to file a motion with the court if the requester is unable to provide certain documents. The commenter also noted a potential discrepancy in Rule 107 of the Utah Rules of Civil Procedure and an associated request form.

URCP 107(a) states: “An adoptive parent or adult adoptee may obtain a certified copy of the adoption decree upon request and presentation of positive identification.”

The definition of “adoption document” in 78B-6-103(3) includes “an adoption-related document filed with the office, a petition for adoption, *a decree of adoption*, an original birth certificate, or evidence submitted in support of a supplementary birth certificate.” Under 78B-6-141(2), “an adoption document and any other documents filed in connection with a petition for adoption are sealed.” The proposed amendments to (2)(A) encompass all of the circumstances under which court staff may release sealed adoption records absent a court order. A person can file a petition for access under URCP 107, and the court may grant the petition upon a showing of good cause (78B-6-141(3)(c)).

Ms. Williams recommended against making additional amendments in response to the second comment. The potential discrepancy in URCP 107(a) has been referred to the Supreme Court’s Advisory Committee on the Rules of Civil Procedure for consideration.

Following discussion, Judge Bazzelle moved to recommend to the Judicial Council that the new amendments made to CJA 4-202.03 be adopted as final with an expedited effective date. Because the changes are not substantive, PP&T does not believe an additional 45-day public comment period is required. Judge Carpenter seconded the motion. The motion passed unanimously.

(3) CJA 4-403. Electronic signature and signature stamp

The proposed amendments expand the list of document types in paragraph (1) for which clerks may apply a judge’s or commissioner’s signature stamp without prior review by the judge or commissioner, and in paragraph (3)(B), give judges broad discretion to approve additional document types not listed in the rule.

As currently proposed, new paragraph (3)(B) would render the list in paragraph (1) meaningless. Paragraph (3)(B) suggests that a presiding judge in the district and juvenile court may issue a standing order listing “specific document types” that may be signed by a clerk, while a justice court judge may issue a standing order for document types specific to their court. But approved document “types” are already listed in paragraph (1). Paragraph (3) refers to individual documents, not document “types.” Under (3), if a document does not fall under one of the document types in (1), judges and commissioners must review the document before they can authorize a clerk to use their signature or signature stamp on that document. If the boards want to add new approved “document types,” they must be added to paragraph (1). Alternatively, the list in (1) could be removed and judges could be granted broad discretion to determine what document types may be signed without review in their district or courtroom.

The committee discussed the possibility of moving paragraph (3)(B) under paragraph (1) and granting individual judges the discretion to authorize the use of their signature or signature stamp on additional document types not listed in the rule for documents issued by that judge. This would require written documentation of the judge's authorization. PP&T determined that whether to grant judges more discretion than is currently authorized under rule 4-403 is a policy question that must be made by the Judicial Council.

Following additional discussion, PP&T asked Ms. Williams and Ms. Mannebach to create two separate drafts for consideration; one maintaining the status quo and one granting broad discretion to individual judges or district benches. The two drafts will be placed on a future agenda.

(4) Manner of Appearance Rule

At a recent Supreme Court conference, the Court directed their advisory committees to draft proposed rules addressing remote vs. in-person proceedings. Justice Pohlman is chairing a work group to make those procedural rules consistent. Judge Mettler is the Council representative on that work group.

Judge Mettler asked Ms. Williams to revise Michael Drechsel's initial draft of CJA rule 4-101 with the following directions: create an enforcement mechanism; strip procedural language; address notice requirements; and include a reference to related procedural rules.

During discussion, PP&T determined that the enforcement language in paragraph (3) is sufficient to put presiding judges on notice that they are responsible for ensuring compliance under rules 3-104 and 9-109 and directed Ms. Williams to ensure the definitions are consistent with the definitions in the related procedural rules. How the court should provide notice to parties regarding the manner in which a particular hearing will be held, and what information should be included in that notice, depends in part on the mechanisms outlined in the procedural rules for requesting, granting, or denying requests for a specific manner of appearance. If the request/approval/denial process is occurring informally by email with a judge's team, should the "notice" also be sent informally via email? If requests/approvals/denials can be made verbally on the record, how should the "notice" be communicated? How specific should the notice be? We likely do not have the resources to create a dedicated line for technical support if a litigant has trouble logging into a hearing. Should the notice include information about the ability to appear remotely via a kiosk at the courthouse? Could we create a webpage with instructions about remote appearances and just include a link to those instructions in the notice?

Further amendments to the draft will be made once the advisory committees finalize their drafts.

Technology report/proposals:

- Technology Emergency Response Plan

The Technology Advisory Subcommittee recommended adoption of the Technology Emergency Response Plan. The plan provides guidance, a framework, and references for AOC Information Technology staff responding to a technology emergency (e.g., data center or network outage, cyberattack, data breach, facility damage, etc.).

This plan identifies required actions and resources to address technology emergencies generally and does not attempt to prescribe actions as each technology emergency event will be unique. Events that

do not rise to the level of emergency are defined as an Incident and are managed as an operational activity. Technology Incident procedures are not included in this document.

In response to a technology emergency, AOC IT staff will evaluate the circumstances of the emergency and begin to take mitigating and restorative actions. Restorative actions for the most part are normal operational tasks (e.g., building a server, restoring a database, purchasing equipment, etc.) that staff conduct on a daily or routine basis. However, the details of a particular emergency will determine the specific actions needed to restore operations that do not fall within normal operational activity.

The committee reviewed and made minor grammatical amendments to the policy. The committee thanked the Technology Advisory Subcommittee for their work.

Following further discussion, Judge DiReda moved to recommend to the Judicial Council that the AOC's Technology Emergency Response Plan be approved as final. As the plan is an internal policy, a 45-day comment period is not required. Judge Carpenter seconded the motion. The motion passed unanimously. The policy should be discussed by the Council in a closed session.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned at 2:10 p.m. The next meeting will be held on April 5, 2024, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

CJA 3-201. Court Commissioners

CJA 1-201. Judicial Council membership - election

Notes: No public comments were received for either rule.

CJA 3-201. Eliminates standing commissioner nominating committees. New nominating committees would be formed each time a commissioner vacancy occurs. This process makes more sense because commissioners are appointed so rarely, and we now have both domestic and criminal commissioners. The rule does not require or prevent the creation of separate domestic and criminal nominating committees.

CJA 1-201. Effective July 1, 2024, the Business and Chancery Court (BCC) must have a representative on the Judicial Council (78A-2-104). The proposed amendments account for that addition, eliminating the election requirement when there is only one BCC judge.

1 **Rule 1-201. Judicial Council Membership - Election.**

2

3 **Intent:**

4 To establish the manner of election of Council members as authorized by statute.

5

6 To establish the procedure for filling a vacancy on the Council as authorized by statute.

7

8 **Applicability:**

9 This rule shall apply to all elected members of the Council. This rule shall not apply to the Chief
10 Justice of the Supreme Court.

11

12 This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah State
13 Bar.

14

15 As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of
16 Judges and the Board of Commissioners of the Utah State Bar.

17

18 **Statement of the Rule:**

19 (1) The composition of the Council, the term of office of elected Council members, and the
20 electorate of elected Council members shall be as prescribed by law.

21

22 (2) **Term.** The term of office of all elected Council members shall begin with the Council meeting
23 immediately following the annual judicial conference. ~~Except for the Business and Chancery~~
24 ~~Court member, no~~ person shall serve on the Judicial Council for more than two consecutive
25 three-year terms plus the remainder of any unexpired portion of a term.

26

27 ~~(32)~~ **Election.** Election of judicial members of the Council shall take place during the annual
28 judicial conference at the business meeting of each respective court. Election of the
29 representative of the Utah State Bar shall take place at a regularly scheduled meeting of the
30 Board of Commissioners.

31

32 ~~(43)~~ **Vacancies**

33 ~~(43)~~(A) **Judges.** If a vacancy exists for a judicial member of the Council who represents
34 a trial court, the Board for the court represented by that seat shall appoint a judge to
35 serve on the Council until the next judicial conference. At such conference, the judges
36 shall elect a member to the Council to serve for the unexpired portion of the original
37 term. If a judicial member of the Council who represents an appellate court is unable to
38 complete a term of office, the members of that court shall appoint a judge to serve on the
39 Council until the expiration of the vacated term.

40

41 ~~(43)~~(B) **Bar representative.** If the representative of the Utah State Bar is unable to
42 complete a term of office, the Board of Commissioners shall elect a member or ex officio

43 member of the Board of Commissioners to serve for the unexpired portion of the original
44 term.

45

46 **(54) Board nomination procedures.** The Boards shall develop procedures for the nomination
47 and election of Council members and shall certify to the Council the names of the members
48 elected. The Boards shall give due regard to geographic representation, security of the election,
49 timely publication of Council vacancies or expired terms, and ease of administration.

50

51 **(65) Meeting attendance.** When a judicial member of the Council is unable to attend a Council
52 meeting, that member may designate a judge from the same level of court to attend the Council
53 meeting and observe the proceedings. When the representative of the Utah State Bar is unable
54 to attend a Council meeting, that member may designate a member or ex officio member of the
55 Board of Commissioners to attend the Council meeting and observe the proceedings. The
56 designee shall be provided with a copy of the Council agenda and other meeting materials, and
57 may attend the open and closed sessions of the meeting. The designee may participate in the
58 general discussion of agenda items but may not make motions or vote on Council issues.

59

60 **(76) Expenses.** Council members or their designated substitutes may be reimbursed for actual
61 and necessary expenses incurred in the execution of their duties as Council members.

62

63 **(87) Board membership.** ~~C~~With the exception of the Business and Chancery Court member,
64 Council members may not serve as voting members of a Board of Judges of a trial court or
65 serve as members of the standing committees of the Council, except for the Standing
66 Committee on Judicial Fairness and Accountability. The representative of the Utah State Bar
67 may vote at meetings of the Board of Commissioners if permitted to vote under rules governing
68 the conduct of the Board of Commissioners.

69

70 *Effective: May 1, 202~~4~~³*

1 **Rule 3-201. Court Commissioners.**

2

3 **Intent:**

4 To define the role of court commissioner.

5

6 To establish a term of office for court commissioners.

7

8 To establish uniform administrative policies governing the qualifications, appointment,
9 supervision, discipline and removal of court commissioners.

10

11 To establish uniform administrative policies governing the salaries, benefits and privileges of the
12 office of court commissioner.

13

14 **Applicability:**

15 This rule shall apply to all trial courts of record.

16

17 **Statement of the Rule:**

18 (1) **Definition.** Court commissioners are quasi-judicial officers established by the Utah Code.

19

20 (2) **Qualifications.**

21 (2)(A) Court commissioners must be at least 25 years of age, United States citizens,
22 Utah residents for three years preceding appointment and residents of Utah while
23 serving as commissioners. A court commissioner shall reside in a judicial district the
24 commissioner serves.

25

26 (2)(B) Court commissioners must be admitted to practice law in Utah and exhibit good
27 character. Court commissioners must possess ability and experience in the areas of law
28 in which the court commissioner serves.

29

30 (2)(C) Court commissioners shall serve full time and shall comply with Utah Code
31 Section 78A-2-221.

32

33 (3) **Appointment- Oath of office.**

34 (3)(A) Selection of court commissioners shall be based solely upon consideration of
35 fitness for office.

36

37 (3)(B) When a vacancy occurs or is about to occur in the office of a court commissioner,
38 the Council shall determine whether to fill the vacancy. The Council may determine that
39 the court commissioner will serve more than one judicial district.

40

41 (3)(C) A-After the determination required by paragraph (3)(B), the presiding judge(s) of
42 the district(s) the commissioner will serve, will form a committee for the purpose of

43 nominating candidates. ~~The committee will for the position of court commissioner shall~~
44 consist of the presiding judge(s) or designee(s) from each court level and judicial district
45 that the commissioner will serve, three lawyers, and two members of the public.
46 Committee members shall be appointed by the presiding judge(s) of the district court of
47 each judicial district. ~~The committee members shall serve three year terms, staggered so~~
48 ~~that not more than one term of a member of the bench, bar, or public expires during the~~
49 ~~same calendar year.~~ The presiding judge(s) or judges shall designate a chair of the
50 committee. All members of the committee shall reside in the judicial district(s). All
51 members of the committee shall be voting members. A quorum of one-half the
52 committee members is necessary for the committee to act. The committee shall act by
53 the concurrence of a majority of the members voting. When voting upon the
54 qualifications of a candidate, the committee shall follow the procedures established in
55 the commissioner nominating manual.

56
57 ~~(3)(D) If the commissioner will serve more than one judicial district, the presiding judges~~
58 ~~of the districts involved shall select representatives from each district's nominating~~
59 ~~committee to form a joint nominating committee with a size and composition equivalent~~
60 ~~to that of a district committee, except that a maximum of two judges from each district~~
61 ~~shall serve on the joint nominating committee.~~

62 (3)(DE) No member of the committee may vote upon the qualifications of any candidate
63 who is the spouse of that committee member or is related to that committee member
64 within the third degree of relationship. No member of the committee may vote upon the
65 qualifications of a candidate who is associated with that committee member in the
66 practice of law. The committee member shall declare to the committee any other
67 potential conflict of interest between that member and any candidate as soon as the
68 member becomes aware of the potential conflict of interest. The committee shall
69 determine whether the potential conflict of interest will preclude the member from voting
70 upon the qualifications of any candidate. The committee shall record all declarations of
71 potential conflicts of interest and the decision of the committee upon the issue.

72 (3)(EF) The administrative office of the courts shall advertise for qualified applicants and
73 shall remove from consideration those applicants who do not meet minimum
74 qualifications of age, citizenship, residency, and admission to the practice of law. The
75 administrative office of the courts shall develop uniform guidelines for the application
76 process for court commissioners.

77 (3)(EG) The nominating committee shall review the applications of qualified applicants
78 and may investigate the qualifications of applicants to its satisfaction. The committee
79 shall interview selected applicants and select the three best qualified candidates. All
80 voting shall be by confidential ballot. The committee shall receive public comment on
81 those candidates as provided in paragraph (4). Any candidate may be reconsidered
82 upon motion by a committee member and upon agreement by a majority of nominating
83 committee members.

84 (3)(GH) When the public comment period as provided in paragraph (4) has closed, the
85 comments shall be given to the nominating committee. If any comments would

86 negatively affect the committee's decision on whether to recommend a candidate, the
87 candidate shall be given all comments with the commenters' names redacted and an
88 opportunity to respond to the comments. If the committee decides not to recommend a
89 candidate based on the comments, the committee shall select another candidate from
90 the interviewed applicants and again receive public comment on the candidates as
91 provided in paragraph (4).

| 92 (3)(~~H~~) The chair of the nominating committee shall present the names, applications, and
93 the results of background investigations of the nominees to the judges of the courts the
94 court commissioner will serve. The committee may indicate its order of preference.

| 95 (3)(~~J~~) The judges of each court level the court commissioner will serve shall together
96 select one of the nominees by a concurrence of a majority of judges voting. If the
97 commissioner will serve more than one judicial district, the concurrence of a majority of
98 judges in each district is necessary for selection.

| 99 (3)(~~J~~~~K~~) The presiding judge of the district the court commissioner will primarily serve
100 shall present the name of the selected candidate to the Council. The selection shall be
101 final upon the concurrence of two-thirds of the members of the Council. The Council
102 shall vote upon the selection within 45 days of the selection or the concurrence of the
103 Council shall be deemed granted.

| 104 (3)(~~K~~~~L~~) If the Council does not concur in the selection, the judges of the district may
105 select another of the nominees or a new nominating process will be commenced.

| 106 (3)(~~L~~~~M~~) The appointment shall be effective upon the court commissioner taking and
107 subscribing to the oath of office required by the Utah Constitution and taking any other
108 steps necessary to qualify for office. The court commissioner shall qualify for office
109 within 45 days after the concurrence by the Council.

110 **(4) Public comment for appointment and retention.**

111 (4)(A) Final candidates for appointment and court commissioners who are up for
112 retention shall be subject to public comment.

113 (4)(B) For final candidates, the nominating committee shall be responsible for
114 giving notice of the public comment period.

115 (4)(C) For court commissioners, the district in which the commissioner serves
116 shall be responsible for giving notice of the public comment period.

117 (4)(D) The nominating committee or district in which the commissioner serves
118 shall:

119 (4)(D)(i) email notice to each active member of the Utah State Bar
120 including the names of the nominees or court commissioner with
121 instructions on how to submit comments;

122 (4)(D)(ii) issue a press release and other public notices listing the names
123 of the nominees or court commissioner with instructions on how to submit
124 comments; and

125 (4)(D)(iii) allow at least 10 days for public comment.

126 (4)(E) Individuals who comment on the nominees or commissioners should be
127 encouraged, but not required, to provide their names and contact information.

128 (4)(F) The comments are classified as protected court records and shall not be
129 made available to the public.

130 (5) **Term of office.** The court commissioner shall be appointed until December 31 of the
131 third year following concurrence by the Council. At the conclusion of the first term of
132 office and each subsequent term, the court commissioner shall be retained for a term of
133 four years unless the judges of the courts the commissioner serves vote not to retain the
134 commissioner in accordance with paragraph (8)(B) or unless the Judicial Council does
135 not certify the commissioner for retention under rule 3-111. The term of office of court
136 commissioners holding office on April 1, 2011 shall end December 31 of the year in
137 which their term would have ended under the former rule.

138 (6) **Court commissioner performance review.**

139 (6)(A) **Performance evaluations and performance plans.** The presiding judge
140 of each district and court level the commissioner serves shall prepare an
141 evaluation of the commissioner's performance and a performance plan in
142 accordance with Rule 3-111. Court commissioners shall comply with the program
143 for judicial performance evaluation, including expectations set forth in a
144 performance plan.

145 (6)(B) **Public comment period results.** When the public comment period for a
146 commissioner provided in paragraph (4) closes, the comments shall be given to
147 and reviewed by the presiding judge of each district and court level the
148 commissioner serves. If there are any negative comments, the negative
149 comments shall be provided to the commissioner with the commenters' names
150 redacted and the commissioner shall be given an opportunity to respond to the
151 comments.

152 (7) **Corrective action or removal during a commissioner's term.**

153 (7)(A) **Corrective action.**

154 (7)(A)(i) The Council may take corrective actions as the result of a
155 complaint filed under rule 3-201.02.

156 (7)(A)(ii) If the commissioner's performance is not satisfactory, corrective
157 actions may be taken in accordance with paragraph (7)(A)(iii) by the
158 presiding judge, or presiding judges if the commissioner serves multiple
159 districts or court levels, with the concurrence of a majority of the judges in
160 either district or court level the commissioner serves.

161 (7)(A)(iii) Corrective actions may include but are not limited to private or
162 public censure, restrictions in case assignments with corresponding
163 reduction in salary, mandatory remedial education, suspension without
164 pay for a period not to exceed 60 days, and removal under (7)(B)(i)(c).

165 (7)(B) **Removal.**

166 (7)(B)(i) **Removal by Judicial Council.** During a commissioner's term,
167 the court commissioner may be removed by the Council:

168 (7)(B)(i)(a) as part of a reduction in force;

169 (7)(B)(i)(b) for failure to meet the evaluation requirements; or

170 (7)(B)(i)(c) as the result of a complaint filed under rule 3-201.02
171 upon the concurrence of two-thirds of the Council.

172 (7)(B)(ii) **Removal by District or Court Level.**

173 (7)(B)(ii)(a) During a commissioner's term, if the commissioner's
174 performance is not satisfactory, the commissioner may be
175 removed by the presiding judge, or presiding judges if the
176 commissioner serves multiple districts or court levels, only with the
177 concurrence of a majority of the judges in each district or court
178 level the commissioner serves.

179 (7)(B)(ii)(b) If the commissioner serves multiple districts or court
180 levels and one district or court level contests a commissioner
181 removal decision made by the other district or court level, the
182 Management Committee will review the decision, with final
183 determination by the Judicial Council.

184 (7)(C) **Review of District or Court Level Decisions.** If the commissioner
185 disagrees with a district or court level's decision to remove the commissioner or
186 take corrective actions, the commissioner may request a review of the decision
187 by the Management Committee of the Council.

188 (8) **Retention.**

189 (8)(A) The Council shall review materials on the commissioner's performance
190 prior to the end of the commissioner's term of office and the Council shall vote on
191 whether the commissioner is eligible to be retained for another term in
192 accordance with rule 3-111.

193 (8)(B) At the end of a commissioner's term, the judges of each district and court
194 level the commissioner serves may vote not to retain the commissioner for
195 another term of office. The decision not to retain is without cause and shall be by
196 the concurrence of a majority of the judges in each district and court level the
197 commissioner serves. A decision not to retain a commissioner under this

198 paragraph shall be communicated to the commissioner within a reasonable time
199 after the decision is made, and not less than 60 days prior to the end of the
200 commissioner's term.

201 **(9) Salaries and benefits.**

202 (9)(A) The Council shall annually establish the salary of court commissioners. In
203 determining the salary of the court commissioners, the Council shall consider the
204 effect of any salary increase for judges authorized by the Legislature and other
205 relevant factors. Except as provided in paragraph (6), the salary of a
206 commissioner shall not be reduced during the commissioner's tenure.

207 (9)(B) Court commissioners shall receive annual leave of 20 days per calendar
208 year and the same sick leave benefits as judges of the courts of record. Annual
209 leave not used at the end of the calendar year shall not accrue to the following
210 year. A commissioner hired part way through the year shall receive annual leave
211 on a prorated basis. Court commissioners shall receive the same retirement
212 benefits as non-judicial officers employed in the judicial branch.

213 **(10) Support services.**

214 (10)(A) Court commissioners shall be provided with support personnel,
215 equipment, and supplies necessary to carry out the duties of the office as
216 determined by the presiding judge.

217 (10)(B) Court commissioners are responsible for requesting necessary support
218 services from the presiding judge.

219

220 *Effective: May 1, 2024*

TAB 3

CJA 4-202.08. Fees for records, information, and services

Notes: The clerks of court requested amendments to (10)(B) related to the one free copy limit. Clerks field the majority of requests for records associated with a case and would like the ability to waive the one free copy limit. They also asked for the ability to deny duplicative requests and to ensure there is a motion process for access to records when access is denied by the CoC.

Duplicative requests can be denied under [4-202.09\(2\)\(C\)](#):

"The judicial branch need not fulfill a person's records request if the request unreasonably duplicates prior records requests from that person."

If a CoC denies a request for access to a **record associated with a case**, regardless of the basis for denial (i.e., duplicative or refusal to waive the one free copy limit), it is considered a denial, and requesters may file a motion for access under [4-202.04\(2\)\(A\)](#):

"If a written request to access a court record is denied by the clerk of court, the person making the request may file a motion or petition to access the record."

If the denial is for **administrative records**, the requester must follow the appeal process outlined in [4-202.07](#).

1 **Rule 4-202.08. Fees for records, information, and services.**

2

3 **Intent:**

4 To establish uniform fees for requests for records, information, and services.

5

6 **Applicability:**

7 This rule applies to all courts of record and not of record and to the Administrative Office of the
8 Courts. This rule does not apply to the Self Help Center.

9

10 **Statement of the Rule:**

11 (1) **Fees payable.** Fees are payable to the court or office that provides the record, information,
12 or service at the time the record, information, or service is provided. The initial and monthly
13 subscription fee for public online services is due in advance. The connect-time fee is due upon
14 receipt of an invoice. If a public online services account is more than 60 days overdue, the
15 subscription may be terminated. If a subscription is terminated for nonpayment, the subscription
16 will be reinstated only upon payment of past due amounts and a reconnect fee equal to the
17 subscription fee.

18

19 (2) **Use of fees.** Fees received are credited to the court or office providing the record,
20 information, or service in the account from which expenditures were made. Fees for public
21 online services are credited to the Administrative Office of the Courts to improve data quality
22 control, information services, and information technology.

23

24 (3) **Copies.** Copies are made of court records only. The term "copies" includes the original
25 production. Fees for copies are based on the number of record sources to be copied or the
26 means by which copies are delivered and are as follows:

27

28 (3)(A) paper except as provided in (D): \$.25 per sheet;

29

30 (3)(B) electronic storage medium other than of court hearings: \$15.00 per unit;

31

32 (3)(C) electronic copy of audio record or video record of court proceeding: \$15.00 for
33 each one-half day of testimony or part thereof; and

34

35 (3)(D) pre-printed forms and associated information: an amount for each packet
36 established by the state court administrator.

37

38 (4) **Mailing.** The fee for mailing is the actual cost. The fee for mailing shall include necessary
39 transmittal between courts or offices for which a public or private carrier is used.

40

41 (5) **Fax or e-mail.** The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for
42 additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

43

44 **(6) Personnel time.**

45 (6)(A) There is no fee for the first 15 minutes of personnel time required to provide the
46 copy, record, information, or service, unless the person who submits the request:

47

48 (6)(A)(i) is not a Utah media representative; and

49

50 (6)(A)(ii) has submitted a separate records request within the 10-day period
51 immediately prior to the date of the request to which the court or office is
52 responding.

53

54 (6)(B) The fee for time beyond the first 15 minutes is charged in 15 minute increments
55 for any part thereof. The fees for personnel time may be set by the State Court
56 Administrator and the rates charged should be for the least expensive group capable of
57 providing the record, information, or service.

58

59 **(7) Public online services.**

60 (7)(A) The fee to subscribe to Xchange shall be as follows:

61

62 (7)(A)(i) a set-up fee of \$25.00;

63

64 (7)(A)(ii) a subscription fee of \$40.00 per month for any portion of a calendar
65 month; and

66

67 (7)(A)(iii) \$.15 for each search over 500 during a billing cycle. A search is
68 counted each time the search button is clicked.

69

70 (7)(B) The fee to access public online services without subscribing shall be a transaction
71 fee of \$5.00, which will allow up to 10 searches during a session.

72

73 (7)(C) The fee to access a document shall be \$.50 per document.

74

75 **(8) Bulk Data.** If approved, individuals or entities may subscribe to receive indexed court data
76 authorized under rule 4-202.02(2)(L) electronically in bulk. The fee to receive bulk data may be
77 set by the State Court Administrator. Requests for bulk data should be made to the Office of
78 Judicial Data and Research.

79

80 **(9) No interference.** Records, information, and services shall be provided at a time and in a
81 manner that does not interfere with the regular business of the courts. The Administrative Office
82 of the Courts may disconnect a user of public online services whose use interferes with
83 computer performance or access by other users.

84

85 **(10) Waiver of fees.**

86

87 (10)(A) Subject to (10)(B), fees established by this rule, other than fees for public online
88 services, shall be waived for:

89
90 (10)(A)(i) any government entity of Utah or its political subdivisions if the fee is
91 minimal;

92
93 (10)(A)(ii) any person who is the subject of the record and who is indigent;

94
95 (10)(A)(iii) any court appointed attorney acting on behalf of a client, if the client
96 would qualify for a fee waiver under (10)(A)(ii); and

97
98 (10)(A)(iv) a student engaged in research for an academic purpose.

99
100 (10)(B) Individuals who qualify for a fee waiver under (10)(A)(ii) and (10)(A)(iii) are
101 entitled to one free copy of the record requested. The State Court Administrator may
102 waive the one free copy limit for administrative records or records associated with a
103 case. Clerks of Court, or the Clerk's designee, may waive the one free copy limit for
104 records associated with a case. ~~under this rule for good cause.~~

105
106 (10)(C) Fees for public online services shall be waived for:

107
108 (10)(C)(i) up to 10,000 searches per year for a news organization that gathers
109 information for the primary purpose of disseminating news to the public and that
110 requests a record to obtain information for a story or report for publication or
111 broadcast to the general public;

112
113 (10)(C)(ii) any government entity of Utah or its political subdivisions;

114
115 (10)(C)(iii) the Utah State Bar;

116
117 (10)(C)(iv) public defenders for searches performed in connection with their
118 duties as public defenders; and

119
120 (10)(C)(v) any person or organization who the XChange administrator determines
121 offers significant legal services to a substantial portion of the public at no charge.

122
123 *Effective: ~~May~~January 1, 2024*

TAB 4

CJA 4-907. Divorce education and divorce orientation courses

Notes: Under [H.B. 337](#), effective May 1, 2024, the Judicial Council is now required to provide a separate mandatory parenting course “for unmarried parties in a parentage action determining issues of child custody and parent-time” (lines 323-329) and must adopt rules to implement and administer that course. Prior to H.B. 337, judges could require unmarried parents to attend the “mandatory course for divorcing parents,” but a special course for unmarried parents was not required.

The Judicial Institute is working to develop the new unmarried parties course, but it will not be ready by May 1st. In the meantime, under (2)(D), unmarried parties must attend the married parents course.

The remaining amendments are not intended to be substantive. Most courses are held remotely or offered online. It is difficult to find instructors who will teach courses in person.

1 **Rule 4-907. ~~Divorce education~~Parenting and divorce orientation courses.**

2 **Intent:**

3 To establish policies for the implementation of the ~~divorce education~~mandatory parenting
4 courses required by Utah Code Section 30-3-11.3 and the mandatory divorce orientation course
5 required by Utah Code Section 30-3-11.4.

6 **Applicability:**

7 This rule shall apply to all proceedings in which Utah Code Section 30-3-11.3, Utah Code
8 Section 30-3-11.4, or a court order requires attendance ~~at one or both courses~~.

9 **Statement of the Rule:**

10 (1) **Judicial Institute.** The ~~education department~~Utah Judicial Institute within the Administrative
11 Office of the Courts shall:

12 (1)(A) establish uniform specifications and standards for the courses;

13 (1)(B) issue a request for proposals setting forth the uniform specifications and
14 standards;

15 (1)(C) award contracts for live courses; and

16 (1)(D) produce the courses by video ~~or~~ other effective formats.

17 (2)~~(A)~~ **Attendance.**

18 ~~(2)(A) Virtual participation. Each party required to attend one or both courses shall~~
19 ~~attend the live course at any location at which it is offered.~~ (2)(B) A party required to
20 ~~attend one or both courses may participate virtually.~~

21 ~~(2)(B) Online course. Parties may take an online watch a video of the course when if:~~

22 (2)(B)(i) ~~(a)~~ the party lives out of state or more than 60 miles from the nearest live
23 class;

24 (2)(B)(ii) ~~(b)~~ the party is in prison, jail or other detention facility;

25 (2)(B)(iii) ~~(c)~~ the party is an in-patient at a medical facility; or

26 (2)(B)(iv) ~~(d)~~ the party's request to ~~watch the video~~ take the online course is
27 approved by the divorce education administrator.

28 (2)(C) ~~The parties~~ may purchase the ~~video online course~~ or watch it at any district
29 court courthouse.

30 ~~(2)(D) Unmarried parties. Until the Council approves and implements a mandatory~~
31 ~~parenting course for unmarried parties in a parentage action, an unmarried party in a~~
32 ~~parentage action must attend the mandatory parenting course for married parties.~~

33 (3) **Certificate.** The course provider ~~or the custodian of the video~~ shall provide the party with a
34 certificate of completion.

35 (4) **Notice.** When the petition is filed, the clerk shall notify the petitioner of the course
36 requirement. The petitioner shall notify the respondent of the requirement and file a certificate of
37 service of the notice.

38 (5) **Fees.**

39 ~~(5)(A)~~ Any person attending a course shall present a valid form of photo identification,
40 and pay the course fee, or present a copy of an order waiving the fee or a motion to
41 waive fees that has been filed with the court. If the court determines that the party is not
42 ~~impecunious~~indigent, the court may enter judgment for the amount of the course fee.

43 ~~(56)(B)~~ The fee for attending ~~the education~~ or taking an online parenting course ~~or~~
44 ~~watching the video~~ is \$35.00, which includes \$8.00 for deposit in the Children's Legal
45 Defense Fund. The fee for attending or taking an online divorce~~the~~ orientation course is
46 \$15.00 for petitioners who attend the course within 30 days of filing and for respondents
47 who attend the course within 30 days of service. Otherwise, the fee for attending or
48 taking an online divorce~~the~~ orientation course, ~~taking the course online, or watching the~~
49 ~~video~~ is \$30.00, which includes \$5.00 for deposit in the Children's Legal Defense Fund.

50 ~~(67)~~ **Course provider.** The course provider shall, within 72 hours of each course, provide the
51 court with an alphabetized list of each party who completed the course.

52 *Effective: ~~November~~ May 1, 2024~~14~~*

TAB 5

CJA 1-205. Standing and Ad Hoc Committees

Notes: (*lines 306 & 381*) Eliminates the General Counsel member position on both the Pretrial and WINGS committees. Membership is unnecessary. Staff and committee members may reach out to the Office of General Counsel with questions at any time.

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

2

3 **Intent:**

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

6

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

8

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

11

12 **Applicability:**

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

14

15 **Statement of the Rule:**

16 **(1) Standing Committees.**

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

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

20

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

22

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

24

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

26

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

28

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

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

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

34

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

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

38

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

40

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

42

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

44

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

46

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

48 (WINGS)

49

50 (1)(B) **Composition.**

51 (1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-

52 302 and shall consist of:

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

55

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

58

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

60

61 (1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule

62 3-109 and shall consist of:

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

64

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

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

68

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

70

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

72

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

74

75 (1)(B)(iii) The **Judicial Branch Education Committee** performs the duties

76 described in rule 3-403 shall consist of:

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

78

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

80

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

82

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

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

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(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;

- 129 (1)(B)(v)(c) one attorney of the Executive Committee of the Family Law
130 Section of the Utah State Bar;
- 131
132 (1)(B)(v)(d) one attorney with experience in abuse, neglect and
133 dependency cases;
- 134
135 (1)(B)(v)(e) one attorney with experience representing parents in abuse,
136 neglect and dependency cases;
- 137
138 (1)(B)(v)(f) one representative of a child advocacy organization;
- 139
140 (1)(B)(v)(g) the ADR Program Director or designee;
- 141
142 (1)(B)(v)(h) one professional in the area of child development;
- 143
144 (1)(B)(v)(i) one mental health professional;
- 145
146 (1)(B)(v)(j) one representative of the community;
- 147
148 (1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;
- 149
150 (1)(B)(v)(l) one court commissioner;
- 151
152 (1)(B)(v)(m) two district court judges; and
- 153
154 (1)(B)(v)(n) two juvenile court judges.
- 155
156 (1)(B)(v)(o) One of the district court judges and one of the juvenile court
157 judges shall serve as co-chairs to the committee. In its discretion the
158 committee may appoint non-members to serve on its subcommittees.
- 159
160 (1)(B)(vi) The **Committee on Judicial Outreach** performs the duties described
161 in rule 3-114 and shall consist of:
- 162 (1)(B)(vi)(a) one appellate court judge;
- 163
164 (1)(B)(vi)(b) one district court judge;
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166 (1)(B)(vi)(c) one juvenile court judge;
- 167
168 (1)(B)(vi)(d) one justice court judge; one state level administrator;
- 169
170 (1)(B)(vi)(e) a state level judicial education representative;
- 171
172 (1)(B)(vi)(f) one court executive;

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174 (1)(B)(vi)(g) one Utah State Bar representative;
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176 (1)(B)(vi)(h) one communication representative;
177
178 (1)(B)(vi)(i) one law library representative;
179
180 (1)(B)(vi)(j) one civic community representative; and
181
182 (1)(B)(vi)(k) one state education representative.
183
184 (1)(B)(vi)(l) Chairs of the Judicial Outreach Committee's subcommittees
185 shall also serve as members of the committee.
186
187 (1)(B)(vii) The **Committee on Resources for Self-represented**
188 **Parties** performs the duties described in rule 3-115 and shall consist of:
189 (1)(B)(vii)(a) two district court judges;
190
191 (1)(B)(vii)(b) one juvenile court judge;
192
193 (1)(B)(vii)(c) two justice court judges;
194
195 (1)(B)(vii)(d) three clerks of court – one from an appellate court, one from
196 an urban district and one from a rural district;
197
198 (1)(B)(vii)(e) one representative from a social services organization
199 providing direct services to underserved communities;
200
201 (1)(B)(vii)(f) one representative from the Utah State Bar;
202
203 (1)(B)(vii)(g) two representatives from legal service organizations that
204 serve low-income clients;
205
206 (1)(B)(vii)(h) one private attorney experienced in providing services to
207 self-represented parties;
208
209 (1)(B)(vii)(i) two law school representatives;
210
211 (1)(B)(vii)(j) the state law librarian; and
212
213 (1)(B)(vii)(k) two community representatives.
214
215 (1)(B)(viii) The **Language Access Committee** performs the duties described in
216 rule 3-306.02 and shall consist of:

- 217 (1)(B)(viii)(a) one district court judge;
218
219 (1)(B)(viii)(b) one juvenile court judge;
220
221 (1)(B)(viii)(c) one justice court judge;
222
223 (1)(B)(viii)(d) one trial court executive;
224
225 (1)(B)(viii)(e) one court clerk;
226
227 (1)(B)(viii)(f) one interpreter coordinator;
228
229 (1)(B)(viii)(g) one probation officer;
230
231 (1)(B)(viii)(h) one prosecuting attorney;
232
233 (1)(B)(viii)(i) one defense attorney;
234
235 (1)(B)(viii)(j) two certified interpreters;
236
237 (1)(B)(viii)(k) one approved interpreter;
238
239 (1)(B)(viii)(l) one expert in the field of linguistics; and
240
241 (1)(B)(viii)(m) one American Sign Language representative.
242

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

- 245 (1)(B)(ix)(a) seven members with experience in the administration of law
246 and public services selected from public, private and non-profit
247 organizations.
248

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

- 251 (1)(B)(x)(a) two district court judges;
252
253 (1)(B)(x)(b) four lawyers who primarily represent plaintiffs;
254
255 (1)(B)(x)(c) four lawyers who primarily represent defendants; and
256
257 (1)(B)(x)(d) one person skilled in linguistics or communication.
258
259

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

262 (1)(B)(xi)(a) two district court judges;

263
264 (1)(B)(xi)(b) one justice court judge;

265
266 (1)(B)(xi)(c) four prosecutors;

267
268 (1)(B)(xi)(d) four defense counsel; and

269
270 (1)(B)(xi)(e) one person skilled in linguistics or communication.

271
272 (1)(B)(xii) The **Committee on Pretrial Release and Supervision** performs the
273 duties described in rule 3-116 and shall consist of:

274 (1)(B)(xii)(a) two district court judges;

275
276 (1)(B)(xii)(b) two justice court judges;

277
278 (1)(B)(xii)(c) one prosecutor;

279
280 (1)(B)(xii)(d) one defense attorney;

281
282 (1)(B)(xii)(e) one county sheriff;

283
284 (1)(B)(xii)(f) one representative of counties;

285
286 (1)(B)(xii)(g) one representative of a county pretrial services agency;

287
288 (1)(B)(xii)(h) one representative of the Utah Commission on Criminal and
289 Juvenile Justice;

290
291 (1)(B)(xii)(i) one commercial surety agent;

292
293 (1)(B)(xii)(j) one state senator;

294
295 (1)(B)(xii)(k) one state representative;

296
297 (1)(B)(xii)(l) the Director of the Indigent Defense Commission or designee;

298
299 (1)(B)(xii)(m) one representative of the Utah Victims' Council;

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301 (1)(B)(xii)(n) one representative of a community organization actively
302 engaged in pretrial justice issues; and

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(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) one district court judge;

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347 (1)(B)(xiv)(b) one juvenile court judge;
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349 (1)(B)(xiv)(c) one justice court judge;
350
351 (1)(B)(xiv)(d) one appellate court judge;
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353 (1)(B)(xiv)(e) two former judges from any court level;
354
355 (1)(B)(xiv)(f) the General Counsel or designee;
356
357 (1)(B)(xiv)(g) one representative of the community;
358
359 (1)(B)(xiv)(h) the Director of the Office of Fairness and Accountability;
360
361 (1)(B)(xiv)(i) the Director of Data and Research or designee; and
362
363 (1)(B)(xiv)(j) up to two additional qualified individuals.
364
365 (1)(B)(xv) The **Working Interdisciplinary Network of Guardianship**
366 **Stakeholders (WINGS)** performs the duties described in rule 3-421, and shall
367 consist of:
- 368 (1)(B)(xv)(a) **Judiciary** representatives:
369
370 (1)(B)(xv)(a)(i) two or more district court judges;
371
372 (1)(B)(xv)(a)(ii) two or more district court judicial support staff with
373 experience in guardianship matters;
374
375 (1)(B)(xv)(a)(iii) one representative from the Guardianship
376 Reporting and Monitoring Program (GRAMP); ~~and~~
377
378 (1)(B)(xv)(a)(iv) one representative from the Court Visitor
379 Program; ~~and~~
380
381 ~~(1)(B)(xv)(a)(v) the General Counsel or designee.~~
382
383 (1)(B)(xv)(b) **Community stakeholder** representatives:
384 (1)(B)(xv)(b)(i) one representative from Adult Protective Services;
385
386 (1)(B)(xv)(b)(ii) one representative from Disability Law Center;
387
388 (1)(B)(xv)(b)(iii) one representative from Adult and Aging Services;

- 389
390 (1)(B)(xv)(b)(iv) one representative from Office of Public Guardian;
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392 (1)(B)(xv)(b)(v) one representative from the Utah State Bar;
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394 (1)(B)(xv)(b)(vi) one representative from Office of the Attorney
395 General;
396
397 (1)(B)(xv)(b)(vii) one representative from the Utah legislature;
398
399 (1)(B)(xv)(b)(viii) one representative from the Utah Commission on
400 Aging;
401
402 (1)(B)(xv)(b)(ix) one representative from Utah Legal Services; and
403
404 (1)(B)(xv)(b)(x) the Long-Term Care Ombudsman or designee.

405
406 (1)(B)(xv)(c) **Individual community** representatives. Three or more
407 community stakeholders representing:

- 408 (1)(B)(xv)(c)(i) mental health community;
409
410 (1)(B)(xv)(c)(ii) medical community;
411
412 (1)(B)(xv)(c)(iii) private legal community that specializes in
413 guardianship matters;
414
415 (1)(B)(xv)(c)(iv) aging-adult services community;
416
417 (1)(B)(xv)(c)(v) educator from a legal program or law school;
418
419 (1)(B)(xv)(c)(vi) organization serving low-income, minorities, or
420 marginalized communities;
421
422 (1)(B)(xv)(c)(vii) citizens under or involved in guardianship; and
423
424 (1)(B)(xv)(c)(viii) other organizations with a focus including, but not
425 limited to guardianship, aging, legal services, or disability.

426
427 (1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of
428 each standing committee. Standing committees shall meet as necessary to accomplish
429 their work. Standing committees shall report to the Council as necessary but a minimum
430 of once every year. Except for the Committee on Judicial Fairness and Accountability,
431 council members may not serve, participate or vote on standing committees. Standing
432 committees may invite participation by others as they deem advisable, but only members

433 designated by this rule may make motions and vote. All members designated by this rule
434 may make motions and vote unless otherwise specified. Standing committees may form
435 subcommittees as they deem advisable.

436

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

443

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

446

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

455

456 (3) **General provisions.**

457

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

458

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

462

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

466

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

470

471 (3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve
472 from the prospective reappointee, the length of the prospective
473 reappointee's service on the committee, the attendance record of the
474 prospective reappointee, the prospective reappointee's contributions to

475 the committee, and the prospective reappointee's other present and past
476 committee assignments; and

477
478 (3)(A)(i)(d) present a list of prospective appointees and reappointees to
479 the Council and report on recommendations received regarding the
480 appointment of members and chairs.

481
482 (3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each
483 committee. Whenever practical, appointments shall reflect geographical, gender,
484 cultural and ethnic diversity.

485
486 (3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members
487 shall serve staggered three year terms. Standing committee members shall not serve
488 more than two consecutive terms on a committee unless the Council determines that
489 exceptional circumstances exist which justify service of more than two consecutive
490 terms.

491
492 (3)(C) **Expenses.** Members of standing and ad hoc committees may receive
493 reimbursement for actual and necessary expenses incurred in the execution of their
494 duties as committee members.

495
496 (3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's
497 committees.

498
499 *Effective: ~~May~~June 1, 2024~~3~~*

TAB 6

CJA 4-601. Selection of indigent aggravated murder defense fund counsel

Notes: Rule 4-601 should be repealed. Under [S.B. 160](#), effective May 1, 2024, the Office of Indigent Defense Services will be responsible for administering the Indigent Aggravated Murder Defense Fund and assigning an indigent defense service provider to represent individuals prosecuted for aggravated murder (lines 230-234).

Courts are now only required to notify the Office of Indigent Defense Services of a finding of indigency in an aggravated murder case when defense counsel is to be paid from the Indigent Aggravated Murder Defense Fund (lines 140-146). The Office will assign counsel from their list of qualified, contracted attorneys.

1 ~~**Rule 4-601. Selection of indigent aggravated murder defense fund counsel.**~~

2 ~~**Intent:**~~

3 ~~To establish the process to be used to select pre-contracted attorneys from the roster~~
4 ~~maintained by the Indigent Defense Funds Board in aggravated murder cases.~~

5 ~~**Applicability:**~~

6 ~~This rule shall apply to the district court.~~

7 ~~**Statement of the Rule:**~~

8 ~~After determining that a defendant is eligible for indigent defense counsel in an aggravated~~
9 ~~murder case, as provided in U.C.A. Title 77, Chapter 32, if the defense counsel is to be paid~~
10 ~~from the Indigent Aggravated Murder Defense Fund, the following process shall be used:~~

11 ~~(1) The judge responsible for assignment of defense counsel shall, as soon as practical upon~~
12 ~~determining eligibility, contact the member of the Indigent Defense Funds Board designated by~~
13 ~~the Administrative Office of the Courts.~~

14 ~~(2) That board member shall randomly identify, for each eligible defendant, five attorneys~~
15 ~~currently on the roster of qualified pre-contracted attorneys.~~

16 ~~(3) The board member shall then promptly contact each of those attorneys and determine if they~~
17 ~~would be willing to undertake the representation of the defendant. If fewer than three attorneys~~
18 ~~are willing to undertake the representation, additional pre-contracted attorneys should be~~
19 ~~contacted until there are at least three attorneys from which the judge can choose.~~

20 ~~(4) The judge shall then select one of the willing attorneys for appointment.~~

21

22 ~~*Effective: April 1, 2011*~~

TAB 7

CJA 2-212. Communication with the Office of Legislative Research and General Counsel

Notes: [H.B. 344](#), effective May 1, 2024, combines the legislature’s “Judicial Rules Review Committee” and “Administrative Rules Review and General Oversight Committee” into one committee called the “Rules Review and General Oversight Committee.” The proposed amendments to CJA 2-212 bring the rule in line with new reporting requirements in the bill.

(lines 746-750) “Court rules” includes rules adopted by the Council “for the administration of the courts of the state.” However, the committee may not examine internal policies, procedures, or practices of any judicial branch entity *(lines 849-851)*.

(lines 912-922) Rather than going through the Office of Legislative Research and General Counsel, the Council must now submit each new and proposed court rule, and “any additional information related to the court rule that the...Judicial Council considers relevant,” to the committee and the governor when:

1. the rule is submitted to the Council for consideration or approval for public comment; and
2. the rule is made available to members of the bar and the public for public comment.

(lines 923-926) At the time of submission, the Council must also provide the committee with the name and contact information of a Council employee whom the committee may contact about the submission.

All new and proposed CJA rules under the Council’s purview are included in the Council’s meeting materials, which are posted publicly on the [Utah Public Notice website](#). The site also includes a Webex link to and recordings of Council meetings. Council materials are also available on the [Judicial Council page](#) on the court’s website. A link to the materials can be sent to the committee and the governor. Committee members and the governor (or their designated representatives) can also be added to the email distribution list when rules go out for public comment. Emails include employee contact information.

1 **Rule 2-212. Communication with the ~~Office of Legislative Research and General~~**
2 **~~Counsel~~Rules Review and General Oversight Committee.**

3
4 **Intent:**

5 To provide the Legislature, through the ~~Office of Legislative Research and General~~
6 ~~Counsel~~Rules Review and General Oversight Committee, with notice of proposed and new
7 Council rules ~~and opportunity to comment upon them.~~

8
9 ~~To provide the Legislature and the Office of Legislative Research and General Counsel with~~
10 ~~notice of Council action upon Council rules.~~

11
12 **Applicability:**

13 This rule shall apply to the Council, ~~the Boards of Judges, the standing and ad hoc committees~~
14 ~~of the Council,~~ and the Administrative Office.

15
16 **Statement of the Rule:**

17 (1) Submission of new and proposed rules. The principal staff person assigned to the
18 Council, ~~the Boards of Judges, and the standing and ad hoc committees of the Council~~ shall
19 send copies of new and proposed rules in Chapters 1-10 of the Code of Judicial Administration
20 to the ~~Director of the Office of Legislative Research and General Counsel and the chair of the~~
21 ~~Judicial Rules Review and General Oversight Committee (“Rules Review Committee”)~~ and the
22 Governor, through their designated representatives, the draft rule of the Council, Board, or
23 committee at the same time the draft ~~when the~~ rule is submitted to the Council for consideration
24 or approval for public comment, and when the rule is made available to members of the Bar and
25 public for public comment.

26
27 (2) Contact information. The Administrative Office shall provide the name and contact
28 information of an Administrative Office employee that the Rules Review Committee and
29 Governor may contact about each rule.

30
31 (3) Council meetings. A legislator, representative of the Governor’s Office, or representative
32 of the Office of Legislative Research and General Counsel may attend any public portion
33 meeting of ~~at~~ the Council meeting at which a rule of the Council is under consideration, and may
34 comment upon the rule.

35
36 ~~(3) The State Court Administrator shall notify the chair of the Judicial Rules Review Committee~~
37 ~~and the Director of the Office of Legislative Research and General Counsel of the Council’s final~~
38 ~~action on any rule published for comment or adopted.~~

39
40 *Effective: May 15, 20241994*

TAB 8

CJA 4-202.01. Definitions

Notes: The proposed amendments clarify that daily calendars are not “records” for purposes of court records requests.

1 **Rule 4-202.01. Definitions.**

2 **Intent:**

3 To provide a uniform definition for special terms.

4 **Applicability:**

5 This rule applies to the judicial branch.

6 **Statement of the Rule:**

7 As used in these rules:

8 (1) "**Access**" means to inspect and obtain a copy.

9 (2) "**Court record**" means a record prepared, owned, received, or retained by a court or the
10 administrative office of the courts.

11 (3) "**Record**" means books, letters, documents, papers, maps, plans, photographs, films, cards,
12 tapes, recordings, data or other materials, regardless of form or characteristics, that are
13 reproducible.

14 (4) "**Record**" does not mean any of the following unless received into evidence:

15 (4)(A) drafts;

16 ~~(4)(B) daily calendars;~~

17 ~~(4)(C) notes or similar materials prepared for the originator's personal-own use or for the~~
18 ~~personal-sole use of an individual for whom the originator works;~~

19 ~~(4)(DB) a document or communication prepared or received by an individual in the~~
20 ~~individual's private capacity or a document or communication prepared or received by an~~
21 ~~individual that is unrelated to the public's business;~~

22 (4)(EE) materials legally owned by an individual in the individual's private capacity;

23 (4)(FD) materials to which access is limited by the laws of copyright or patent unless the
24 copyright or patent is owned by the courts;

25 (4)(GE) proprietary software or software developed or purchased by or for the courts for
26 its own use;

27 (4)(HF) junk mail or commercial publications received by the courts or an official or
28 employee of the courts; or

29 (4)(IG) materials contained in the collection of libraries open to the public.

30 *Effective: ~~April~~ May 1, 2024~~13~~*

TAB 9

CJA 4-206. Exhibits

Notes: See attached rule amendment request form

Date of Request *

MM DD YYYY

03 / 04 / 2024

Name of Requester *

Keri Sargent

Requester Phone Number *

435-633-5549

Name of Requester's Supervisor *

Shane Bahr

Please attach all required documents as outlined above.

 Exhibits CJA Rul...

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 *

CJA 4-206

Brief Description of Proposal *

The current exhibit rule instruct exhibit managers to dispose of exhibits in criminal cases when "...the statute of limitations for post-conviction relief, including the time for appeal from post-conviction relief has expired, whichever is later." In many cases, this may require exhibit managers to make a legal determination, or to research cases using resources that aren't readily accessible. This has led to court sites receiving negative audit reports because exhibits were being kept past the time when they could be destroyed. The current rule also is silent on how to manage exhibits that have been part of an appealed case, and the appeal has been resolved. Clarification to the rule is added to give better guidance to exhibit managers.

Reason Amendment is Needed *

Provides clear guidance on how to manage exhibits that are part of a criminal, post-conviction, or appellate action.

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.

Appellate Court Leadership Team
.....

List all stakeholders who would be affected by this proposed amendment. *

District, and juvenile judges, exhibit managers, appellate court staff.
.....

Technology

1 **Rule 4-206. Exhibits.**

2

3 **Intent:**

4 To establish a uniform procedure for the receipt, maintenance and release of exhibits.

5 **Applicability:**

6 This rule shall apply to all trial courts of record and not of record, except small claims court. In
7 the discretion of the court, this rule may apply to any proceeding in which exhibits are
8 introduced.

9 **Statement of the Rule:**

10 **(1) Marking exhibits.**

11 (1)(A) **Marking Exhibits.** Prior to trial, or at a time specified by the judge, each party
12 must mark all exhibits it intends to introduce by utilizing exhibit labels in the format
13 prescribed by the clerk of court. Labels or tags must include, at a minimum, a case
14 number, exhibit number/letter, and an appropriate party designation. With approval of
15 the court, a photograph may be offered by the submitting party as a representation of the
16 original exhibit.

17

18 (1)(B) **Digital Exhibits.** Digital exhibits must be marked as provided in paragraph (1)(A)
19 and submitted to the court as prescribed by the clerk of court. Exhibits should not be
20 eFiled.

21

22 (1)(C) **Courts not of record.** Courts not of record may exempt parties from the
23 requirements outlined in paragraphs (1)(A) and (1)(B) and prescribe an alternative
24 process for marking exhibits.

25

26 **(2) Exhibit custody during trial.**

27 (2)(A) **Custody of the Parties.** During the trial, bulky and sensitive exhibits, and exhibits
28 that require law enforcement chain of custody, will remain in the custody of the party
29 offering the exhibit. Such exhibits include, but are not limited to: biological evidence,
30 biohazards, controlled substances, paraphernalia, firearms, ammunition, explosive
31 devices, pornographic materials, jewelry, poisonous or dangerous chemicals,
32 intoxicating liquors, money or articles of high monetary value, counterfeit money, original
33 digital storage media such as a hard drive or computer, and documents or physical
34 exhibits of unusual bulk or weight. The clerk of court or designee must list these exhibits
35 in the exhibit list and note that the original exhibit is in the custody of the party.

36

37 (2)(B) **Custody of the Court.** Physical exhibits received during trial, other than those in
38 paragraph (2)(A), must be placed in the custody of the clerk of court or designee. Digital
39 exhibits received as evidence by the court during the trial shall be stored electronically or
40 on digital media such as a thumb drive and stored in accordance with paragraph (2)(C).
41 The clerk of court or designee must list all exhibits in the exhibit list, and the list shall be

42 made a part of the court record. An exhibit list may be the court's designated case
43 management system or a form approved by the Judicial Council.

44

45 (2)(C) **Secured Storage.**

46 (2)(C)(i) Upon daily adjournment, the clerk of court or designee must compare
47 the exhibit list with the exhibits received that day. Digital exhibits received under
48 paragraph (2)(B) shall be stored electronically in a manner meeting the
49 requirements outlined in paragraph (3)(A)(ii). Physical exhibits received under
50 paragraph (2)(B) must be stored in an envelope or container, marked with the
51 case number, and stored in a secured storage location that meets the
52 requirements outlined in paragraph (3)(A)(ii).

53 (2)(C)(ii) Exhibits may be stored in a temporary secured location for no more than
54 72 hours, provided the temporary location is sufficient to prevent access by
55 unauthorized persons, and the location is secured with a key lock, combination
56 lock, or electronic lock. Access to the temporary storage location shall be limited
57 to the clerk of court, judge, or a designee.

58

59 (3) **Exhibit custody prior to disposition.**

60 (3)(A) **Pending Disposition.** Exhibits in the court's custody pursuant to paragraph (2)(B)
61 may not be taken from the custody of the clerk of court or designee until final disposition
62 of the case, except upon order of the court and execution of a receipt that identifies the
63 material, the party to whom the exhibit is released, and the date and time of the release.
64 The receipt shall be made a part of the court record.

65

66 (3)(A)(i) **Exhibit Manager.** The clerk of court shall appoint an exhibit manager
67 with responsibility for the security, maintenance, documentation of the chain of
68 custody, and disposition of exhibits. The clerk of court may also appoint a person
69 to act as exhibit manager during periods when the primary exhibit manager is
70 absent. Unaccompanied or unauthorized access to secured storage locations by
71 anyone other than the exhibit manager, acting exhibit manager, or the clerk of
72 court is prohibited without a court order.

73

74 (3)(A)(ii) **Secured Storage Location.** Each court must provide physical and
75 electronic secured storage locations within their facility for storing exhibits
76 retained by the court under subsection (2)(B), and shall maintain a current
77 inventory list of all exhibits in the court's custody. The physical secured storage
78 location must be sufficient to prevent access from unauthorized persons, secured
79 with a key lock, combination lock, or electronic lock, and protected from theft or
80 damage. The electronic secured storage location should be sufficient to prevent
81 access from unauthorized persons. Prior to use, physical and electronic secured
82 storage locations must be certified by the Court Security Director. Requests for
83 certification must be made in writing and shall fully describe the secured storage
84 location, local access procedures, and security controls. Any changes to the

85 location, access procedures, or security controls require recertification by the
86 Court Security Director.

87

88 (3)(B) **Exhibit custody post disposition.** In courts of record, upon final disposition of
89 the case, exhibits in the court's custody shall be disposed of or returned to the offering
90 parties pursuant to paragraph (5). The clerk of court, exhibit manager, or designee shall
91 execute a receipt identifying the material taken, the party to whom the exhibit is
92 released, and the date and time of the release. The receipt shall be made a part of the
93 court record. In courts not of record, upon final disposition of the case, all exhibits shall
94 be returned to the parties.

95

96 (3)(C) **Exhibits in the custody of the parties.** Unless otherwise ordered by the court,
97 exhibits identified in paragraph (2)(A) shall remain in the custody of the parties until they
98 are eligible for disposal pursuant to paragraph (5). Parties are responsible for preserving
99 exhibits in the same condition as when they were first admitted into evidence.

100

101 (3)(D) **Access to exhibits by parties.** Parties may file a motion requesting access to an
102 exhibit in the custody of the court or another party. Upon order of the court, the clerk of
103 court, exhibit manager or designee, or party with custody of the exhibits shall promptly
104 make available for examination exhibits, or original or true copies of the exhibits.

105

106 (4) **Appeals.** Exhibits and exhibit lists shall be provided upon appeal in accordance with the
107 Utah Rules of Appellate Procedure.

108

109 (5) **Disposal of exhibits.** Parties with custody of biological evidence must comply with Title
110 7753, Chapter 11c20, Forensic Biological Retention of Evidence Preservation. Parties may
111 dispose of, and exhibit managers, clerks of court, or designees shall dispose of any other
112 exhibits in their custody.

113

(5)(A) Exhibits shall be disposed of as follows:

114

(5)(A)(i) For all cases that are not criminal in nature, 90 days after the time for
115 appeal has expired, or the statute of limitations for post-conviction relief,
116 including the time for appeal from post-conviction relief has expired, whichever is
117 later.

118

(5)(A)(ii) For all cases that are criminal in nature, 365 days after the time for
119 appeal has expired, as long as there are no pending post-conviction relief actions
120 or appeals of post-conviction relief actions.

121

122

123

(5)(B) Upon receipt of remittitur from an appellate court, the time period for all cases is
124 reset.

125

126

(5)(C) Exhibits in the court's custody shall be disposed of as follows:

127 ~~(5)(A)~~ (5)(C)(i) Property having no monetary value shall be destroyed by the
128 exhibit manager, clerk of court, or designee. The exhibit manager shall create a
129 certificate of destruction including a description of the exhibit, the case and
130 exhibit numbers, and the date and time of the destruction. The certificate of
131 destruction shall be made a part of the court record.

132 ~~(5)(B)~~ (5)(C)(ii) Property having monetary value shall be returned to its owner or,
133 if unclaimed, shall be given to the prosecuting agency, sheriff of the county, or
134 other law enforcement agency to be sold in accordance with Utah Code. The
135 receiving agency shall furnish the court with a receipt identifying the receiving
136 agency, the exhibit received, and the date and time the exhibit was received. The
137 receipt shall be made a part of the court record.

138

139 *Effective: ~~May~~ November 1, 20242*

TAB 10

CJA 4-101. Manner of appearance

Notes: The Supreme Court's advisory committees on the civil, criminal, and juvenile rules of procedure are still working on their manner of appearance rules. I've included all three drafts in the materials for reference.

I've also added comments to 4-101 noting the relevant differences between the three procedural rules.

1 **Rule 4-101. Manner of appearance.**

2 **Intent:**

3 The intent of this rule is to establish notice and compliance requirements related to the manner
4 of appearance in court proceedings.

5 **Applicability:**

6 This rule applies to civil and criminal matters in district, juvenile, and justice courts.

7 **Statement of the Rule:**

8 (1) **Definitions.**

9 (1)(A) **"Hybrid hearing"** means a hearing at which some participants appear in person
10 and others appear remotely.

11 (1)(B) **"In-person hearing"** means

12 [URCP] a hearing at which all participants will be physically present in the
13 courtroom.

14 [URCrP & URJP] a hearing at which it is intended that all participants will be
15 physically present in the courtroom.

16 (1)(C) **"Participant"** means

17 [URCP] a named party or attorney for a named party.

18 [URCrP] all parties, counsel for each party, participating victim, and any other
19 individual who may address the court.

20 [URJP] a named party, counsel for a named party, a parent of a minor in a
21 delinquency matter, or a victim in a delinquency matter.

22 (1)(D) **"Remote hearing"** means

23 [URCP] a hearing at which no participants will be physically present in the
24 courtroom and all participants will appear by video conference or other electronic
25 means approved by the court.

26 [URCrP & URJP] a hearing at which it is intended that no participants will be
27 physically present in the courtroom but will instead appear by video conference
28 or other electronic means approved by the Judicial Council.

- 29 (2) Notice. When calendaring a hearing, the court must provide the participants with notice
30 as to whether the court intends the hearing to be an in-person hearing, a remote hearing,
31 or a hybrid hearing. Notice shall include:
- 32 (2)(A) the date, time, and subject of the hearing;
- 33 (2)(B) for in-person hearings, the physical address and courtroom number;
- 34 (2)(C) for remote or hybrid hearings, a Webex link, instructions for joining remotely, and
35 information regarding the availability and location of courthouse kiosks;
- 36 (2)(D) contact information for court staff; and
- 37 (2)(E) where applicable, guidance on how parties may present evidence.
- 38 (3) Granted requests. If a court grants a request to appear in a manner that is different from
39 the manner noticed at calendaring, the court must include in its communication all
40 information in paragraph (2) relevant to the new manner of appearance.
- 41 (4) Court compliance and accountability. Rule [TBD] of the Utah Rules of Civil Procedure,
42 Rule 17.5 of the Utah Rules of Criminal Procedure, and Rule [TBD] of the Utah Rules of
43 Juvenile Procedure impact the effective operation of the court, including docket
44 management. As such, implementation and enforcement of those rules is the
45 responsibility of each presiding judge pursuant to Rules 3-104 and 9-109.

46 Effective May 1, 2024

Commented [KW1]: URcRp & URJP - Notice of the manner of a hearing must be made at calendaring.

URCP - Notice of the manner of a hearing must be made at calendaring. Notice may be in writing or verbally on the record.

URcRp - Party requests for a particular manner may be by email. If cannot email, requests can be made orally during a hearing, by letter, or by filing a motion. If the court grants a request, can notify participant by any manner. If court denies request, must enter decision on the record.

URJP - Participant requests may be by email, verbally during a hearing, or filing a motion. Court will file emailed requests in the court record. Court may rule on the request and any objection without further input or set it for hearing. (nothing about how the court will communicate its decision)

URCP - Party requests for a particular manner may be sent by email or in a court filing. If granted, court sends notice of the location or "required information to appear remotely" and must include all participants or attorneys on the communication. Denied requests must be "noted on the court record" and "noticed to all participants or attorneys."

Commented [KW2R1]: Could webex instructions, kiosk information, and guidance on evidence be added to the judicial website, with a link to the appropriate page included in the notice, rather than putting everything in the notice?

1 **Rule ~~4-101~~. Manner of calendaring and appearance.**

2 **Intent:**

3 ~~The intent of this rule is to establish a clear process regarding the manner in which~~
4 ~~hearings are calendared and a presumption that the court should accommodate the~~
5 ~~preferences of the participants when determining the manner of participant appearances~~
6 ~~for court hearings.~~

7 **Applicability:**

8 ~~This rule applies to civil and criminal matters in district, juvenile, and justice courts.~~

9 **Statement of the Rule:**

10 **(a) Definitions.**

11 ~~(1) “Participant” means a named party, counsel for a named party, and any third party~~
12 ~~who is required to attend court, including a witness.~~

13 ~~(12)~~ “Hybrid hearing” means a hearing at which some participants appear in person
14 and others appear remotely.

15 ~~(23)~~ “In-person hearing” means a hearing at which ~~it is intended that~~ all participants
16 will be physically present in the courtroom.

17 (3) “Participant” means a named party or attorney for a named party.

18 (4) “Remote hearing” means a hearing at which ~~it is intended that~~ no participants will
19 be physically present in the courtroom ~~but will instead~~ and all participants will appear
20 by video conference or other electronic means approved by the ~~Judicial Council~~court.

21 **(b) Notice of hearing formattype.** When calendaring a hearing the court must provide
22 the participants with notice that a hearing will be as to whether the court intends the
23 hearing to be an in-person hearing, a remote hearing, or a hybrid hearing. Notice by the
24 court may be provided on the record or in writing. In determining whether a particular
25 hearing is calendared as an in-person, remote, or hybrid hearing, the court must consider:

- 26 (1) the preference of the participants if requested in advance of scheduling;
27 ~~(2)~~ the potential length of the hearing;
28 ~~(3)~~ the burden of appearing in person compared to appearing remotely, including
29 time and economic impacts;
30 ~~(4)~~ the availability of adequate technology for the court and participants to
31 accomplish the purposes of the hearing;
32 ~~(5)~~ the complexity of issues to be addressed at the hearing, including the number of
33 participants or exhibits;
34 ~~(6)~~ whether testimonial evidence is likely to be presented; and
35 ~~(7)~~ any other relevant factor that a participant brings to the court's attention
36 regarding a specific hearing.

37 **(c) Communication of participant preference.**

38 (1) A participant may request to appear in person or remotely by communicating the
39 participant's preference to the court. A participant's preference may be ~~flexibly~~
40 communicated to the court, by email or in a court filing. An email to the court must
41 include in the subject line "REQUEST TO APPEAR, Case -----." A participant may
42 make requests to appear in person or remotely for any third parties who are required
43 to attend the hearing, including witnesses. If a party is represented by an attorney,
44 all requests must be made by the attorney.

45 ~~directly or through a party, using any of the following methods:~~

46 ~~(A) orally during a hearing;~~

47 ~~(B) by email or letter; or~~

48 ~~(C) in a court filing.~~

49 (2) For the court to consider a participant's preference, a participant must
50 communicate the participant's preference as soon as reasonably possible in advance

51 of the hearing, but no later than ~~24 hours~~seven days before the scheduled hearing
52 time, unless supported by exigent circumstances or a statute dictates a shorter
53 timeframe for scheduling a hearing~~good cause~~. The participant must include all other
54 attorney and unrepresented participants in the communication with the court.

55 ~~(3) A participant may presume that a timely request is approved unless the court,~~
56 ~~based on a good cause reason in Subsection (4):~~

57 ~~(A) has already specifically directed the participant to appear for the hearing in a~~
58 ~~particular manner; or~~

59 ~~(B) notifies the participant that the request is denied and directs the participant to~~
60 ~~appear for the hearing in a particular manner.~~

61 (d) Objection to a requested preference. A participant may object to a participant's
62 request to attend a hearing remotely or in person within four days of receipt of the request
63 by the other participant. The objection may be communicated to the court by email or in
64 a court filing. The participant must include all other attorneys and unrepresented
65 participants in the communication with the court. If a party is represented by an attorney,
66 all objections must be made by the attorney.

67 ~~(ed)~~ **Court accommodation of participant preference.** The court must accommodate a
68 participant's timely communicated preference, unless the court ~~finds good cause~~makes a
69 finding of good cause ~~on a case-by-case basis~~ to order ~~at~~ the participant to appear in a
70 particular manner. The court's finding will be on a case-by-case basis and may be based
71 upon:

72 (1) any constitutional or statutory rights that requires a particular manner of
73 appearance or ~~where there is a~~ any significant possibility that such a right would be
74 impermissibly diminished or infringed by appearing remotely;

75 (2) any participant's safety, well-being, or specific situational needs;

76 (3) prior technological challenges that unreasonably contributed to delay or a
77 compromised record in the case;

78 (4) prior failure to demonstrate appropriate court decorum, including attempting to
79 participate from a location that is not conducive to accomplishing the purpose of the
80 hearing;

81 (5) prior failure to appear for a hearing of which the participant had notice;

82 (6) the court having already specifically addressed the request and directed the
83 participant to appear for the hearing in a particular manner;

84 ~~(7)~~ the possibility that the court may order a participant, who is not already in
85 custody, into custody;

86 (8) when a participant is incarcerated, the preference of the incarcerating custodian if
87 the hearing does not implicate significant constitutional rights;

88 ~~(7) a participant's involvement in a problem-solving court;~~

89 ~~(9)~~ the agreement or objection of ~~the parties~~ other participants; ~~or~~

90 ~~(10)~~ ~~in limited circumstances~~, the court's determination that the consequential nature
91 of a specific hearing requires all participants to appear in person;

92 (11) the capacity of the court, including but not limited to the required technology,
93 equipment, staff, or security, to accommodate the request; or

94 (12) any other relevant factor.

95 **(f) Effect of preference on other participants.** The preference of one participant, and
96 the court's accommodation of that preference, should not:

97 (1) dictate how any other participant appears for a hearing; or

98 (2) affect any other participant's opportunity to request a different preference, and for
99 the court to accommodate such request, ~~a different preference for the other~~
100 ~~participant~~.

101 (g) Approval or denial of request. Upon approval of the request, the court will send the
102 participant notice of the location for the in-person hearing or the required information to

103 appear remotely for the hearing, and will include all participants or attorneys on the
104 communication. In order to approve a request and send notice, the participant must have
105 provided the court with updated contact information. A denied request must be noted
106 on the court record, as well as, noticed to all participants or attorneys.

107 **(h) Denial of remote attendance to the public.** The court may prohibit remote attendance
108 by the public for any in-person or hybrid proceeding. In making this determination, the
109 court should consider:

110 (1) the interest of the public in attending remotely, as well as any requests from the
111 public to attend the hearing;

112 (2) the technological capacities of the courtroom;

113 (3) the presentation of evidence or testimony along with any exclusionary requests for
114 witnesses;

115 (4) the subject matter of the hearing and any requests by participants; and

116 (5) the need to fairly administer justice.

117 ~~**(f) Court compliance and accountability.**~~

118 ~~(1) Compliance with this rule is part of the effective operation of the court, including~~
119 ~~docket management. As such, implementation and enforcement of this rule is a~~
120 ~~responsibility of each presiding judge pursuant to Rule 3-104.~~

121 ~~(2) A judge that demonstrates persistent non-compliance with this rule may be~~
122 ~~reported to the Judicial Council under Rule 2-211.~~

123 ~~(3) This rule does not prevent a court from:~~

124 ~~(A) issuing a warrant based upon a party's failure to appear as directed; or~~

125 ~~(B) sanctioning a party for willful failure to comply with an order of the court.~~

126 *Effective May/November 1, 20__*

1 **Rule 17.5. Hearings ~~with contemporaneous transmission from a different location.~~**

2 ~~(a) The court, in its discretion, may conduct the arraignment, bail hearing, and/or initial~~
3 ~~appearance with a defendant attending by contemporaneous transmission from a~~
4 ~~different location without the agreement of the parties or waiver of the defendant's~~
5 ~~attendance in person.~~

6 ~~(b) For any other type of hearing, the court may conduct the hearing with a defendant~~
7 ~~attending by contemporaneous transmission from a different location only if the parties~~
8 ~~agree and the defendant knowingly and voluntarily waives attendance in person.~~

9 (a) **Definitions.**

10 (1) "Participant" means all parties, counsel for each party, participating victim,
11 and any other individual who may address the court.

12 (2) "Hybrid hearing" means a hearing at which some participants appear in
13 person and others appear remotely.

14 (3) "In-person hearing" means a hearing at which it is intended that all
15 participants will be physically present in the courtroom.

16 (4) "Remote hearing" means a hearing at which it is intended that no participants
17 will be physically present in the courtroom but will instead appear by video
18 conference or other electronic means approved by the Judicial Council.

19 (b) **Presumptively In-Person Hearings.** All criminal hearings, with the exception of the
20 first appearance, will be presumptively held in person. A defendant may seek to waive
21 the right to an in-person appearance by making that intent known to the court as
22 described in paragraph (e). The court may accept a defendant's waiver if good cause
23 exists. To determine whether good cause exists the court will consider the applicable
24 factors provided in paragraph (d).

25 (1) The court may accept the waiver and allow a ~~proceeding participant to be~~
26 ~~conducted by remote appearance~~ to appear remotely except that a defendant may

27 not waive an in-person appearance for a trial in which the highest-level offense is
28 a felony.

29 (2) The court will not accept a defendant's waiver if a victim, as described in article
30 I section 28 of the Utah Constitution, indicates a desire to be heard in person at an
31 important criminal justice hearing.

32 (3) The court will not issue a warrant for a defendant who appears remotely to an
33 in-person proceeding unless the court determines that the defendant has used the
34 remote appearance to willfully evade a required in-person appearance.

35 (c) **Remote Appearance as Waiver.** Without making any other findings, the court may
36 conclude that a defendant's use of video conference or other approved electronic means
37 to appear constitutes a waiver of in-person appearance for that proceeding.

38 (d) **Notice of hearing type.** When calendaring a hearing the court must provide the
39 participants with notice as to whether the court intends the hearing to be an in-person
40 hearing, a remote hearing, or a hybrid hearing. In determining whether a particular
41 hearing is calendared as an in-person, remote, or hybrid hearing, the court may consider:

42 (1) the potential length of the hearing;

43 (2) the burden of appearing in person compared to appearing remotely, including
44 time and economic impacts;

45 (3) the availability of adequate technology for the court and participants to
46 accomplish the purposes of the hearing;

47 (4) the complexity of issues to be addressed at the hearing, including the number
48 of participants or exhibits;

49 (5) whether testimonial evidence is likely to be presented;

50 (6) technological barriers that impede progress in the case such as the speed and
51 quality of an internet connection;

- 52 (7) the impact a remote appearance would have on the availability for language
53 interpretation or communication with individuals with disabilities;
- 54 (8) the cost and time savings to any party or participant including the lack of
55 reasonably available childcare;
- 56 (9) transportation limitations of any party or participant;
- 57 (10) weather and safe travel;
- 58 (11) the disability of any party or participant, including any illness;
- 59 (12) the difficulty for counsel to travel to the court for the proceeding;
- 60 (13) the impact on employment of a party or participant;
- 61 (14) unavoidable scheduling conflicts of the parties or participants; and
- 62 (15) any other relevant factor that a participant brings to the court's attention
63 regarding a specific hearing.

64 **(e) Communication of participant preference.**

65 (1) Participants may request to appear in person or remotely by communicating
66 the participant's preference to the court, and the reason for that preference, via
67 email. The email should contain a unique subject line that references the
68 participant's preference for appearing. If a participant cannot email the court, the
69 participant may communicate a preference orally during a hearing, by letter, or by
70 filing a motion. A preference may be flexibly communicated to the court, directly
71 or through a party, by stating it orally during a hearing, by email or letter, or in a
72 court filing.

73 (2) For the court to consider the preference of a participant, a preference must be
74 communicated as soon as reasonably possible in advance of the hearing, but no
75 later than ~~24 hours~~ 7 days before the scheduled hearing time, unless supported by
76 good cause exigent circumstances exist.

77 (3) If the court grants a participant's request under this subsection, the court may
78 notify the participant in any manner it prefers. If the court denies a participant's
79 request, the court must enter the decision on the record along with the
80 participant's request. A participant may presume that a timely request is approved
81 unless the court, based on a good cause reason in paragraph (f):

82 (i) has already specifically directed the participant to appear for the
83 hearing in a particular manner; or

84 (ii) notifies the participant that the request is denied and directs the
85 participant to appear for the hearing in a particular manner.

86 (f) **Court accommodation of participant preference.** The court must accommodate a
87 participant's timely communicated preference, unless the court finds good cause on a
88 case-by-case basis to order the participant to appear in a particular manner based on:

89 (1) a constitutional or statutory right that requires a particular manner of
90 appearance or where there is a significant possibility that such a right would be
91 impermissibly diminished or infringed by appearing remotely;

92 (2) any participant's safety, well-being, or specific situational needs;

93 (3) prior technological challenges that unreasonably contributed to delay or a
94 compromised record in the case;

95 (4) prior failure to demonstrate appropriate court decorum, including attempting
96 to participate from a location that is not conducive to accomplishing the purpose
97 of the hearing;

98 (5) prior failure to appear for a hearing of which the participant had notice;

99 (6) the possibility that the court may order a participant, who is not already in
100 custody, into custody;

101 (7) a participant's involvement in a problem-solving court;

102 (8) the agreement of the parties; ~~or~~

103 (9) in limited circumstances, the court's determination that the consequential
104 nature of a specific hearing requires all participants to appear in person; or
105 (9)(10) any other relevant factor.

106 (g) ~~(e)~~ For good cause and with appropriate safeguards the court may permit testimony
107 in open court by contemporaneous transmission from a different location if the party not
108 calling the witness waives the right to confront the witness in person.

109 (h) Denial of remote attendance to the public. The court may prohibit remote attendance
110 by the public for any in-person or hybrid proceeding. The court should consider the
111 interests of the public's ease of access in light of the need to fairly administer justice, as
112 well as the technological limitations of the courtroom. The court may also prohibit remote
113 attendance for proceedings in a Problem Solving Court, or in an evidentiary hearing in
114 which exclusion is invoked through Utah Rule of Evidence 615 and the court determines
115 that an admonishment to remote attendants would not adequately ensure that the order
116 of exclusion would be followed.

117 (i) Continuances and scheduling by email. For any non-evidentiary matter in which the
118 parties stipulate to a continuance or request a sooner date, the parties may inform the
119 court of the stipulation by email.

120 (j)~~(d)~~ Nothing in this rule precludes or affects the procedures in Rule 15.5.

121 (k) Compliance with this rule may be addressed in accordance with the Code of Judicial
122 Administration.

123 *Effective May/November 1, 20____*

1 Rule XXX. Manner of calendaring and appearance [for remote hearings](#).

2 (a) **Intent.** The intent of this rule is to establish a clear process regarding the manner in
3 which hearings are calendared and a presumption that the court should accommodate
4 the preferences of the participants when determining the manner of participant
5 appearances for court hearings.

6 (b) **Applicability.** This rule applies to civil, ~~and~~ criminal, [and delinquency](#) matters in
7 ~~district, juvenile, and justice~~ courts.

8 (c) **Statement of the Rule.**

9 (1) **Definitions.**

10 (A) "Participant" means a named party, counsel for a named party, [a parent](#)
11 [of a minor in a delinquency matter, or a victim in a delinquency matter,](#)
12 ~~and any third party who is required to attend court, including a witness.~~

13 (B) "Hybrid hearing" means a hearing at which some participants appear
14 in person and others appear remotely.

15 (C) "In-person hearing" means a hearing at which it is intended that all
16 participants will be physically present in the courtroom.

17 (D) "Remote hearing" means a hearing at which it is intended that no
18 participants will be physically present in the courtroom but will instead
19 appear by video conference or other electronic means approved by the
20 Judicial Council.

21 (2) [General rule. The court may schedule any hearing in-person, remotely, or](#)
22 [hybrid as set forth below.](#)

23 (3) **Notice of hearing type.** When calendaring a hearing the court must provide
24 the participants with notice as to whether the court intends the hearing to be an
25 in-person hearing, a remote hearing, or a hybrid hearing. In determining whether

26 a particular hearing is calendared as an in-person, remote, or hybrid hearing, the
27 court must consider:

28 (A) the potential length of the hearing;

29 (B) the burden of appearing in person compared to appearing remotely,
30 including time and economic impacts;

31 (C) the availability of adequate technology for the court and participants to
32 accomplish the purposes of the hearing;

33 (D) the complexity of issues to be addressed at the hearing, including the
34 number of participants or exhibits;

35 (E) whether testimonial evidence is likely to be presented; and

36 (F) any other relevant factor that a participant brings to the court's attention
37 regarding a specific hearing.

38 **(4) Communication of participant preference.**

39 (A) A participant may request that the participant or a witness to appear in
40 person or remotely by filing a motion, making a verbal request during a
41 hearing, or by email. The request must state the reasons for the request. If
42 made by motion or email, the request must be made at least seven days
43 prior to the scheduled hearing, unless there are exigent circumstances.
44 ~~communicating the participant's preference to the court. A participant's~~
45 ~~preference may be flexibly communicated to the court, directly or through~~
46 ~~a party, using any of the following methods:~~

47 ~~(i) orally during a hearing;~~

48 ~~(ii) by email or letter; or~~

49 ~~(iii) in a court filing.~~

50 (B) If the request is made by email:

- 51 (i) the participant must contact the court to obtain the email address
52 to be used for the court;
- 53 (ii) the participant must copy the other parties;
- 54 (iii) the participant must clearly indicate on the subject line the
55 request being made; and
- 56 (iv) the court will file the email in the court record.

57 (C) Any party may object to any request made under this rule. The objection
58 must state the reason for the objection. The objection must be made within
59 four days of the request. The court may rule on the request based on the
60 request and the objection without further input, or the court may set it for
61 a remote hearing to address the request.

62 ~~(B) For the court to consider a participant's preference, a participant must~~
63 ~~communicate the participant's preference as soon as reasonably possible in~~
64 ~~advance of the hearing, but no later than 24 hours before the scheduled~~
65 ~~hearing time, unless supported by good cause.~~

66 ~~(C) A participant may presume that a timely request is approved unless the~~
67 ~~court, based on a good cause reason in Subsection (4):~~

68 ~~(i) has already specifically directed the participant to appear for the~~
69 ~~hearing in a particular manner; or~~

70 ~~(ii) notifies the participant that the request is denied and directs the~~
71 ~~participant to appear for the hearing in a particular manner.~~

72 **(5) Court accommodation of participant preference.** The court must
73 accommodate a participant's timely communicated preference, unless the court
74 finds good cause on a case-by-case basis to order the participant to appear in a
75 particular manner based on:

76 (A) a constitutional or statutory right that requires a particular manner of
77 appearance or where there is a significant possibility that such a right
78 would be impermissibly diminished or infringed by appearing remotely;

79 (B) any participant’s safety, well-being, or specific situational needs;

80 (C) prior technological challenges that unreasonably contributed to delay
81 or a compromised record in the case;

82 (D) prior failure to demonstrate appropriate court decorum, including
83 attempting to participate from a location that is not conducive to
84 accomplishing the purpose of the hearing;

85 (E) prior failure to appear for a hearing of which the participant had notice;

86 (F) the possibility that the court may order a participant, who is not already
87 in custody, into custody;

88 (G) a participant’s involvement in a problem-solving court;

89 (H) the agreement of the parties;

90 (I) in limited circumstances, the court’s determination that the
91 consequential nature of a specific hearing requires all participants to appear
92 in person; or

93 (I) any other relevant factor.

94 (6) **Effect of preference on other participants.** The preference of one participant,
95 and the court’s accommodation of that preference, should not:

96 (A) dictate how any other participant appears for a hearing; or

97 (B) affect any other participant’s opportunity to request, and the court to
98 accommodate, a different preference for the other participant.

99 (7) **Court compliance and accountability.**

100 ~~(A) Compliance with this rule may be addressed in accordance with the Code of~~
101 ~~Judicial Administration. is part of the effective operation of the court, including~~
102 ~~docket management. As such, implementation and enforcement of this rule is a~~
103 ~~responsibility of each presiding judge pursuant to Rule 3-104.~~

104 ~~(B) A judge that demonstrates persistent non-compliance with this rule may~~
105 ~~be reported to the Judicial Council under Rule 2-211.~~

106 ~~(C) This rule does not prevent a court from:~~

107 ~~(i) issuing a warrant based upon a party's failure to appear as~~
108 ~~directed; or~~

109 ~~(ii) sanctioning a party for willful failure to comply with an order of~~
110 ~~the court.~~

111 Effective May/November 1, 20__

TAB 11

CJA 1-204. Executive committees Court Employee Device Standard Policy

Notes: The Technology Advisory Subcommittee recommends adoption of the Court Employee Device Standard Policy and a change to the subcommittee's membership. Judge Pullan is stepping down. Judge Pullan and Mr. Arishita do not believe the subcommittee needs a current or former PP&T member, but they do feel having a representative from the Office of General Counsel would be helpful. Legal questions almost always come up during its meetings and members of the OGC have been attending regularly at the subcommittee's request.

PROTECTED RECORD

Utah State Courts Information Technology

Court Employee Device Standard: Windows Laptops

Scope:

This policy applies to user assigned laptops for all court employees including judicial officers. Limited-use and location-based devices such as those used in court rooms are not covered by this policy.

Purpose:

This document outlines the standard specifications and configurations for court-employee laptops to ensure efficient performance, security, and compatibility with job duties.

Having a device standard is critical for support as it streamlines troubleshooting and assistance by providing a consistent framework, reducing ambiguity, and enabling our Service Desk to efficiently address issues. Standardization also promotes interoperability, which ensures compatibility with software and peripherals (docking stations, monitors, etc) and further enhances the overall support experience. All laptops for court employees will be purchased and distributed through Information Technology (IT).

Hardware Specifications:

IT will be responsible for designating the laptops' makes/models available via State of Utah contracts and will ensure that a device can perform the necessary court work for an employee. Standard specifications are listed below and are subject to change based on evolving technology. Standard devices will be included in the court's 5-year replacement hardware schedule.

If an employee's work duties require technological specifications beyond the standard listed there will be flexibility within the IT standard. IT will cover the current cost for the standard laptop; any additional costs for laptop upgrades and any required peripherals will be covered by the local district /office. These devices will be named and tagged to be a shared responsibility between IT and the local district/office going forward for the replacement schedule.

1. Laptop Requirements (standard):

- **Grade:** Enterprise (no consumer devices)
- **Processor:** Intel Core i5 or equivalent (minimum)
- **RAM:** 16 GB
- **Storage:** 256 GB SSD minimum
- **Display:** 15/16", Full HD (1920 x 1080) resolution
- **Wireless:** Wi-Fi 802.11ac, Bluetooth 4.0 or higher

Operating System:

- **Windows OS (current 64-bit):** All devices must have a court-licensed and up-to-date version of Windows. OS Licensing costs are covered by IT.

PROTECTED RECORD

Software:

- **M365 Suite & Adobe Acrobat:** All devices will have the latest version of M365 applications and Adobe Acrobat.
- **Antivirus and Security Software:** A reputable antivirus program and endpoint protection software will be installed and regularly updated.
- **VPN Client:** A VPN client is mandatory for remote access to court systems.

Security Measures:

- **BitLocker Encryption:** All laptops will have BitLocker encryption enabled to protect sensitive data in case of loss or theft.
- **Password Policy:** Users must follow a strong password policy, including regular password changes. A strong password is a combination of characters, including uppercase and lowercase letters, numbers, and symbols, that is sufficiently long and complex to resist unauthorized access and enhance security.
- **Automatic Updates:**
 1. IT responsibility: Ensure that Windows and all installed software receive automatic updates to patch security vulnerabilities before laptop is deployed.
 2. Employee responsibility: Regularly check for Windows updates. We recommend doing this weekly when possible. Video with instructions on how to do this can be found [here](#).

Device Management:

- **Remote Management:** Devices must be configured for remote management for IT support purposes.
- **Asset Tracking:** All devices must be tagged and tracked using an asset management system.

Support and Maintenance:

- **Service Desk Support:** Users will have access to our Service Desk for technical support and issue resolution.
- **Regular Maintenance:** IT will conduct regular maintenance tasks, including critical updates, patches, and system optimizations. ***Employees will follow IT instructions for regular updates from Microsoft for non-critical OS updates and hardware updates.***

Compliance:

- All devices must comply with applicable legal and regulatory requirements related to data security and privacy.

1 **Rule 1-204. Executive committees.**

2

3 **Intent:**

4 To establish executive committees of the Council.

5 To identify the responsibility and authority of the executive committees.

6 To identify the membership and composition of the executive committees.

7 To establish procedures for executive committee meetings.

8 **Applicability:**

9 This rule shall apply to the judiciary.

10 **Statement of the Rule:**

11

12 (1) **Executive Committees.** The following executive committees of the Council are hereby
13 established:

14 (1)(a) the Management Committee;

15 (1)(b) the Policy, Planning, and Technology Committee;

16 (1)(c) the Liaison Committee; and

17 (1)(d) the Budget and Fiscal Management Committee.

18

19 (2) **Management Committee.** The Management Committee shall be comprised of at least four
20 Council members, one of whom shall be the Presiding Officer of the Council. Three Committee
21 members constitute a quorum. The Presiding Officer of the Council or Presiding Officer's
22 designee shall serve as the Chair. When at least three members concur, the Management
23 Committee is authorized to act on behalf of the entire Council when the Council is not in session
24 and to act on any matter specifically delegated to the Management Committee by the Council.
25 The Management Committee is responsible for managing the agenda of the Council
26 consistently with Rule 2-102 of this Code. The Management Committee is responsible for
27 deciding procurement protest appeals.

28

29 (3) **Policy, Planning, and Technology Committee.** The Policy, Planning, and Technology
30 Committee shall recommend to the Council periodic and long term planning efforts as
31 necessary for the efficient administration of justice, and shall research and make
32 recommendations regarding any matter referred by the Council. The Committee shall
33 recommend to the Council new and amended rules for the Code of Judicial Administration, new
34 and amended policies for the Human Resource Policies and Procedures Manual, pursuant to
35 Rule 3-402, and new or amended technology policies and priorities.

36

37 (3)(A) **Technology Core Teams.** Each court level shall establish a Technology Core
38 Team to review and prioritize requests impacting technology associated with court level
39 applications. Core Teams should include representatives from each judicial district,
40 where applicable, and may consist of a combination of the following positions:

41

42 (3)(A)(i) **Appellate Court Core Team:**

43 (3)(A)(i)(a) Appellate Court Administrator;

44 (3)(A)(i)(b) Clerk of Court;
45 (3)(A)(i)(c) appellate court judge;
46 (3)(A)(i)(d) Appellate Court Coordinator; and
47 (3)(A)(i)(e) IT staff.

48
49 **(3)(A)(ii) District/Justice Court Core Team:**

50 (3)(A)(ii)(a) District Court Administrator or designee(s);
51 (3)(A)(ii)(b) Justice Court Administrator or designee(s);
52 (3)(A)(ii)(c) Clerk of Court;
53 (3)(A)(ii)(d) Trial Court Executive;
54 (3)(A)(ii)(e) district court judge;
55 (3)(A)(ii)(f) justice court judge;
56 (3)(A)(ii)(g) Team Manager;
57 (3)(A)(ii)(h) Case Manager;
58 (3)(A)(ii)(i) Judicial Assistant;
59 (3)(A)(ii)(j) Training Coordinator;
60 (3)(A)(ii)(k) IT staff; and
61 (3)(A)(ii)(l) local justice court administrator.

62
63 **(3)(A)(iii) Juvenile Court Core Team:**

64 (3)(A)(iii)(a) Juvenile Court Administrator or designee(s);
65 (3)(A)(iii)(b) Clerk of Court;
66 (3)(A)(iii)(c) Trial Court Executive;
67 (3)(A)(iii)(d) Chief Probation Officer;
68 (3)(A)(iii)(e) Probation Supervisor;
69 (3)(A)(iii)(f) Probation Officer;
70 (3)(A)(iii)(g) Team Manager;
71 (3)(A)(iii)(h) Case Manager;
72 (3)(A)(iii)(i) Judicial Assistant;
73 (3)(A)(iii)(j) Training Coordinator;
74 (3)(A)(iii)(k) juvenile court judge; and
75 (3)(A)(iii)(l) IT staff.

76
77 **(3)(B) Technology Prioritization Subcommittee.** A Technology Prioritization
78 Subcommittee is hereby established. Members shall be designated by each Core Team

79 and shall consist of no more than two members from each Team. ~~A current or former~~
 80 ~~member of the Policy, Planning, and Technology Committee shall be a non-voting~~
 81 ~~member.~~ Each Core Team may submit technology requests associated with court level
 82 applications to the Technology Prioritization Subcommittee. The prioritization
 83 subcommittee shall come to an agreement on the percentage of work allotted for each
 84 court level. The percentage relates to development staff compensated by general funds.
 85 Technology requests from Core Teams should fall within the work allotted to that court
 86 level for that year, unless the work requested is required by legislative or rule changes.
 87 The prioritization subcommittee may review and consider exceptions to this standard.
 88 The prioritization subcommittee will make recommendations to the Policy, Planning, and
 89 Technology Committee.

90
 91 **(3)(C) Technology Advisory Subcommittee.** A Technology Advisory Subcommittee is
 92 hereby established. The advisory subcommittee shall be available to the Chief
 93 Information Officer, Core Teams, Technology Prioritization Subcommittee, and the
 94 Policy, Planning, and Technology Committee to provide feedback and recommendations
 95 on statewide technology services, including but not limited to, device standards, email,
 96 and bandwidth. The advisory subcommittee shall consist of:

97 (3)(C)(i) one district court judge;

98 (3)(C)(ii) one juvenile court judge;

99 (3)(C)(iii) one appellate court judge;

100 (3)(C)(iv) one justice court judge;

101 (3)(C)(v) one district court Trial Court Executive

102 (3)(C)(vi) one juvenile court Trial Court Executive;

103 (3)(C)(vii) one district court Clerk of Court;

104 (3)(C)(viii) one juvenile court Clerk of Court;

105 (3)(C)(ix) one local justice court administrator;

106 (3)(C)(x) each court level administrator or their designee(s);

107 (3)(C)(xi) one Chief Probation Officer;

108 (3)(C)(xii) the Chief Information Officer or designee;

109 (3)(C)(xiii) the Court Security Director; and

110 (3)(C)(xiv) the General Counsel or designee. ~~one current or former member of the~~
 111 ~~Policy, Planning and Technology Committee.~~

112
 113 **(4) Liaison Committee.** The Liaison Committee shall recommend to the Council legislation to
 114 be sponsored by the Council. The committee shall review legislation affecting the authority,
 115 jurisdiction, organization or administration of the judiciary. When the exigencies of the legislative
 116 process preclude full discussion of the issues by the Council, the Committee may endorse or
 117 oppose the legislation, take no position or offer amendments on behalf of the Council.

118
 119 **(5) Budget and Fiscal Management Committee.** The Budget and Fiscal Management
 120 Committee shall review court budget proposals, recommend fiscal priorities and the allocation of

121 funds, and make recommendations to the Council regarding budget management and budget
122 development in accordance with Rule 3-406.

123

124 (6) **Members.** Members of the executive committees must be members of the Council. Each
125 executive committee shall consist of at least three members appointed by the Council to serve
126 at its pleasure. The members of the Policy, Planning, and Technology Committee, the Budget
127 and Fiscal Management Committee, and the Liaison Committee shall elect their respective
128 chairs on a schedule deemed appropriate by each Committee. Chairs must be members of the
129 Council.

130

131 (7) **Meetings and Judicial Council Reports.** Each committee shall meet as often as necessary
132 to perform its responsibilities, but a minimum of four times per year. Each committee shall report
133 to the Council as necessary.

134

135 (8) **Staff.** The Administrative Office shall provide staff support to the executive committees.

136

137 *Effective: ~~May~~January 1, 2024~~3~~*