

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

May 17, 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> Language Access Rules <ul style="list-style-type: none"> • CJA 3-306.02. Language Access Committee • CJA 3-306.03. Interpreter credentialing • CJA 3-306.04. Interpreter appointment, payment, and fees • CJA 3-306.05. Interpreter removal, discipline, and formal complaints (REPEAL) Senior Judge Rules <ul style="list-style-type: none"> • CJA 1-305. Board of senior judges • CJA 3-104. Presiding judges • CJA 3-108. Judicial assistance • CJA 3-111. Performance evaluations • CJA 3-113. Senior judges • CJA 3-403. Judicial branch education • CJA 3-501. Insurance benefits upon retirement CJA 6-304. Grand jury panel	Action	Tab 2	Keisa Williams
	CJA 3-419. Office of Fairness and Accountability CJA 3-420. Committee on Fairness and Accountability Judicial Inclusion Mentorship Program materials	Action	Tab 3	Jon Puente
	CJA 4-403. Electronic signature and signature stamp use	Action	Tab 4	Keisa Williams
1:30	Technology report/proposals	Discussion		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

2024 Meetings:

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

TAB 1

Minutes

April 5, 2024

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

Webex video conferencing
April 5, 2024 – 12 p.m.

DRAFT

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Nick Stiles
Tucker Samuelson
Keri Sargent

STAFF:

Keisa Williams
Brody Arishita
Minhvan Thach

(1) Welcome and approval of minutes:

Judge Gardner welcomed committee members to the meeting. The committee considered the minutes from the March 1, 2024, meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Bazzelle seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 3-201. Court commissioners.**
- **CJA 1-201. Judicial Council membership – election.**

The proposed amendments to CJA 3-201 and 1-201 are back from a 45-day public comment period. No comments were received.

Judge Gardner moved to recommend to the Judicial Council that the amendments to CJA rules 3-201 and 1-201 be adopted as final with a May 1, 2024, effective date. Judge Bazzelle seconded the motion. The motion passed unanimously.

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

Clerks may deny repeated requests for duplicative records under CJA 4-202.09(2)(C). Requesters may appeal a denial of records “associated with a case” by filing a motion under CJA 4-202.04(2)(A). Denials for “administrative records” may be appealed in accordance with CJA 4-202.07. The proposed amendments to CJA 4-202.08 would permit court clerks to waive the one free copy limit for records associated with a case.

The committee amended (10)(B), lines 103-104, to read: "Clerks of Court or the clerk's designee in courts of record and justice court designees in courts not of record . . .".

Following further discussion, Judge Carpenter moved to send CJA 4-202.08 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

(4) CJA 4-907. Divorce education and divorce orientation course.

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 would be required to attend the married parents' course. The remaining amendments are not intended to be substantive. Most courses are now held remotely or offered online. It is difficult to find instructors who will teach courses in person.

Following discussion, Judge Carpenter moved to recommend to the Judicial Council that CJA 4-907 be approved as final on an expedited basis with a May 1, 2024 effective date, followed by a 45-day public comment period. Judge DiReda seconded the motion. The motion passed unanimously.

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

The proposed amendments to CJA 1-205 eliminate the General Counsel member position on both the Pretrial Release and WINGS Committees, as membership is not necessary. Staff and committee members may reach out to the General Counsel's Office with questions at any time.

Judge Carpenter moved to send CJA 1-205 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.

(6) CJA 4-601. Selection of indigent aggravated murder and defense fund counsel (REPEAL).

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. As such, Rule 4-601 should be repealed.

Judge DiReda moved to recommend to the Judicial Council that CJA 4-601 be repealed with a May 1, 2024, effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

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

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.

Following discussion, Judge DiReda moved to recommend to the Judicial Council that CJA 2-212 be adopted as final on an expedited basis with a May 1, 2024, effective date, followed by a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.

(8) CJA 4-202.01. Definitions

The proposed amendments to CJA 4-202.01 clarify that calendars are not "records" for purposes of court records requests.

Judge DiReda moved to send CJA 4-202.01 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.

(9) CJA 4-206. Exhibits.

The language in the current rule instructs 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." This often requires exhibit managers to make a legal determination or research cases using resources that aren't readily accessible. As a result, exhibits are being kept past

the time when they could be destroyed, which has led to negative audit reports. The current rule is also silent on how to manage exhibits that have been part of an appeal when the appeal has been resolved. The proposed amendments provide clear guidance on how to manage exhibits in criminal, post-conviction, and appellate actions.

The proposed amendments have been reviewed and approved by the Board of District Court Judges, Board of Juvenile Court Judges, Clerks of Court, and Appellate Court leadership team.

Following a discussion, the committee made the following changes:

- (5)(A)(i), lines 114-115 – modified to read: “For all cases that are not criminal in nature, 90 days after the time for appeal has expired, as long as no appeal has been filed.”
- (5)(A)(ii), lines 122-125 - modified to read:

For all cases that are criminal in nature, 365 days after the time for appeal has expired, as long as:

(5)(A)(ii)(a) no appeal has been filed; and

(5)(A)(ii)(b) there are no pending post-conviction relief actions or pending appeals of post-conviction relief actions.

Following further discussion, Judge Gardner moved to send CJA 4-206 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(10) CJA 4-101. Manner of appearance

At its April meeting, PP&T: amended the enforcement language in CJA 4-101(3); noted that the definitions should be consistent with corresponding definitions in the procedural rules; and asked Ms. Williams to report back on the advisory committees’ progress. All three Supreme Court advisory committees (civil, criminal, and juvenile) are still working on their manner of appearance rules. Those rule drafts will be circulated for another round of feedback prior to being sent to the Supreme Court for review. The next Supreme Court conference is scheduled for April 10, 2024.

The Committee made the following changes to the “Notice” section in (2):

- (2)(B) Modified to read: “for in-person hearings, the physical address of the courthouse and the courtroom number;”
- (2)(C) Modified to read: “for remote or hybrid hearings, a Webex link, and a link to the courts’ website regarding attending a remote or hybrid hearing.”
- Deleted (2)(D) and (2)(E)

Following further discussion, the Committee recommended that the notice language, particularly with respect to IT assistance, in the current version of the procedural rules be removed, as it is administrative and belongs in the CJA.

No action is needed on CJA 4-101 at this time. Judge Gardner will discuss the Committee's latest amendments and recommendations with Judge Mettler and will send a copy of the updated draft to both Judge Mettler and Justice Pohlman.

Technology report/proposals:

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

The Technology Advisory Subcommittee (TAC) recommends adoption of the Court Employee Device Standard Policy. The policy outlines the standard specifications and configurations for all court-issued laptops to ensure efficient performance, security, and compatibility with job duties. The TAC also recommends a change to the subcommittee's membership in CJA 1-204. 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.

With no further discussion, Judge Gardner moved to send CJA 1-204 to the Judicial Council with a recommendation that it be published for a 45-day public comment period, and to send the Court Employee Device Standard Policy to the Management Committee for final approval. Judge Carpenter seconded the motion. The motion passed unanimously.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned at 1:50 p.m. The next meeting will be held on May 17, 2024, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

Language Access:

- **CJA 3-306.02. Language Access Committee**
- **CJA 3-306.03. Interpreter credentialing**
- **CJA 3-306.04. Interpreter appointment, payment, and fees**
- **CJA 3-306.05. Interpreter removal, discipline, and formal complaints**

Senior Judges:

- **CJA 1-305. Board of senior judges**
- **CJA 3-104. Presiding judges**
- **CJA 3-108. Judicial assistance**
- **CJA 3-111. Performance evaluations**
- **CJA 3-113. Senior judges**
- **CJA 3-403. Judicial branch education**
- **CJA 3-501. Insurance benefits upon retirement**

Grand Jury:

- **CJA 6-304. Grand jury panel**

Notes: No public comments were received for the grand jury or senior judge rules. One comment was received regarding the Language Access rules. The commenter was supportive of the changes overall, but expressed concern about removing the employee benefit language for staff attorneys in 3-306.04(2)(A). That language was removed because staff interpreters are court employees entitled to benefits and subject to discipline under HR policies. Removing the language does not impact wages and benefits for those employees.

CJA 306.04(2)(C): When the JC approved amendments to the language access rules on an expedited basis back in February, Judge Lindsley asked that PP&T consider adding (2)(C) back into the rule when the rule came back from public comment. She would like the ability to appoint court employees (not hired as interpreters) for limited purposes, such as rescheduling a hearing when an interpreter is not available.

Judge Mettler indicated that the language in (2)(C) was unnecessary because she could appoint an employee for those purposes under (1)(C) and removing the language would have no impact on her ability to do so. As currently written, I believe she is correct.

I've created 2 different options, one that would prevent employees from interpreting under any circumstance and one that would allow them to interpret for rescheduling purposes only. I don't have strong feelings either way.

Posted: February 27, 2024

Utah Courts

Code of Judicial Administration – Comment Period Closed April 12, 2024

CJA03-0306.02. Language Access Committee (AMEND). Removes the reference to rule Rule 3-306.05.

CJA03-0306.03. Interpreter credentialing (AMEND). Clarifies that the rule does not apply to staff interpreters employed by the court and gives the Language Access Program Manager the discretion to grant a rare language exemption without approval from the Language Access Committee.

CJA03-0306.04. Interpreter appointment, payment, and fees (AMEND). 1) Allows judicial officers to appoint “approved” interpreters in legal proceedings without exhausting the list of “certified” interpreters; 2) prevents court employees not hired as staff interpreters from interpreting legal proceedings; and 3) removes language regarding staff interpreter employee benefits.

CJA03-0306.05. Interpreter removal, discipline, and formal complaints (REPEALED)

This entry was posted in -Code of Judicial Administration, CJA03-0306.02, CJA03-0306.03, CJA03-0306.04, CJA03-0306.05.

« Code of Judicial Administration – Comment Period Closed

Code of Judicial Administration – Comment Period Closed April 11, 2024 »

UTAH COURTS

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Ryan

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- Rules of Professional Practice
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- ADR101
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- Appendix B
- Appendix F
- CJA Appendix F
- CJA01-0201
- CJA01-0204
- CJA01-0205
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- CJA01-0302
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- CJA01-0304
- CJA01-0305
- CJA010-01-0404
- CJA010-1-020
- CJA02-0101
- CJA02-0103
- CJA02-0104
- CJA02-0106.01
- CJA02-0106.02
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- CJA03-0115
- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01

https://legacy.utcourts.gov/utc/rules-comment/2024/02/27/code-of-judicial-administration-comment-period-closes-april-12-2024/

2/16

April 14, 2024 at 5:50 pm

The recent amendments proposed to the Code of Judicial Administration, specifically regarding interpreter credentialing and appointment, are crucial steps toward refining the judicial process and enhancing language access. Removing the requirement for the Language Access Committee to approve rare language exemptions, as outlined in CJA03-0306.03, empowers the Language Access Program Manager and streamlines decision-making, which could significantly improve the responsiveness to language needs in court settings.

Moreover, the modification in CJA03-0306.04 allowing judicial officers to appoint “approved” interpreters without exhausting the list of “certified” interpreters provides necessary flexibility in court proceedings, ensuring that language services are available in a timely manner, thereby reducing delays in justice.

However, I am concerned about the potential implications of removing language about staff interpreter employee benefits and the overall impact this could have on the recruitment and retention of qualified staff interpreters. Ensuring competitive benefits is vital for attracting skilled professionals who can uphold the integrity and quality of interpreting in judicial settings.

Overall, while the amendments aim to improve judicial efficiency and language access, careful consideration should be given to the working conditions and support for interpreters to maintain high standards of service.

- CJA03-0302
- CJA03-0303
- CJA03-0304
- CJA03-0304.01
- CJA03-0305
- CJA03-0306
- CJA03-0306.01
- CJA03-0306.02
- CJA03-0306.03
- CJA03-0306.04
- CJA03-0306.05
- CJA03-0401
- CJA03-0402
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- CJA03-0501
- CJA03-0501
- CJA04-0103
- CJA04-0106
- CJA04-0110
- CJA04-0201
- CJA04-0202
- CJA04-0202.01
- CJA04-0202.02
- CJA04-0202.03
- CJA04-0202.04
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- CJA04-0202.09
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- CJA04-0202.12
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- CJA04-0206
- CJA04-0208
- CJA04-0302
- CJA04-0401
- CJA04-0401.01
- CJA04-0401.02
- CJA04-0401.03
- CJA04-0402
- CJA04-0403
- CJA04-0404
- CJA04-0405
- CJA04-0408
- CJA04-0408.01
- CJA04-0409
- CJA04-0410

Rule 3-306.04. Interpreter appointment, payment, and fees.**Intent:**

To state the policy of the Utah courts to secure the rights of people under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. in legal proceedings who are unable to understand or communicate adequately in the English language.

To outline the procedures for appointment and payment of contract interpreters for legal proceedings.

~~To provide certified interpreters in legal proceedings in those languages for which a certification program has been established.~~

Applicability:

This rule shall apply to legal proceedings in ~~the~~ courts of record and not of record. This rule shall apply to interpretation for non-English speaking people and not to interpretation for persons with a hearing impairment, which is governed by Utah and federal statutes.

Statement of the Rule:**(1) Appointment.**

(1)(A) Except as provided in paragraphs (1)(B), (1)(C) and (1)(~~GD~~), if the appointing authority determines that a party, witness, victim or person who will be bound by the legal proceeding has a primary language other than English and limited English proficiency, the appointing authority shall appoint a certified or approved interpreter in all legal proceedings. A person requesting an interpreter is presumed to be a person of limited English proficiency.

~~(1)(B) An approved interpreter may be appointed if no certified interpreter is reasonably available.~~

(1)(~~BC~~) A registered interpreter may be appointed if no certified or approved interpreter is reasonably available.

(1)(~~CD~~) A conditionally-approved interpreter may be appointed if the appointing authority, after evaluating the totality of the circumstances, finds that:

(1)(~~CD~~)(i) the prospective interpreter has language skills, knowledge of interpreting techniques and familiarity with interpreting sufficient to interpret the legal proceeding; and

(1)(~~CD~~)(ii) appointment of the prospective interpreter does not present a real or perceived conflict of interest or appearance of bias; and

(1)(~~CD~~)(iii) a certified, approved, or registered interpreter is not reasonably available or the gravity of the legal proceeding and the potential consequence to the person are so minor that delays in obtaining a certified or approved interpreter are not justified.

(1)(~~DE~~) **Out of state credentials.** The appointing authority may appoint an interpreter with certified or approved or equivalent credentials from another state if the appointing authority finds that the approved, registered or conditionally approved interpreters who are reasonably available do not have the language skills, knowledge of interpreting techniques, or familiarity with interpreting sufficient to interpret the legal proceeding. The appointing authority may consider the totality of the circumstances, including the complexity or gravity of the legal proceeding, the potential consequences to the person of limited English proficiency, and any other relevant factor.

(1)(~~EF~~) **Direct verbal exchange.** No interpreter is needed for a direct verbal exchange between the person and court staff if the court staff can fluently speak the language understood by the person and the state court employee is acting within guidelines established in the Human Resources Policies and Procedures. An approved, registered or conditionally approved interpreter may be appointed if ~~the~~ court staff does not speak the language understood by the person.

(1)(~~FG~~) **Number of interpreters.** The appointing authority will appoint one interpreter for all participants with limited English proficiency, unless the judge determines that the participants have adverse interests, or that due process, confidentiality, the length of the legal proceeding or other circumstances require that there be additional interpreters.

[Option #1] (1)(G) Court employees as interpreters. The appointing authority may use a court employee as a conditionally-approved interpreter under paragraph (1)(C) to notify a litigant that a proceeding has been or will be rescheduled. The employee will not receive additional compensation and may not be used for any other purpose. This paragraph does not apply to court employees hired as interpreters.

[Option #2] (1)(G) Court employees as interpreters. Court employees not hired as interpreters may not interpret legal proceedings.

~~(2) Court employees as interpreters. A court employee may not interpret legal proceedings except as follows.~~

~~(2)(A) A court may hire an employee interpreter. The employee will be paid the wages and benefits of the employee's grade and not the fee established by this rule. If the language is a language for which certification in Utah is available, the employee must be a certified interpreter. If the language is a language for which certification in Utah is not available, the employee must be an approved interpreter. The employee must meet the continuing education requirements of an employee, but at least half of the minimum requirement must be in improving interpreting skills. The employee is subject to the~~

discipline process for court personnel, but the grounds for discipline include those listed in rule 3-306.05.

~~(2)(B) A state court employee employed as an interpreter has the rights and responsibilities provided in the Utah state court human resource policies, including the Code of Personal Conduct, and the Court Interpreters' Code of Professional Responsibility also applies. A justice court employee employed as an interpreter has the rights and responsibilities provided in the county or municipal human resource policies, including any code of conduct, and the Court Interpreters' Code of Professional Responsibility also applies.~~

~~(2)(C) A court may use an employee as a conditionally-approved interpreter under paragraph (1)(D). The employee will be paid the wage and benefits of the employee's grade and not the fee established by this rule.~~

(23) Review of denial of request for interpreter. A person whose request for an interpreter has been denied may apply for review of the denial. The application shall be decided by the presiding judge. If there is no presiding judge or if the presiding judge is unavailable, the clerk of the court shall refer the application to any judge of the court or any judge of a court of equal jurisdiction. The application must be filed within 20 days after the denial.

(34) Waiver. A person may waive an interpreter if the appointing authority approves the waiver after determining that the waiver has been made knowingly and voluntarily. A person may retract a waiver and request an interpreter at any time. An interpreter is for the benefit of the court as well as for the non-English speaking person, so the appointing authority may reject a waiver.

(45) Translation of court forms. Forms must be translated by a team of at least two people who are interpreters certified or approved under this rule or translators accredited by the American Translators Association.

(56) Payment.

(56)(A) Courts of record. The fees and expenses for language access in courts of record shall be paid by the Administrative Office of the courts in courts of record. Payment of fees and expenses shall be made in accordance with the Accounting Manual.

(5)(B) Courts not of record. The and by the local government that funds the a court in courts not of record shall set and pay the fees and expenses for interpreters in that court.

(5)(C) Parties. The court may assess the fees and expenses as costs to a party as otherwise provided by law. (Utah Constitution, Article I, Section 12, Utah Code Sections 77-1-6(2)(b), 77-18-1167, 77-32a-1, 77-32ba-1042, 77-32a-3, 78B-1-146(3), URCP

54(d)(2), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and regulations and guidance adopted under that title.)

~~(56)~~~~(DB)~~ **Review.** A person who has been ordered to pay fees and expenses for language access may apply to the presiding judge to review the order. If there is no presiding judge, the person may apply to any judge of the court or any judge of a court of equal jurisdiction. The application must be filed within 20 days after the order.

~~(7) Fees.~~

~~(7)(A) Every three years, the Judicial Council shall review a market survey conducted by the Language Access Program Manager and shall set the fees and expenses to be paid to interpreters during the following three fiscal years by the courts of record. Payment of fees and expenses shall be made in accordance with the Courts Accounting Manual.~~

~~(7)(B) The local government that funds a court not of record shall set the fees and expenses to be paid to interpreters by that court.~~

Effective: ~~May 1, 2016~~February 27, 2024

Rule 3-306.02. Language Access Committee.**Intent:**

To outline the responsibilities of the Language Access Committee.

Applicability:

This rule applies to the Language Access Standing Committee of the Judicial Council.

Statement of the Rule:

The Language Access Committee shall:

(1) research, develop and recommend to the Judicial Council policies and procedures for interpretation in legal proceedings and translation of printed materials; and

(2) issue informal opinions to questions regarding the Code of Professional Responsibility, which is evidence of good-faith compliance with the Code; ~~and~~

~~(3) discipline court interpreters as provided by rule 3-306.05.~~

Effective: ~~May 1, 2016~~ February 27, 2024

Rule 3-306.03. Interpreter credentialing.**Intent:**

To outline the procedure for credentialing of contract interpreters for legal proceedings.

Applicability:

This rule shall apply to legal proceedings in ~~the~~ courts of record and not of record. This rule shall apply to interpretation for non-English speaking people and not to interpretation for persons with a hearing impairment, which is governed by Utah and federal statutes.

Statement of the Rule:

(1) **Certification programs.** Subject to the availability of funding, and in consultation with the committee, the ~~A~~administrative ~~O~~ffice ~~of the courts~~ shall establish programs to certify and approve interpreters in English and the non-English languages most frequently needed in the courts.

(2) **Statewide roster.** The ~~A~~administrative ~~O~~ffice shall publish a roster of certified, approved, and registered contract interpreters—authorized to provide interpreting services for the judiciary. Addition to or removal from the roster is within the sole discretion of the Administrative Office. Interpreters may be removed from the roster at any time, with or without cause.

(3) **Applications.** To be considered for addition to the court roster~~certified, approved or registered~~, an applicant shall:

~~(34)~~(A) file an application form approved by the administrative office;

~~(34)~~(B) pay a fee established by the Judicial Council;

~~(34)~~(C) pass a background check;

~~(34)~~(D) provide proof that the applicant is a Utah resident;

~~(34)~~(E) complete training as required by the administrative office;

~~(34)~~(F) obtain a passing score on the court interpreter's test(s) as required by the administrative office;

~~(34)~~(G) complete 10 hours observing a certified interpreter in a legal proceeding; and

(1)(H) take and subscribe the following oath or affirmation: "I will make a true and impartial interpretation using my best skills and judgment in accordance with the Code of Professional Responsibility."

~~(42)~~ **Federal or out-of-state credentials.** A person who is certified in good standing by the federal courts or by a state having a certification program that is equivalent to the program established under this rule may apply to be a certified contract interpreter without complying with paragraphs ~~(34)~~(~~BA~~) through ~~(34)~~(H), with the exception of paragraph ~~(34)~~(C), but shall pass an ethics examination and otherwise meet the requirements of this rule.

~~(53)~~ **Reporting obligation.** A person credentialed under this rule has an ongoing obligation to immediately report to the program coordinator any criminal charges or convictions ~~the interpreter has~~ and any Utah State Court cases the interpreter is personally involved in as a party.

(64) **Rare language exemption.** When the interpreter speaks a rare language and the courts currently lack credentialed interpreters in that language, the Language Access ~~Committee~~ Program Manager ("Program Manager") may, for good cause shown, exempt an interpreter from meeting one or both of the requirements listed in subparagraph (34)(B) and (34)(F). An interpreter seeking an exemption shall make a written request, outlining the reasons for the exemption, to the ~~Language Access Program~~ Manager ~~Coordinator~~. ~~The Language Access Committee shall consider the request at its next meeting following the request, and may require the interpreter making the request to appear at the meeting or to provide more information.~~ (5) If an exemption is granted, the interpreter shall meet the conditions set by the ~~committee~~ Program Manager and shall apply for an extension of the exemption annually, or as otherwise required by the ~~committee~~ Program Manager.

(76) **Background checks and continuing education.** No later than December 31 of each even-numbered calendar year, certified, approved, and registered contract interpreters shall pass the background check for applicants, and certified contract interpreters shall complete at least 16 hours of continuing education approved by the administrative office of the courts.

(87) **Independent contractors.** ~~With the exception of staff interpreters who are employees of the courts,~~ Contract court interpreters, including those listed on the statewide roster, are independent contractors.

Effective: ~~May 1, 2016~~ February 27, 2024

~~Rule 3-306.05. Interpreter removal, discipline, and formal complaints.~~

~~Intent:~~

~~To outline the procedures for interpreter removal and discipline.~~

~~Applicability:~~

~~This rule shall apply to the Language Access Program Manager, the Language Access Program Coordinator, the Language Access Committee, interpreter coordinators and contract interpreters.~~

~~Statement of the Rule:~~

~~(1) Removal from legal proceeding. The appointing authority may remove an interpreter from the legal proceeding for failing to appear as scheduled, for inability to interpret adequately, including a self-reported inability, and for other just cause.~~

~~(2) Discipline.~~

~~(2)(A) An interpreter may be disciplined for:~~

~~(2)(A)(i) knowingly making a false interpretation in a legal proceeding;~~

~~(2)(A)(ii) knowingly disclosing confidential or privileged information obtained in a legal proceeding;~~

~~(2)(A)(iii) knowingly failing to follow standards prescribed by law, the Code of Professional Responsibility and this rule;~~

~~(2)(A)(iv) failing to pass a background check;~~

~~(2)(A)(v) failing to meet continuing education requirements;~~

~~(2)(A)(vi) conduct or omissions resulting in discipline by another jurisdiction; (2)(A)(vii) failing to appear as scheduled without good cause;~~

~~(2)(A)(viii) unprofessional behavior toward a client, judge, court staff, court security, or Language Access Committee member; and~~

~~(2)(A)(ix) being charged with, or convicted of, a crime.~~

~~(2)(B) Discipline may include:~~

~~(2)(B)(i) permanent loss of certified or approved credentials;~~

~~(2)(B)(ii) temporary loss of certified or approved credentials with conditions for reinstatement;~~

~~(2)(B)(iii) suspension from the roster of certified or approved interpreters with conditions for reinstatement;~~

~~(2)(B)(iv) prohibition from serving as a conditionally approved interpreter;~~

~~(2)(B)(v) suspension from serving as a conditionally approved interpreter with conditions for reinstatement; and~~

~~(2)(B)(vi) reprimand.~~

~~(3) As long as he or she complies with rule 3-306.04, an interpreter coordinator has the discretion to decline to assign an interpreter listed on the statewide interpreter roster.~~

~~(4) Filing of formal complaints.~~

~~(4)(A) Any person may file a formal complaint about a matter for which an interpreter can be disciplined. A party, witness, victim or person who will be bound by a legal proceeding, may file a formal complaint about the misapplication of this rule.~~

~~(4)(B) A formal complaint shall be filed with the Language Access Program Coordinator. However, the Language Access Program Coordinator may file a formal complaint with the Language Access Program Manager, in which case, the program manager will fulfill the program coordinator's responsibilities under this rule.~~

~~(4)(C) The complaint shall allege an act or omission for which an interpreter can be disciplined or that violates this rule. The complaint shall be in writing and signed. The complaint may be in the native language of the complainant, which the AOC shall translate in accordance with this rule. The complaint shall describe the circumstances of the act or omission, including the date, time, location and nature of the incident, and the persons involved.~~

~~(5) Investigation by program coordinator.~~

~~(5)(A) The program coordinator may dismiss the complaint if it is plainly frivolous, insufficiently clear, or does not allege an act or omission for which an interpreter can be disciplined or that does not violate this rule.~~

~~(5)(B) If the complaint alleges that the court did not provide language access as required by this rule, the program coordinator shall investigate and recommend corrective actions that are warranted.~~

~~(5)(C) If the complaint alleges an act or omission for which the interpreter can be disciplined, the program coordinator shall mail the complaint to the interpreter at the address on file with the administrative office of the courts and proceed as follows:~~

~~(5)(C)(i) The interpreter shall answer the complaint within 30 days after the date the complaint is mailed or the allegations in the complaint will be deemed to be true and correct. The answer shall admit, deny or further explain each allegation in the complaint.~~

~~(5)(C)(ii) Unless the program coordinator determines the allegation in the formal complaint to be egregious, the interpreter shall remain on the court interpreter roster until a final decision on discipline has been made.~~

~~(5)(C)(iii) The program coordinator may review records and interview the complainant, the interpreter and witnesses. After considering all factors, the program coordinator may propose a resolution, which the interpreter may stipulate to. The program coordinator may consider aggravating and mitigating circumstances such as the severity of the violation, the repeated nature of violations, the potential of the violation to harm a person's rights, the interpreter's work record, prior discipline, and the effect on court operations.~~

~~(5)(C)(iv) When the investigation of the formal complaint is complete, the program coordinator shall notify the interpreter, in writing, of the proposed resolution. Within 15 days of the proposed resolution, the interpreter shall, in writing, either accept the discipline by consent or request a hearing by a panel of the Language Access Committee. If the interpreter fails to respond to the program coordinator's proposed resolution, or fails to request a hearing within 15 days, the interpreter will be deemed to have stipulated to the proposed resolution.~~

~~(6) Hearing by panel.~~

~~(6)(A) The program coordinator shall notify the chair of the Language Access Committee if the interpreter requests a hearing by a panel. The chair of the Language Access Committee shall assign three members of the Committee, including one interpreter, to serve on the panel for the hearing, and shall assign one of the panel members to chair the hearing. The chair of the panel is responsible for sending notice to the interpreter, the complainant and the program coordinator.~~

~~(6)(B) The hearing before the panel is private and closed to the public. The hearing shall be recorded. The hearing is informal and is not governed by the Rules of Civil Procedure and the Rules of Evidence. The interpreter, the complainant, and the program coordinator may attend the hearing. The interpreter and the program coordinator may each bring counsel to the hearing. The chair may limit others in attendance to those persons reasonably necessary to the proceedings. The program coordinator and the interpreter may submit exhibits and call witnesses. Panel members and staff may not disclose or discuss information or materials outside of the meeting except with others who participated in the meeting or with a member of the panel.~~

~~(6)(C) If any party fails to appear, the panel may proceed on the evidence before it. If the complainant fails to appear, the panel may dismiss the Formal Complaint.~~

~~(6)(D) The panel shall determine by a majority whether there is a preponderance of evidence of the alleged conduct or omission, and whether the alleged conduct or omission violates this rule or the Code of Professional Responsibility. Within 30 days, the panel chair will inform the program coordinator, the interpreter, and the complainant, in writing, of its decision and the findings of fact supporting it. The panel may discipline the interpreter as provided under paragraph (2)(B), including permanently removing the interpreter's credentials.~~

~~(6)(E) The interpreter may appeal the decision to the Language Access Committee by sending a written request to the program coordinator within 15 days of the date of the panel's decision.~~

~~(7) Appeal hearing before the Language Access Committee.~~

~~(7)(A) The committee chair and at least one interpreter member shall attend the hearing before the Language Access Committee. If a committee member is the complainant or the interpreter, the committee member is recused. Members of the panel are also recused. The program coordinator shall mail notice of the date, time and place of the hearing to the interpreter and the complainant. At least 6 days before the hearing, the interpreter and program coordinator may submit briefs and exhibits, which the committee shall review. The information the committee may consider is limited to information presented to the panel. The hearing is closed to the public. Committee members and staff may not disclose or discuss information or materials outside of the meeting except with others who participated in the meeting or with a member of the Committee. The committee may review records and interview the interpreter, the complainant and witnesses. A record of the proceedings shall be maintained but is not public.~~

~~(7)(B) The committee shall decide whether the panel abused its discretion in making its decision. If the committee determines the panel abused its discretion, the committee may dismiss the Formal Complaint or discipline the interpreter differently as appropriate. If the committee determines that the panel did not abuse its discretion, the interpreter shall be disciplined according to the panel's decision. The chair of the committee, or the chair's designee, shall issue a written decision and analysis on behalf of the committee within 30 days after the hearing. The program coordinator shall mail a copy of the decision to the interpreter. The committee's decision is final.~~

~~(7)(C) The interpreter may review and, upon payment of the required fee, obtain a copy of any records to be used by the committee. The interpreter may attend all of the hearing except the committee's deliberations. The interpreter may be represented by counsel and shall be permitted to make a statement, call and interview the complainant and witnesses, and comment on the claims and evidence. The interpreter may obtain a copy of the record of the hearing upon payment of the required fee.~~

~~(8) If the interpreter is certified in Utah under rule 3-306.03(1), the program coordinator, panel or committee may report any final findings and sanction to other agencies and certification authorities in other jurisdictions.~~

~~Effective: 5/1/2016~~

Rule 1-305. Board of Senior Judges.**Intent:**

To establish a Board of Senior Judges consisting of ~~senior justices and~~ senior judges of courts of record and senior justice court judges.

To prescribe the composition of the Board's membership, the method of selection of Board members, the members' terms of office, the Board's officers, the procedures to be followed in the event of vacancies, the frequency of Board meetings, and the procedures to be followed in the conduct of Board meetings.

To increase the level of participation of ~~senior justices and~~ senior judges in the development of policy for the judiciary.

To improve communication between the Council and ~~senior justices and~~ senior judges.

Applicability:

This rule shall apply to the Board of Senior Judges.

Statement of the Rule:

(1) For purposes of this rule, "senior judge" includes active senior justices, active senior judges of courts of record, and active senior justice court judges~~means active senior justice or active senior judge~~.

(2) Board of senior judges.

(2)(A) **Establishment.** There is established a Board of Senior Judges.

(2)(B) **Membership.** The Board shall be comprised of ~~five-six~~active senior judges, elected at the annual judicial conference senior judge business meeting, by all senior judges who are in attendance. Contingent upon availability of senior judges, each court level (appellate, juvenile, district, and justice) shall have a minimum of one member of the Board.

(2)(C) **Election.** The senior judges present at the business meeting shall constitute a quorum. Nominations for Board positions may be made by any senior judge. All senior judges present at the meeting shall be entitled to vote for members of the Board.

(2)(D) **Terms.** The terms of the Board members shall be ~~two-year~~three years. A Board member shall not serve more than two consecutive terms and the remainder of a predecessor's term.

(2)(E) **Vacancies.** If a vacancy occurs for any reason on the Board, the Board shall elect a replacement for the unexpired term of the vacancy.

(3) Board officers.

(3)(A) **Establishment.** There shall be a chair and vice-chair of the Board. Both the chair and vice chair shall be ~~active~~ senior judges.

(3)(B) **Election.** The chair and vice~~-~~chair shall be elected by the Board members.

(3)(C) **Chair and vice~~-~~chair's term.** The chair and vice-chair shall be elected to serve ~~a one~~two-year terms~~s~~, effective immediately after the annual judicial conference. The year

39 following election, ~~as the vice-chair shall assume the chair position. A new vice-chair~~
40 ~~shall be appointed each year.~~

41 (3)(D) **Chair and vice-chair's responsibilities.** The chair shall preside over all
42 meetings of the Board and the annual judicial conference senior judge business
43 meeting, and shall perform other duties as set forth in this Code and as directed by the
44 Board. The vice-chair shall serve as chair in the absence of the chair or at the request of
45 the chair.

46 (3)(E) **Vacancy in office of chair or vice-chair.** ~~In the event that~~If the chair resigns or
47 leaves the Board for any reason, the vice-chair shall become chair, serving both the
48 unexpired term of the chair and the full term as chair. ~~In the event that~~If the vice-chair
49 resigns from the Board for any reason, a new vice-chair shall be elected by the Board
50 from among its members to serve the unexpired term of the vice-chair and to succeed as
51 chair as otherwise provided in this rule. Voting and replacement of the vice-chair may
52 be conducted by e-mail if a replacement is needed before the next annual judicial
53 conference.

54 (3)(F) **Secretariat services.** The Administrative Office shall serve as secretariat to the
55 Board.

56 (3)(G) **Board responsibility.** The Board shall exercise such authority and assume such
57 responsibility as delegated by the Council.

58 **(4) Meetings of the Board.**

59 (4)(A) ~~The Board shall meet a minimum of twice a year and otherwise as determined by~~
60 ~~the chair. One of the meetings shall be a combined Board and Bench meeting~~
61 ~~conducted during the annual Judicial Conference. The Board shall meet not less than~~
62 ~~once a year to transact any and all business that is within its jurisdiction.~~

63 (4)(B) The Board shall rule by majority vote. All Board members have the right to vote.
64 ~~Three-Four~~ members of the Board constitute a quorum.

65 *Effective: ~~June 28~~May 1, 2024*

Rule 3-104. Presiding judges**Intent:**

To establish the procedure for election, term of office, role, responsibilities and authority of presiding judges and associate presiding judges.

Applicability:

This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile Courts.

Statement of the Rule:**(1) Election and term of office.**

(1)(A) **Presiding judge.** The presiding judge in multi-judge courts shall be elected by a majority vote of the judges of the court. The presiding judge's term of office shall be at least two years. A district, by majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the presiding officer of the Council to serve for two years.

(1)(B) Associate presiding judge.

(1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A).

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge or by the court.

(1)(C) **Removal.** A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

(2) Court organization.**(2)(A) Court en banc.**

(2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including all judges of the court and the court executive, to discuss and decide court business. The presiding judge has the discretion to excuse the attendance of the court executive from court en banc meetings called for the purpose of discussing the performance of the court executive. In single-judge courts, the judge shall meet with the court executive to discuss and decide court business.

(2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee shall preside.

(2)(A)(iii) Each court shall have a minimum of four meetings each year.

(2)(A)(iv) An agenda shall be circulated among the judges in advance of the meeting with a known method on how matters may be placed on the agenda.

(2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges may call additional meetings as necessary.

(2)(A)(vi) Minutes of each meeting shall be taken and preserved.

(2)(A)(vii) Other than judges and court executives, those attending the meeting shall be by court invitation only.

(2)(A)(viii) The issues on which judges should vote shall be left to the sound discretion and judgment of each court and the applicable sections of the Utah Constitution, statutes, and this Code.

(2)(B) **Absence of presiding judge.** When the presiding judge and the associate presiding judge, if any, are absent from the court, an acting presiding judge shall be appointed. The method of designating an acting presiding judge shall be at the discretion of the presiding judge. All parties that must necessarily be informed shall be notified of the judge acting as presiding judge.

(3) **Administrative responsibilities and authority of presiding judge.**

(3)(A) **General—Caseload—Appeals**

(3)(A)(i) **Generally.** The presiding judge is charged with the responsibility for the effective operation of the court. He or she is responsible for the implementation and enforcement of statutes, rules, policies and directives of the Council as they pertain to the administration of the courts, orders of the court en banc and supplementary rules. The presiding judge has the authority to delegate the performance of non-judicial duties to the court executive. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(A)(ii) **Caseload.** Unless the presiding judge determines it to be impractical, there is a presumption that the judicial caseload of the presiding judge shall be adjusted to provide the presiding judge sufficient time to devote to the management and administrative duties of the office. The extent of the caseload reduction shall be determined by each district.

(3)(A)(iii) **Appeals.** Any judge of the judicial district may ask the Chief Justice or Judicial Council to review any administrative decision made by the presiding judge of that district.

99 **(3)(B) Coordination of judicial schedules.**

100
101 (3)(B)(i) The presiding judge shall be aware of the vacation and education
102 schedules of judges and be responsible for an orderly plan of judicial absences
103 from court duties.

104
105 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence
106 to the presiding judge consistent with Rule 3-103(4).
107

108 **(3)(C) Authority to appoint senior judges.** ~~(3)(C)(i)~~ The presiding judge is authorized
109 to assign a senior judge for judicial assistance consistent with Rule 3-108.
110

111 ~~(3)(C)(ii) The presiding judge will notify the State Court Administrator or designee~~
112 ~~when a senior judge assignment has been made.~~

113 **(3)(D) Court committees.** The presiding judge shall, where appropriate, make use of
114 court committees composed of other judges and court personnel to investigate problem
115 areas, handle court business and report to the presiding judge and/or the court en banc.
116

117 **(3)(E) Outside agencies and the media.**

118
119 (3)(E)(i) The presiding judge or court executive shall be available to meet with
120 outside agencies, such as the prosecuting attorney, the city attorney, public
121 defender, sheriff, police chief, bar association leaders, probation and parole
122 officers, county governmental officials, civic organizations and other state
123 agencies. The presiding judge shall be the primary representative of the court.
124

125 (3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding
126 judge, the court executive shall represent the court and make statements to the
127 media on matters pertaining to the total court and provide general information
128 about the court and the law, and about court procedures, practices and rulings
129 where ethics permit.
130

131 **(3)(F) Docket management and case and judge assignments.**

132
133 (3)(F)(i) The presiding judge shall monitor the status of the dockets in the court
134 and implement improved methods and systems of managing dockets.

135
136 (3)(F)(ii) The presiding judge shall assign cases and judges in accordance with
137 supplemental court rules to provide for an equitable distribution of the workload
138 and the prompt disposition of cases.

139
140 (3)(F)(iii) Individual judges of the court shall convey needs for assistance to the
141 presiding judge. The presiding judge shall, through the State Court Administrator,
142 request assistance of visiting judges or other appropriate resources when
143 needed to handle the workload of the court.
144

145 (3)(F)(iv) The presiding judge shall discuss problems of delay with other judges
146 and offer necessary assistance to expedite the disposition of cases.
147

148 **(3)(G) Court executives.**

(3)(G)(i) The presiding judge shall review the proposed appointment of the court executive made by the State Court Administrator and must concur in the appointment before it will be effective. The presiding judge shall obtain the approval of a majority of the judges in that jurisdiction prior to concurring in the appointment of a court executive.

(3)(G)(ii) The presiding judge for the respective court level and the state level administrator shall jointly develop an annual performance plan for the court executive.

(3)(G)(iii) Annually, the state level administrator shall consult with the presiding judge in the preparation of an evaluation of the court executive's performance for the previous year, also taking into account input from all judges in the district.

(3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive, including coordination of annual leave.

(3)(G)(v) Pursuant to Council policy and the direction of the state level administrator, the court executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects, intergovernmental relations and other administrative responsibilities as determined by the presiding judge and the state level administrator.

(3)(H) **Courtrooms and facilities.** The presiding judge shall direct the assignment of courtrooms and facilities.

(3)(I) **Recordkeeping.** Consistently with Council policies, the court executive, in consultation with the presiding judge, shall:

(3)(I)(i) coordinate the compilation of management and statistical information necessary for the administration of the court;

(3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of these policies;

(3)(I)(iii) approve proposals for automation within the court in compliance with administrative rules.

(3)(J) **Budgets.** The court executive, in consultation with the presiding judge, shall oversee the development of the budget for the court. In contract sites, the court executive shall supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

(3)(K) **Judicial officers.** In the event that another judge or commissioner of the court fails to comply with a reasonable administrative directive of the presiding judge,

interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment or violates the Code of Judicial Conduct, the presiding judge may:

(3)(K)(i) Meet with and explain to the judge or commissioner the reasons for the directive given or the position taken and consult with the judge or commissioner.

(3)(K)(ii) Discuss the position with other judges and reevaluate the position.

(3)(K)(iii) Present the problem to the court en banc or a committee of judges for input.

(3)(K)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy, education or treatment.

(3)(K)(v) Reassign the judge or commissioner to a different location within the district or to a different case assignment.

(3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.

(3)(K)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem to the Council or the Judicial Conduct Commission.

(3)(L) Cases under advisement.

(3)(L)(i) A case is considered to be under advisement ~~when the entire case or any issue in the case has been submitted to the judge for final determination. For purposes of this rule, "submitted to the judge" is defined as follows: if it meets the criteria outlined in rule 3-101.~~

~~(3)(L)(i)(a) When a matter requiring attention is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent;~~

~~(3)(L)(i)(b) If a hearing or oral argument is set, at the conclusion of all hearings or oral argument held on the specific motion or matter; or~~

~~(3)(L)(i)(c) If further briefing is required after a hearing or oral argument, when all permitted briefing is completed, a request to submit is filed, if required, and the matter is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent.~~

~~A case is no longer under advisement when the judge makes a decision on the issue that is under advisement or on the entire case.~~

~~The final determination occurs when the judge resolves the pending issue by announcing the decision on the record or by issuing a written decision,~~

~~regardless of whether the parties are required to subsequently submit for
the judge's signature a final order memorializing the decision.~~

(3)(L)(ii) Once a month, each judge shall submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate state level administrator and indicate the reasons why the case or issue continues to be held under advisement.

~~(3)(L)(iv) If a case or issue is held under advisement for an additional 30 days,
the state level administrator shall report that fact to the Management Committee.~~

(3)(L)(iv) If a judge fails to submit a statement required under (3)(L)(ii), the presiding judge shall notify the appropriate state level administrator. If a judge the state level administrator determines that a judge has willfully failed to submit a statement ~~for two consecutive months~~, the state level administrator shall notify the Management Committee.

(3)(M) **Board of judges.** The presiding judge shall serve as a liaison between the court and the Board for the respective court level.

(3)(N) **Supervision and evaluation of court commissioners.** The presiding judge is responsible for the development of a performance plan for the Court Commissioner serving in that court and shall prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and evaluation shall be maintained in the official personnel file in the Administrative Office.

(3)(O) **Magistrate availability.** The presiding judge in a district court shall consult with the justice court administrator to develop a rotation of magistrates that ensures regular availability of magistrates within the district. The rotation shall take into account each magistrate's caseload, location, and willingness to serve.

Effective May 1, 202~~4~~³

Rule 3-108. Judicial assistance.**Intent:**

To establish the authority, procedure and criteria for judicial assistance.

Applicability:

This rule shall apply to judicial assistance provided by active senior judges and judges of courts of record.

Statement of the Rule:

(1) **Criteria for requesting assistance.** Judicial assistance shall be provided only for the following reasons:

(1)(A) when assistance is needed because of a judicial vacancy or an absence due to an illness, accident, or disability;

(1)(B) to prevent the occurrence of or to reduce a critical accumulated backlog;

(1)(C) to handle a particular case involving complex issues and extensive time which would have a substantial impact on the court's calendar;

(1)(D) to replace a sitting judge who is absent because of assignment as a tax judge, illness or to replace the judges in that location because of disqualification in a particular case;

(1)(E) to mentor a newly appointed judge;

(1)(F) to handle cases during vacation periods or during attendance at education programs by the sitting judge, following every effort by that judge to adjust the calendar to minimize the need for assistance and only to handle those matters which cannot be accommodated by the other judges of the court during the absence;

(1)(G) to provide education and training opportunities to judges of one court level in the disposition of cases in another court level;

(1)(H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration;

(1)(I) to handle automatic expungement cases; and

(1)(J) to serve on a grand jury panel.

(2) **Assigning a senior judge for judicial assistance.**

(2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance under the priorities listed in paragraph (3) before assigning a senior judge.

(2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the presiding judge shall seek approval from the Management Committee, and present to the Management Committee a plan for meeting the needs of the court and a budget to implement the plan. The plan should describe the calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget should estimate the funds needed for travel by the judges and senior judges.

(3) Criteria for transferring or assigning judges. The transfer or assignment of judges for judicial assistance under this rule, shall, in general, be based upon the following priorities:

(3)(A) experience and familiarity with the subject matter, including, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, knowledge of the theory and practice of ad valorem, excise, income, sales and use, and corporate taxation;

(3)(B) active judges before active senior judges with consideration of the following:

(3)(B)(i) active judges from a court of equal jurisdiction in a different geographical division than the court in need, and who are in close proximity to that court;

(3)(B)(ii) active senior judges from a court of equal jurisdiction to the court in need and who are in close proximity to that court;

(3)(B)(iii) active judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is most closely related to that court and who are in close proximity to that court;

(3)(B)(iv) active judges from a court of equal jurisdiction in a different geographical division than the court in need who are far removed from that court;

(3)(B)(v) active or active senior judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is similar to that court and who are not in close proximity to that court;

(3)(C) availability;

(3)(D) expenses and budget.

(4) Assignment of active judges.

(4)(A) Any active judge of a court of record may serve temporarily as the judge of a court with equal jurisdiction in a different judicial district upon assignment by the presiding

judge of the district in which the judge to be assigned normally sits or, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, assignment by the supervising tax judge with the approval of the presiding officer of the Council.

(4)(B) Any active judge of a court of record may serve temporarily as the judge of a court with different jurisdiction in the same or a different judicial district upon assignment by the presiding officer of the Council or assignment by the state court administrator or designee with the approval of the presiding officer of the Council.

(4)(C) The presiding officer of the Council may appoint a district or juvenile court presiding judge as the signing judge for automatic expungements and deferred traffic prosecution orders in all district or juvenile courts within the presiding judge's district with jurisdiction over eligible cases. The length of the assignment may coincide with the judge's term as presiding judge.

(4)(D) The assignment shall be made only after consideration of the judge's calendar. The assignment may be for a special or general assignment in a specific court or generally within that level of court and shall be for a specific period of time, or for the duration of a specific case. Full time assignments in excess of 30 days in a calendar year shall require the concurrence of the assigned judge. The state court administrator or designee shall report all assignments to the Council on an annual basis.

(4)(E) Requests for the assignment of a judge shall be conveyed, through the presiding judge, to the person with authority to make the assignment under paragraphs (A) and (B). A judge who is assigned temporarily to another court shall have the same powers as a judge of that court.

(5) Notice of assignments. Notice of assignments made under this rule shall be made in writing, a copy of which shall be sent to the state court administrator or designee.

(6) Schedule of trials or court sessions. The state court administrator or designee, under the supervision of the presiding officer of the Council, may schedule trials or court sessions and designate a judge to preside, assign judges within courts and throughout the state, reassign cases to judges, and change the county for trial of any case if no party to the litigation files timely objections to the change.

Effective: ~~October 1, 2022~~ January 1, 2024

Rule 3-111. Performance evaluation of ~~active senior judges and~~ court commissioners.**Intent:**

To establish a performance evaluation, including the criteria upon which ~~active senior judges and~~ court commissioners will be evaluated, the standards against which performance will be measured and the methods for fairly, accurately and reliably measuring performance.

To generate and ~~to provide to~~ ~~active senior judges and~~ court commissioners information about their performance.

To establish the procedures by which the ~~Judicial~~ Council will evaluate and certify ~~senior judges and~~ court commissioners for reappointment.

Applicability:

This rule shall apply to presiding judges, ~~the Board of Justice Court Judges and the Judicial Council, and to the active senior judges and~~ court commissioners ~~of the Court of Appeals, courts of record and courts not of record.~~

Statement of the Rule:**(1) Performance evaluations.**~~(1)(A) Court commissioners.~~

(1)(A)(i) On forms provided by the Aadministrative Office, the presiding judge of a district ~~or court level~~ of which a court commissioner serves shall complete an evaluation of the court commissioner's performance by ~~June~~July 1 of each year. If a commissioner serves multiple districts or court levels, the presiding judge of each district ~~or court level~~ shall complete an evaluation.

(1)(~~BA~~)(ii) The presiding judge(s) shall survey judges and court personnel seeking feedback for the evaluation. During the evaluation period, the presiding judge(s) shall review at least five of the commissioner's active cases. The review shall include courtroom observation.

(1)(~~CA~~)(iii) The presiding judge(s) shall provide a copy of each commissioner evaluation to the ~~Judicial~~ Council. Copies of plans under paragraph (3)(G) and all evaluations shall also be maintained in the commissioner's personnel file in the Aadministrative Office.

~~(1)(B) Active senior judges. An active senior judge's performance shall be evaluated by attorneys as provided in paragraph (3)(A) and by presiding judges and court staff as provided in paragraph (3)(B).~~

(2) Evaluation and certification criteria. ~~Active senior judges and~~ Ccourt commissioners shall be evaluated and certified upon the following criteria:

(2)(A) demonstration of understanding of the substantive law and any relevant rules of procedure and evidence;

(2)(B) attentiveness to factual and legal issues before the court;

(2)(C) adherence to precedent and ability to clearly explain departures from precedent;

(2)(D) grasp of the practical impact on the parties of the commissioner's ~~or senior judge's~~ rulings, including the effect of delay and increased litigation expense;

(2)(E) ability to write clear judicial opinions;

(2)(F) ability to clearly explain the legal basis for judicial opinions;

(2)(G) demonstration of courtesy toward attorneys, court staff, and others in the commissioner's ~~or senior judge's~~ court;

(2)(H) maintenance of decorum in the courtroom;

(2)(I) demonstration of judicial demeanor and personal attributes that promote public trust and confidence in the judicial system;

(2)(J) preparation for hearings or oral argument;

(2)(K) avoidance of impropriety or the appearance of impropriety;

(2)(L) display of fairness and impartiality toward all parties;

(2)(M) ability to clearly communicate, including the ability to explain the basis for written rulings, court procedures, and decisions;

(2)(N) management of workload;

(2)(O) willingness to share proportionally the workload within the court or district, or regularly accepting assignments;

(2)(P) issuance of opinions and orders without unnecessary delay; and

(2)(Q) ability and willingness to use the court's case management systems in all cases.

(3) Standards of performance.

(3)(A) Survey of attorneys.

(3)(A)(i) The Council shall measure satisfactory performance by a sample survey of the attorneys appearing before the ~~active senior judge or~~ court commissioner during the period for which the ~~active senior judge or~~ court commissioner is being evaluated. The Council shall measure satisfactory performance based on the results of the final survey conducted during a court commissioner's term of office, subject to the discretion of a court commissioner serving an abbreviated initial term not to participate in a second survey under Section (3)(A)(vi) of this rule.

(3)(A)(ii) **Survey scoring.** The survey shall be scored as follows.

(3)(A)(ii)(a) Each question of the attorney survey will have six possible responses: Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No Personal Knowledge. A favorable response is Excellent, More Than Adequate, or Adequate.

(3)(A)(ii)(b) Each question shall be scored by dividing the total number of favorable responses by the total number of all responses, excluding the "No Personal Knowledge" responses. A satisfactory score for a question is achieved when the ratio of favorable responses is 70% or greater.

(3)(A)(ii)(c) A court commissioner's performance is satisfactory if:

(3)(A)(ii)(c)(1) at least 75% of the questions have a satisfactory score; and

(3)(A)(ii)(c)(2) the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

~~(3)(A)(ii)(d) The Judicial Council shall determine whether the senior judge's survey scores are satisfactory.~~

(3)(A)(iii) **Survey respondents.** The Administrative Office ~~of the Courts~~ shall identify as potential respondents all lawyers who have appeared before the court commissioner during the period for which the commissioner is being evaluated.

(3)(A)(iv) **Exclusion from survey respondents.**

(3)(A)(iv)(a) A lawyer who has been appointed as a judge or court commissioner shall not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline shall not be a respondent in the survey.

(3)(A)(iv)(b) With the approval of the Management Committee, a court commissioner may exclude an attorney from the list of respondents if the court commissioner believes the attorney will not respond objectively to the survey.

(3)(A)(v) **Number of survey respondents.** The Surveyor shall identify 180 respondents or all attorneys appearing before the court commissioner, whichever is less. ~~All attorneys who have appeared before the active senior judge shall be sent a survey questionnaire as soon as possible after the hearing.~~

(3)(A)(vi) **Administration of the survey.** Court commissioners shall be the subject of a survey approximately six months prior to the expiration of their term of office. Court commissioners shall be the subject of a survey during the second year of each term of office. Newly appointed court commissioners shall be the subject of a survey during the second year of their term of office and, at their option, approximately six months prior to the expiration of their term of office.

(3)(A)(vii) **Survey report.** The Surveyor shall provide to the subject of the survey, the subject's presiding judge(s), and the ~~Judicial~~ Council the number and percentage of respondents for each of the possible responses on each survey question and all comments, retyped and edited as necessary to redact the respondent's identity.

~~(3)(B) Non-attorney surveys.~~

~~(3)(B)(i) Surveys of presiding judges and court staff regarding non-appellate senior judges. The Council shall measure performance of active senior judges by a survey of all presiding judges and trial court executives, or in the justice courts, the Justice Court Administrator, of districts in which the senior judge has been assigned. The presiding judge and trial court executive will~~

gather information for the survey from anonymous questionnaires completed by court staff on the calendars to which the senior judge is assigned and by jurors on jury trials to which the senior judge is assigned. The Administrative Office of the Courts shall distribute survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

~~(3)(B)(ii) Surveys of Court of Appeals presiding judge and clerk of court.~~ The Council shall measure performance of active appellate senior judges by a survey of the presiding judge and clerk of court of the Court of Appeals. The presiding judge and clerk of court will gather information for the survey from anonymous questionnaires completed by the other judges on each panel to which the appellate senior judge is assigned and by the appellate law clerks with whom the appellate senior judge works. The Administrative Office of the Courts shall distribute the survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

(3)(BC) Case under advisement standard.

(3)(BC)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the ~~senior judge or~~ court commissioner for final determination. For purposes of this rule, "submitted to the ~~senior judge or~~ court commissioner" or "submission" is defined as follows:

(3)(BC)(i)(a) When a matter requiring attention is placed by staff in the ~~senior judge's or~~ court commissioner's personal electronic queue, inbox, personal possession, or equivalent;

(3)(BC)(i)(b) If a hearing or oral argument is set, at the conclusion of all hearings or oral argument held on the specific motion or matter; or

(3)(BC)(i)(c) If further briefing is required after a hearing or oral argument, when all permitted briefing is completed, a request to submit is filed, if required, and the matter is placed by staff in the ~~senior judge's or~~ court commissioner's personal electronic queue, inbox, personal possession, or equivalent.

~~(3)(B)(ii)~~ A case is no longer under advisement when the ~~senior judge or~~ court commissioner makes a decision on the issue that is under advisement or on the entire case.

(3)(BC)(iii) The Council shall measure satisfactory performance by the self-declaration of the ~~senior judge or~~ court commissioner or by reviewing the records of the court.

(3)(~~BC~~)(ivii) A ~~senior judge or~~ court commissioner in a trial court demonstrates satisfactory performance by holding:

(3)(~~BC~~)(ivii)(a) no more than three cases per calendar year under advisement more than two months after submission; and

(3)(~~BC~~)(ivii)(b) no case under advisement more than 180 days after submission.

~~(3)(C)(iv) A senior judge in the court of appeals demonstrates satisfactory performance by:~~

~~(3)(C)(iv)(a) circulating no more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year; and~~

~~(3)(C)(iv)(b) achieving a final average time to circulation of a principal opinion of no more than 120 days after submission.~~

(3)(~~CD~~) **Compliance with education standards.** Satisfactory performance is established if the ~~senior judge or~~ court commissioner annually complies with the judicial education standards of this Code, subject to the availability of in-state education programs. The Council shall measure satisfactory performance by the self-declaration of the ~~senior judge or~~ court commissioner or by reviewing the records of the state court administrator.

(3)(~~DE~~) **Substantial compliance with Code of Judicial Conduct.** Satisfactory performance is established if the response of the ~~senior judge or~~ court commissioner demonstrates substantial compliance with the Code of Judicial Conduct, if the Council finds the responsive information to be complete and correct and if the Council's review of formal and informal sanctions lead the Council to conclude the court commissioner is in substantial compliance with the Code of Judicial Conduct. ~~Under Rule 11-201 and Rule 11-203, any sanction of a senior judge disqualifies the senior judge from reappointment.~~

(3)(~~EF~~) **Physical and mental competence.** Satisfactory performance is established if the response of the ~~senior judge or~~ court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(3)(~~EG~~) **Performance and corrective action plans for court commissioners.**

(3)(~~EG~~)(i) The presiding judge of the district a court commissioner serves shall prepare a performance plan for a new court commissioner within 30 days of the court commissioner's appointment. If a court commissioner serves multiple districts or court levels, the presiding judge of each district and court level shall prepare a performance plan. The performance plan shall communicate the expectations set forth in paragraph (2) of this rule.

(3)(~~EG~~)(ii) If a presiding judge issues an overall "Needs Improvement" rating on a court commissioner's annual performance evaluation as provided in paragraph (1), that presiding judge shall prepare a corrective action plan setting forth specific ways in which the court commissioner can improve in deficient areas.

221
222 **(4) Judicial Council certification process**

223 (4)(A) **July Council meeting.** At its meeting in July, the Council shall begin the process
224 of determining whether the ~~senior judges and~~ court commissioners whose terms of office
225 expire that year meet the standards of performance provided for in this rule. The
226 Administrative Office ~~of the Courts~~ shall assemble all evaluation information, including:

227 (4)(A)(i) survey scores;

228 (4)(A)(ii) judicial education records;

229 (4)(A)(iii) self-declaration forms;

230 (4)(A)(iv) records of formal and informal sanctions;

231 (4)(A)(v) performance evaluations, if the court commissioner ~~or senior judge~~
232 received an overall rating of Needs Improvement; and

233 (4)(A)(vi) any information requested by the Council.
234

235 (4)(B) **Records delivery.** Prior to the meeting the Administrative Office ~~of the Courts~~
236 shall deliver the records to the Council and to the ~~senior judges and~~ court
237 commissioners being evaluated.
238

239 (4)(C) **July Council meeting closed session.** In a session closed in compliance with
240 rRule 2-103, the Council shall consider the evaluation information and make a
241 preliminary finding of whether a ~~senior judge or~~ court commissioner has met the
242 performance standards.
243

244 (4)(D) **Certification presumptions.** If the Council finds the ~~senior judge or~~ court
245 commissioner has met the performance standards, it is presumed the Council will certify
246 the ~~senior judge or~~ court commissioner for reappointment. If the Council finds the ~~senior~~
247 ~~judge or~~ court commissioner did not meet the performance standards, it is presumed the
248 Council will not certify the ~~senior judge or~~ court commissioner for reappointment. The
249 Council may certify the ~~senior judge or~~ court commissioner or withhold decision until
250 after meeting with the ~~senior judge or~~ court commissioner.
251

252 (4)(E) **Overcoming presumptions.** A presumption against certification may be
253 overcome by a showing that a ~~senior judge's or~~ court commissioner's failure to comply
254 with paragraphs (3)(BG) and (3)(CD) were beyond the ~~senior judge's or~~ court
255 commissioner's personal control. A presumption in favor of certification may be
256 overcome by:

257 (4)(E)(i) reliable information showing non-compliance with a performance
258 standard, except as otherwise provided in paragraph (4)(E); or

259 (4)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to
260 demonstrate lack of substantial compliance with the Code of Judicial Conduct.
261

262 (4)(F) **August Council meeting.** At the request of the Council the ~~senior judge or~~ court
263 commissioner challenging a non-certification decision shall meet with the Council in
264 August. At the request of the Council the presiding judge(s) shall report to the Council
265 any meetings held with the ~~senior judge or~~ court commissioner, the steps toward self-
266 improvement identified as a result of those meetings, and the efforts to complete those

steps. Not later than 5 days after the July meeting, the Administrative Office~~of the~~
~~Courts~~ shall deliver to ~~the senior judge or~~ court commissioner being evaluated notice of
the Council's action and any records not already delivered to the ~~senior judge or~~ court
commissioner. The notice shall contain an adequate description of the reasons the
Council has withheld its decision and the date by which the ~~senior judge or~~ court
commissioner is to deliver written materials. The Administrative Office~~of the~~ ~~Courts~~ shall
deliver copies of all materials to the Council and to the ~~senior judge or~~ court
commissioner prior to the August meeting.

(4)(G) **August Council meeting closed session.** At its August meeting in a session
closed in accordance with ~~r~~Rule 2-103, the Council shall provide to the ~~senior judge or~~
court commissioner adequate time to present evidence and arguments in favor of
certification. Any member of the Council may present evidence and arguments of which
the ~~senior judge or~~ court commissioner has had notice opposed to certification. The
burden is on the person arguing against the presumed certification. The Council may
determine the order of presentation.

(4)(H) **Final certification decision.** At its August meeting in open session, the Council
shall approve its final findings and certification regarding all ~~senior judges and~~ court
commissioners whose terms of office expire that year.

(4)(I) **Communication of certification decision.** The ~~Judicial~~ Council shall
communicate its certification decision to the ~~senior judge or~~ court commissioner and to
the presiding judge(s) of the district(s) the commissioner serves. ~~The Judicial Council~~
~~shall communicate its certification decision for senior judges to the Supreme Court and~~
~~for court commissioners to the presiding judge of the district the commissioner serves.~~

Effective: ~~November~~ May 1, 20240

Rule 3-113. Senior judges.**Intent:**

To establish the responsibility to provide ~~for~~ support services for active senior judges.

To provide for the compensation of active senior judges.

Applicability:

This rule shall apply to judicial employees and to ~~senior judges and~~ active senior judges of courts of record.

Statement of the Rule:**(1) Support services.**

(1)(A) Orientation. The Administrative Office shall provide a new senior judge orientation within three months of the appointment as active senior judge. The orientation shall include information on judicial assignments, forms, compensation, available training, and reappointment processes.

(1)(BA) Services. The court executive of the court in which an active senior judge is serving shall make available services as would normally be needed in the performance of a judge's official duties.

(1)(CB) Notice of appointment – assignment. The court executive of the court in which an active senior judge is serving shall execute the necessary notice of appointment for the case or matters to which the judge has been assigned. The order of assignment shall include the district the judge will serve, the court location, the assignment for which service is needed, and the signature and date of the presiding judge or the presiding judge's designee. The order shall be sent to the state court administrator or designee.

(1)(DC) Assistance. The court executive of the district in which an active senior judge serves shall provide the following assistance as needed:

(1)(D)(i) administrative services;

(1)(D)(ii) orientation on case management system, district processes, and equipment; ~~mail services~~;

(1)(D)(iii) access to electronic files, ~~and~~ court documents, and a computer;

(1)(D)(iv) travel arrangements; and

(1)(D)(v) preparation of reimbursement vouchers.

(2) Compensation. Active senior judges shall be compensated at the rate and for the services and duties as set forth herein.

(2)(A) Compensation for the performance of judicial duties related to the assignment of cases, service on a grand jury panel, service on court committees, service on court projects, rules and policies, or the mentoring of a new judge shall be at an hourly rate equal to the hourly rate of a ~~district trial court~~ judge, and shall be paid in half-day increments.

(2)(B) Compensation for all other duties, such as attendance at Board meetings, ~~committee meetings~~, and educational functions required by ~~this Code~~ court rules shall be

paid at the rate of \$50.00 per half day (1-4 hours) and \$100.00 per full day (over 4 hours).

(2)(C) For travel required in the performance of judicial duties related to assigned cases or calendars, senior judges shall be compensated for travel time in excess of one and one-half hours round trip at the hourly rate of a ~~district trial court~~ judge, and for expenses, e.g., per diem, mileage, and lodging, at the rates allowed for state employees. Active senior judges are required, as court employees, to complete the Defensive Driver Training every two years.

(2)(D) For travel required in the performance of judicial duties not related to an assigned case, senior judges shall be compensated:

(2)(D)(i) for round-trip travel time as follows:

(2)(D)(i)(a) 0 - 1.5 hours: No payment

(2)(D)(ii)(b) 1.5 - 5.5 hours: \$25.00

(2)(D)(iii)(c) More than 5.5 hours: \$50.00

(2)(D)(ii) ~~and~~ for expenses, e.g., per diem, mileage, and lodging, at the rates allowed for state employees.

(2)(E) Because senior judges do not have access to state vehicles, mileage shall be paid at the higher rate ~~for state employees~~ according to the state travel policy.

(2)(~~FE~~) Except for the incentive benefit in r~~R~~ule 3-501, compensation shall not include any form of benefits, i.e., state retirement contributions, medical or life insurance premiums, etc.

Effective: ~~June 28~~ May 1, 2024~~1~~

Rule 3-403. Judicial branch education.**Intent:**

To establish the Judicial Branch Education Committee's ("Committee") responsibility to develop and evaluate a comprehensive education program for all judicial officers and court staff.

To establish education standards for judicial officers and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule shall apply to all judicial officers and court staff, except seasonal employees and law clerks.

Statement of the Rule:**(1) Organization.**

(1)(A) **Judicial branch education committee.** The Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) Committee meetings.

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) Administration.

Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) **Education standards for judicial officers.**

(3)(A) **Requirements for judicial officers (judges, court commissioners, active senior judges and active senior justice court judges).**

(3)(A)(i) All new judicial officers shall participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

All judicial officers shall complete 30 hours of pre-approved education ~~annually~~each fiscal year, to be implemented on a schedule coordinated by the Committee. To satisfy annual program requirements judicial officers will complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

Judicial officers may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual judicial conference, but an inactive senior judge or retired judge must pay all expenses.

~~(3)(A)(ii) **Active senior judge.** If an active senior judge applies to be reappointed and will have completed at least 60 total education hours in the two years preceding the effective date of reappointment, the Management Committee may, for good cause shown, excuse the judge from having to complete the annual 30 hour education requirement.~~

(3)(A)(iii) **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that:

~~(3)(A)(iii)(a) less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge;~~

~~(3)(A)(iii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least three years before the application;~~

(3)(A)(iii)(~~ae~~) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(ii~~ai~~)(~~bd~~) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B) **Program components.** Education programs for judicial officers shall include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judicial officers.

(3)(C) **Annual conferences.** Justice court judges and active senior justice court judges shall attend the annual justice court conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the

only opportunity for judges to meet and interact as a group and to elect their representatives, judicial officers are strongly encouraged to attend that conference.

(4) Standards for court staff.

(4)(A) State employees.

(4)(A)(i) Program requirements. All court staff employed by the state shall complete 20 hours of approved coursework annually. To satisfy annual program requirements state employees must complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

(4)(A)(ii) Program components. Education programs for court staff employed by the state shall include: onboarding for new employees as well as new employee orientation; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) Local government employees.

(4)(B)(i) Program requirements. All court staff employed by the justice courts shall complete 10 hours of approved coursework annually.

(4)(B)(ii) Program components. Education programs for court staff employed by local government shall include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth. Professional and personal development programs may include training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

(5) Reporting.

(5)(A) Judicial officers and court staff governed by these standards shall report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards shall be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

(6) Credit. Judicial education procedures shall include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) Funding.

(7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council shall receive and consider recommendations from the Committee. The Committee's annual education plan shall be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial education shall first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs.** To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan shall include out-of-state education opportunities. The Committee shall approve national education providers and shall include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel.** The Committee shall develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

(8) Mentoring.

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge shall appoint a mentor to the new judge.

(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge shall meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, shall provide the completed Mentor's Checklist to the Judicial Education Officer.

Effective: May 1, 2024

Rule 3-501. Insurance Benefits Upon Retirement.**Intent:**

To establish uniform policies regarding sick leave for justices, judges, active senior judges of courts of record, and court commissioners and conversion of sick leave to paid up medical, dental and life insurance at the time of retirement.

Applicability:

This rule shall apply to all justices, judges, active senior judges of courts of record, and court commissioners of courts of record.

Statement of the Rule:**(1) Earned benefits.**

(1)(A) For each year of full-time employment that a justice, judge, or court commissioner uses less than four days of sick leave in a calendar year, the judge, justice, or court commissioner will be eligible for and accumulate eight months of paid up medical insurance, dental insurance, prescription drug insurance and life insurance benefits at the time of retirement. Upon retirement, the submission of an annual application and a showing that the judge, justice, or court commissioner is not otherwise covered by a comparable medical insurance policy, the judge, justice, or court commissioner shall be eligible for and receive the insurance benefits which have accrued.

(1)(B) Maternity leave and parental leave is considered sick leave for determining benefits under this rule.

(1)(C) Medical and dental insurance coverage provided will be the same as that carried by the justice, judge, or court commissioner at retirement, i.e., family, two party, single.

(2) Automatic benefits. Notwithstanding the provisions of paragraph (1), a justice, judge, or court commissioner who retires and who is eligible for retirement benefits at the time of retirement shall receive a maximum of five years medical insurance, dental insurance, prescription drug insurance and life insurance.

(3) Duration of benefits.

(3)(A) The duration of benefits shall be calculated from the effective date of the justice's, judge's or court commissioner's retirement. Earned benefits shall not exceed seven years. Automatic benefits shall not exceed five years. Earned benefits and automatic benefits shall not exceed seven years.

(3)(B) Earned benefits and automatic benefits shall terminate when the justice, judge, or commissioner is eligible for Medicare, except that prescription drug insurance and supplemental Medicare insurance shall continue for the balance of the term of earned or automatic benefits.

(3)(C) If the spouse of the justice, judge, or court commissioner qualifies for medical insurance, prescription drug insurance or dental insurance under subsection (1)(C), such insurance shall continue for the period of earned or automatic benefits or until the spouse becomes eligible for Medicare, whichever is earlier, except that prescription drug insurance and supplemental Medicare insurance for the spouse shall continue for the balance of the term of earned or automatic benefits.

(3)(D) Earned or automatic benefits for dependents, other than a spouse, of the justice, judge, or court commissioner terminate when the justice, judge, or court commissioner reaches age 65.

(4) **Sick leave.** As authorized by Utah Code Section 78A-2-107(9), the state court administrator or designee will develop methods for recording sick leave use by justices, judges, and court commissioners and for recording sick leave conversion to paid up medical, dental and life insurance benefits.

(5) Active senior judge incentive benefit.

(5)(A) The judiciary will pay 50% of the cost of medical and dental insurance premiums for a qualifying active senior judge and spouse until the qualifying active senior judge is age 65. The judiciary will pay 50% of the cost of supplemental Medicare insurance and prescription drugs for a qualifying active senior judge and spouse if the active senior judge is age 65 or older.

(5)(B) To qualify for the incentive benefit the active senior judge must:

(5)(B)(i) qualify as an active senior judge pursuant to ~~r~~Rule 11-201;

(5)(B)(ii) have exhausted the earned and automatic benefits provided for by this rule;

(5)(B)(iii) submit to the state court administrator or their designee ~~on or before July 1 of each year~~ a letter expressing an intent to participate in the incentive benefit program;

(5)(B)(iv) ~~perform case work, subject to being called~~ comply with qualifications for reappointment as outlined in rule 11-201 during the active senior judge's term of appointment; and

(5)(B)(v) show good cause to the ~~Judicial~~ Council why the active senior judge should not be disqualified for the incentive benefit if the active senior judge ~~has turned down case assignments and~~ has not performed case work for two or more fiscal years.

(5)(C) The State Retirement Office shall deduct from the active senior judge's retirement benefit the portion of the cost payable by the active senior judge.

(6) **Inactive status.** If an active senior judge who receives the incentive benefit changes to inactive status, the senior judge shall notify the state court administrator or designee in writing that the active senior judge has converted to inactive status and is receiving the incentive benefit. The state court administrator or designee shall notify Human Resources and URS of the change in status.

(7) This policy will be implemented subject to availability of funds.

Effective: ~~May 1 June 28, 2024~~

Rule 6-304. Grand jury panel.**Intent:**

To establish a procedure for appointing district court judges to the statutory panel authorized to convene a grand jury.

To establish the responsibility of the court administrator to provide staff support to the panel.

To establish a procedure for providing public notice of panel hearings.

Applicability:

This rule shall apply to the Council, the Administrative Office, the Board of District Court Judges and the statutory panel.

Statement of the Rule:

(1) **Appointment.** The presiding officer of the Council shall appoint a panel of five district court judges in accordance with Utah Code Ann. Section 77-10a-2 to hear information which may justify the calling of a grand jury. The presiding officer shall designate one member of the panel to serve as the supervising judge.

(2) Members. The panel shall consist of:

(2)(A) one member from the first or second district;

(2)(B) two members from the third district;

(2)(C) one member from the fourth district; and

(2)(D) one member from the fifth, sixth, seventh, or eighth district.

~~(32) **Terms.** Panel members will be appointed to serve five-year terms. No member may serve more than two consecutive terms. Panel judges who retire during their term may continue to serve the remainder of that term as an active senior judge but may not serve a second term. One judge shall be appointed from the first or second district for a five year term, one judge shall be appointed from the third district for a four year term, one judge shall be appointed from the fourth district for a three year term, one judge shall be appointed from the fifth, sixth, seventh or eighth district for a two year term, and one judge shall be appointed from the third district for a one year term. Following the first term all terms on the panel are for five years.~~

~~(43) **Vacancies.** As vacancies occur or terms expire on the panel, the Board shall recommend to the presiding officer of the Council a judge to fill the unexpired portion of the term or to serve a new term.~~

(54) **Secretariat.** The Court Administrator shall designate a staff member to serve as secretariat to the panel and to coordinate scheduling, budget and other administrative activities.

(65) **Schedule.** The Administrative Office, at the direction of the panel, shall annually publish a schedule which provides for a panel hearing in each judicial district every three years.

(76) **Public notice.** Thirty days prior to the hearing, the panel shall give public notice of the hearing.

(87) **Procedures.** The panel shall develop necessary procedures for its operation ~~and shall publish such procedures as an appendix to this~~ in accordance with Utah Code.

Effective: ~~April 15, 1991~~ May 1, 2024

TAB 3

CJA 3-419. Office of Fairness and Accountability

**CJA 3-420. Committee on Fairness and Accountability
Judicial Inclusion Mentorship Program**

Notes: Jon Puente will present proposed amendments to rule 3-419 recommended by the Committee on Fairness and Accountability. The Committee did not recommend amendments to rule 3-420 or the Judicial Inclusion Mentorship Program materials.

I made a couple of minor edits to the mentorship materials to keep the language consistent with the amendments to rule 3-419. I also added headings to rule 3-420 for formatting consistency purposes. If no substantive amendments are made to the rule, adding the headings is not critical.

Rule 3-419. Office of Fairness and Accountability**Intent:**

To establish the Office of Fairness and Accountability within the Administrative Office of the Courts.

To identify the objectives of the Office of Fairness and Accountability.

To identify the duties of the Director of the Office of Fairness and Accountability.

Applicability:

This rule shall apply to the judicial branch.

Statement of the Rule:

(1) **Establishment of the Office.** The Office of Fairness and Accountability is established within the Administrative Office of the Courts to organize and lead the judicial branch in examining and addressing processes and outcomes within the judicial branch that contribute to or cause the unequal treatment of individuals based on factors such as race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, marital status, veteran status, and any other status protected by law.

(2) Objectives.

(2)(A) The Office shall support the judicial branch in its efforts to ensure that Utah courts are achieving the judicial branch's mission to provide an open, fair, efficient, and independent system to advance access to justice under the law.

(2)(B) The Office shall work collaboratively with other offices, departments, judges, commissioners, court employees, boards of judges, and Judicial Council standing committees.

(2)(C) The Office shall advance efforts to eliminate bias from court operations, promote equal access to the courts, support efforts to diversify the bar and bench, and inspire a high level of trust and public confidence in the judicial branch.

(3) Director Duties. The Director of the Office of Fairness and Accountability shall:

(3)(A) **Strategic Plan.** Create and operationalize a strategic plan that includes the following areas of focus:

(3)(A)(i) **Outreach.** Identifying and addressing racism and other forms of bias within the justice system by:

(3)(A)(i)(a) Engaging in community outreach and serving as a liaison between the courts and other agencies and organizations;

(3)(A)(i)(b) Networking with community partners such as the Utah Commission on Criminal and Juvenile Justice, the Utah Center for Legal Inclusion, ~~Diversity Offices~~, universities, and community organizations; and

(3)(A)(i)(c) Partnering on access to justice initiatives and projects.

(3)(A)(ii) **Data and research.** Conducting data collection and research through:

(3)(A)(ii)(a) Collaboration with national experts and thought leaders to identify, gather and analyze relevant data; ~~and~~

(3)(A)(ii)(b) Coordination with ~~Data and Research Department Court Data Services~~ and Information Technology Services to capture and report relevant data; ~~and~~.

(3)(A)(ii)(c) Collection and analysis of jury information, including juror selection, service, and pools.

(3)(A)(iii) **Education.** Coordinating with the Utah Judicial Institute to develop education curriculum and training for judicial officers and employees on issues including but not limited to:

(3)(A)(iii)(a) cultural competency;

(3)(A)(iii)(b) racial bias, implicit bias, institutional bias, and individual biases; and

(3)(A)(iii)(c) any other relevant issues.

(3)(A)(iv) **Human resources.** Monitoring Human Resources implementation of best practices for recruitment and retention, and collaborating with Human Resources on:

(3)(A)(iv)(a) the recruitment and selection of court commissioners and employees; and

(3)(A)(iv)(b) obtaining and analyzing data.

(3)(A)(v) **Collaboration.** Collaborating with the Utah State Bar, schools, and other organizations to encourage individuals from ~~underserved marginalized~~ communities to qualify and apply for judicial positions.

(3)(B) **Community resource.** Serve as a resource for persons in historically ~~underserved marginalized~~ communities within the justice system and work to increase cultural awareness, foster greater appreciation of racial and cultural diversity, and engender mutual respect in persons who deliver court services and represent our justice system.

(3)(C) **Recommendations.** Make recommendations for improvement in court processes, procedures, and policies as they relate to race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, marital status, veteran status, and any other status protected by law.

(3)(D) **Language access.** Oversee the interpreter, ~~and language access programs, communication and public information programs~~, and judicial outreach programs.

(3)(E) **Allocation of resources.** Review and report on the efficient allocation and fair application of available resources to address issues of unequal treatment within the judicial system.

(3)(F) **Implementation.** Implement standards, policies, and rules as directed by the State Court Administrator and Judicial Council.

(3)(G) **Reporting.** Report to the Judicial Council at least annually.

(4) **Staffing.** The Director shall provide support to any committee or task force created by the Judicial Council for the purpose of developing a strategic plan for the Office.

Effective: ~~July~~November 1, 202~~4~~1

Rule 3-420. Committee on Fairness and Accountability.**Intent**

This rule establishes the Committee on Fairness and Accountability to serve as a core leadership team for the Office of Fairness and Accountability. One purpose of the committee is to provide support and guidance to the Office of Fairness and Accountability, and to provide expertise and guidance to the Judicial Council regarding how to best support the work of the Office of Fairness and Accountability.

Applicability

This rule applies to the judiciary.

Statement of the Rule

The Committee on Fairness and Accountability shall:

(1) **Data and research.** Advise the Director of the Office of Fairness and Accountability (Director) regarding the development of baseline metrics of demographic data for individuals who interact with the judiciary.

(2) **Strategic Plan.** Develop a strategic plan with the Director for the Office of Fairness and Accountability and submit the strategic plan to the Judicial Council for approval. The committee may form subcommittees to develop the strategic plan. The strategic plan shall include the Judiciary's goals and policy directives for meeting the court's mission for the open, fair and efficient administration of justice under the law while also being responsive to the state's cultural, ethnic, socioeconomic, linguistic, physical, gender, and age diversities. Branch efforts in this regard will strive to eliminate bias and the appearance of bias, meet the needs of increasing numbers of self-represented litigants, remain receptive to the needs of all branch constituents, ensure that court procedures are fair and understandable, and provide culturally responsive programs and services.

(3) **Functional teams.** Once the initial strategic plan is approved by the Judicial Council, assist the Director with:

(3)(A) Determining which stakeholder groups should be involved in determining how to implement the strategic plan;

(3)(B) Appointing a functional team or teams; and

(3)(C) Facilitating the work of the functional team(s) to develop implementation plans and provide feedback about the strategic plan to the Committee on Fairness and Accountability.

(4) **Feedback.** Receive input from the functional team(s) and determine if changes to the strategic plan should be recommended to the Judicial Council.

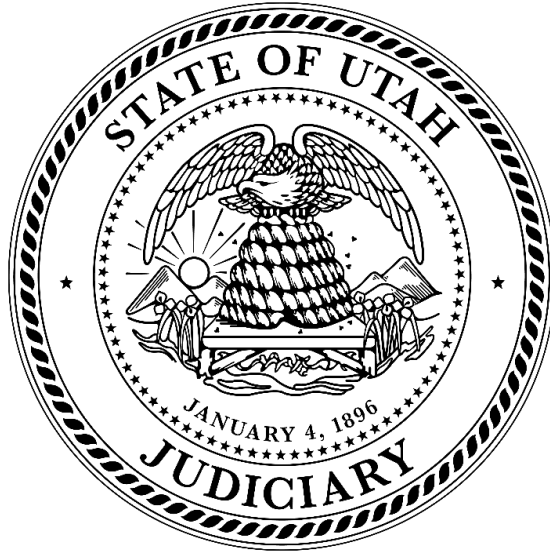
(5) **Communication.** Assist the Director with communicating the strategic plan to the judiciary.

(6) **Monitoring.** Assist the Director with monitoring Court progress in implementing the strategic plan and developing metrics.

(7) **Expertise and support.** Provide expertise and support to the Director when the Director interacts with the Judicial Council, the benches, and the districts.

(8) **Implementation.** Assist the Director in cooperating with the executive and legislative branches to implement the strategic plan.

Effective: ~~July~~~~March~~ 12, 202~~4~~~~2~~



Utah Courts Office of Fairness and Accountability

Judicial Inclusion Mentorship Program

2024 Handbook

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

INTRODUCTION

The Judicial Inclusion Mentorship Program is brought to you by the Utah Courts Office of Fairness and Accountability. The mission of the Office of Fairness and Accountability is to identify and remove racism and any other form of bias from the Utah Courts. The office serves its mission by striving to increase the diversity of the Utah bench to reflect the diverse communities of Utah. The Judicial Inclusion Mentorship Program is for current law students from historically underrepresented backgrounds, attending a Utah law school, with a demonstrated interest in access to justice and commitment to diversifying Utah's legal profession. Historically ~~marginalized-underrepresented~~ groups include Black, Indigenous, and People of Color (BIPOC), people with disabilities, veterans, LGBTQIA+ individuals, socioeconomic disadvantage, single parents, non-traditional students, first-generation college students, refugees, and immigrants.

The Judicial Inclusion Mentorship Program matches current law students from historically underrepresented backgrounds with a member of Utah's judiciary.

The Judicial Inclusion Mentorship Program's goals are:

- To expose law students from historically underrepresented backgrounds to the diverse spectrum of work that judges do.
- To support mentees to forge a professional relationship with a judge, who can offer insight about the practice of law in Utah.
- To start the pathway to a career on the bench for law students from historically underrepresented backgrounds.

The success of this program is wholly dependent on the commitment of both the mentor and the mentee. We are confident that those involved will benefit from their mentorship relationship. We also hope this program will foster a desire on the part of mentees to become a Utah judge.

ACKNOWLEDGEMENTS

This handbook is modeled on the Utah Center for Legal Inclusion Program Manual, California Judicial Branch Judicial Officer Mentorship Program Sample Materials, Oregon Judicial Department and Oregon State Bar Judicial Mentorship Program, and the Contra Costa County Bar Association Judicial Mentoring Program Handbook.

TIMELINE

December 2023 - January 2024: Application is live and students apply to participate in program

- Application deadline is Wednesday, January 31st at 11:59 pm

February 2024: Match mentors and mentees, and notify mentors and mentees

February 2024 – May 2024: Mentoring partnerships hold initial meeting and begin relationship. Meetings held twice per semester; times determined by each partnership.

Note: Mentors and mentees are more than welcome and encouraged to meet more than twice a semester.

FREQUENTLY ASKED QUESTIONS

1. How do I become a mentor or a mentee?
 - a. Mentor: You can become a mentor by filling out the respective [Judicial Mentor Application Form](#). Once the mentee applications are received and reviewed, you will be matched with a mentee.
 - b. Mentee: You can become a mentee by filling out the respective Judicial Inclusion Mentorship Program Application Form. No additional documents are to be included. Mentee applications are available online at: <https://tinyurl.com/UtahJudicialApplication>. Once your application is received and reviewed, you will be matched with a mentor.
2. Are there any special requirements for mentees or mentors?
 - a. Mentor: No. However, all mentors may not be assigned mentees, because assignments will depend on a variety of factors including the number of mentee applicants. The mentor must be willing to meet with their mentee at least twice during the semester, and it is expected that mentors will be motivated by a commitment to increasing the diversity of Utah's legal profession.
 - b. Mentee: The number of judicial mentorships is limited, and we want to make them available to students who could most benefit from the experience. The program is geared towards members of historically underrepresented groups in Utah's legal profession, which include Black, Indigenous, and People of Color (BIPOC), people with disabilities, veterans, LGBTQIA+ individuals, socioeconomic disadvantage, single parents, non-traditional students, first-generation college students, refugees, and immigrants.

3. What is the time commitment of the mentorship program?
 - a. Mentor: Mentors must commit to meet with their mentees, at a minimum, twice during the semester. The mentor and mentee may choose to meet more or less often, based on their personal preferences.
 - b. Mentee: Mentees must commit to meet with their mentors, at a minimum, twice during the semester. The mentor and mentee may choose to meet more or less often, based on their personal preferences.
4. How long does the program last?
 - a. The program in its entirety will last through May 2024. We anticipate and hope, however, that mentorship relationships will last for many years to come.
5. Who are the mentors?
 - a. Mentors are Utah judges and court commissioners.
6. Who are the mentees?
 - a. Mentees are current law students at the University of Utah's S.J. Quinney College of Law and Brigham Young University's J. Reuben Clark Law School.
7. What if problems arise in the mentoring relationship?
 - a. If problems arise in the mentoring relationship, please contact the Public Outreach Coordinator, Katsí Peña at katsip@utcourts.gov.

MENTOR GUIDELINES

Basic Mentoring Concepts

Teaching: The mentor should share with the mentee the specific skills and knowledge necessary for successful job performance on the bench. The method of instruction can be formal or informal, direct or subtle.

Guiding: The mentor should orient the mentee to the “unwritten rules” and traditions of the judicial profession.

Validating: The mentor should evaluate, possibly modify, and finally endorse the mentee’s goals and aspirations. Validating involves helping mentees believe in their goals.

Communicating: The mentor must establish open lines of communication through which topics can be discussed clearly and effectively.

Committing Time: Mentoring requires a certain time commitment, and the mentor should be prepared for that. At a minimum, the mentor must commit to meet with the mentee at least twice during the semester.

What To Do

Introduction: It is your responsibility to make initial contact with your mentee. Remember, it can be a bit intimidating for some law students to initiate contact. When you are paired with your mentee, be sure to reach out to your mentee and set up your first meeting. Be sure to discuss the time you are able to commit to the mentorship relationship.

Discussion: Mentors should help the mentee gain a general understanding about applying for a position on the bench, what serving on the bench looks like, some of the challenges/obstacles a mentee may face, the most important skills needed to serve on the bench, the value of reputations, the importance of ethics and professionalism, situational advice about how to be successful, how judges interact with lawyers, court staff, clients, etc., how judges balance public service and living a private life, how the judicial branch functions, and how judges remain impartial.

Experiences: Share your experiences and career story before and after becoming a judge.

Professionalism: The role of the mentor is a professional one. Encourage open communication with your mentee, but remember that a mentor is a resource, not necessarily a friend.

Confidentiality: Discussions between mentors and mentees should remain confidential. This ground rule will ensure that mentees feel comfortable candidly discussing various aspects of and issues related to applying for a judgeship.

Remember:

- You have a wealth of information to share. Think back to what helped you most along your career path, judgeship, and in law school. Share lessons you learned, strategies for success, and things you wish you would have done.
- There is so much that lawyers do not learn in law school. Share practical tips you have learned along the way that will help your mentee acquire skills to be a better professional and judge.
- Listen to your mentee's questions. Work to foster a learning environment where the mentee feels comfortable asking questions.
- Introduce your mentee to lawyers, judges, and others in the legal community. It is your professional network that will be instrumental in providing another type of learning opportunity to your mentee.

INITIAL MEETING SUGGESTIONS (MENTOR)

- Get to know your mentee:
 - Learn what you can about your mentee prior to the initial meeting.
- Briefly share your career story and background
- Discuss your mentee's goals/needs
- Set expectations and boundaries:
 - Agree on general time expectations, preferred communication, etc. Be available for unexpected challenges that your mentees face.

SUGGESTED DISCUSSION TOPICS/ACTIVITIES (MENTOR)

- Tell your career story – share the highs and lows of your career path.
- Share what to know about judges, court personnel, the Utah judicial system, courtroom procedure, your most memorable court experiences, etc.
- Talk about your typical work day:
 - General description of your daily activities.
 - Major tasks, subtasks, specific responsibilities.
 - How your assignment fits into the court structure.
 - What kind of cases you handle and how your schedule is set up.
 - What you like most and least about being a judge.

- Discuss courtroom expectations and etiquette. Consider court proceedings where your mentee may be invited to observe and discuss afterward.
- Talk about your background and how you got to where you are now:
 - Other jobs you have held, skills you developed from them, their relationship to being a good judge (e.g., professional networking skills).
 - Skills you needed to learn after you were appointed and how you acquired them.
 - Your recommendations for acquiring these skills and suggestions you would give someone who wants to be a judge.
 - Obstacles or barriers you had to overcome to get where you are now.
 - Attitudes and values that are important to you and how they are reflected in your judging and administrative responsibilities.
 - Share about getting involved in your community, why it is important, and how it can be beneficial for both the community and local legal profession.

CONTACT US

Our goal is to make this a meaningful experience for both mentees and mentors. We are interested in your experience, your feedback and your suggestions. Throughout the course of this program, you will be receiving personal outreach for your thoughts. If you have any questions as you proceed through the next year in this mentorship program, please contact:

Katsí Peña (She/Her/Ella)

Public Outreach and Education Coordinator

(801) 578-3860

katsip@utcourts.gov

Judicial Inclusion Mentorship Program

Student Application 2024

The Judicial Inclusion Mentorship Program is brought to you by the Utah Courts Office of Fairness and Accountability. The mission of the Office of Fairness and Accountability is to identify and remove racism and any other form of bias from the Utah Courts. The office serves its mission by striving to increase the diversity of the Utah bench to reflect the diverse communities of Utah. The Judicial Inclusion Mentorship Program is for current law students from historically underrepresented backgrounds, attending a Utah law school, with a demonstrated interest in access to justice and commitment to diversifying Utah's legal profession. Historically marginalized-underrepresented groups include Black, Indigenous, and People of Color (BIPOC), people with disabilities, veterans, LGBTQIA+ individuals, socioeconomic disadvantage, single parents, non-traditional students, first-generation college students, refugees, and immigrants.

The Judicial Inclusion Mentorship Program matches current law students from historically underrepresented backgrounds with a member of Utah's judiciary. If you wish to be assigned a Judicial Mentor, you must commit yourself to:

1. Filling out the student application
2. Participating in the program at least one full semester
3. Meeting with your mentor at least twice a semester (remote ok); and
4. Filling out an evaluation of the program at the end of the year.

If you are interested in being matched with a Judicial Mentor for the upcoming semester, please fill out the application no later than Friday, Feb 16th @ 11:59pm.

We expect to match by mid-February and continue to program until May 2024.

Disclaimer: All questions asked in the application are for matching purposes only. Your answers, but not your name or address, may be disclosed to someone who files a formal request to see the applications for this program. The Office of Fairness and Accountability may use de-identified, aggregate data gathered from the applications for study or outreach efforts, but your name, contact information, and demographic information will remain confidential and will not be included in any reports or publications.

If you have any questions or concerns, please reach out to:

Katsí Peña (She/Her/Ella)
Public Outreach and Education Coordinator
(801) 578-3860
katsip@utcourts.gov

* Indicates required question

1. Email *

2. Email Address *

3. First Name *

4. Last Name *

5. Phone Number *

6. Law School *

Mark only one oval.

☐ Brigham Young University J. Reuben Clark Law School

☐ University of Utah S.J. Quinney College of Law

7. Year *

Mark only one oval.

☐ 1L

☐ 2L

☐ 3L

☐ LLM

☐ Other: _____

8. Undergraduate School *

9. Undergraduate Degree/Major *

10. Have you previously participated, or are you currently involved in a law related mentoring program? (UCLI, attorney mentorship through law school, etc.) *

Mark only one oval.

☐ Yes

☐ No

11. If you have previously participated, or are currently involved in a law related mentoring program (UCLI, attorney mentorship through law school, etc.), please describe. *

If you have NOT previously participated, or are NOT currently involved in a law related mentoring program (UCLI, attorney mentorship through law school, etc.), please type N/A.

12. Have you considered the bench a possible career option? *

Mark only one oval.

☐ Yes

☐ No

13. Please tell us something about your background and why you feel you could benefit from having a judicial mentor. *

The number of judicial mentorships is limited, and we want to make them available to students who could most benefit from the experience. The program is geared towards members of historically underrepresented groups in Utah's legal profession, which include Black, Indigenous, and People of Color (BIPOC), people with disabilities, veterans, LGBTQIA+ individuals, socioeconomic disadvantage, single parents, non-traditional students, first-generation college students, refugees, and immigrants.

14. Do you have access to transportation that would make it possible for you to travel *
to meet your mentor?

We try to match students with mentors locally. In order to create the best possible matches, and as many matches as possible, we often need to pair students with judges in other counties.

Mark only one oval.

☐ Yes

☐ No

15. If there is another area of law that interests you, please specify.

Mentee Demographic Information

Please note that this information is gathered to facilitate the matching process and to assist the Office of Fairness and Accountability in strengthening its outreach efforts. Your responses to these questions will not affect your consideration for the Judicial Inclusion Mentorship Program. The Office of Fairness and Accountability may use de-identified, aggregate data gathered from this section for study or outreach efforts, but your name, contact information, and demographic information will remain confidential and will not be included in any reports or publications.

16. City of Residence While in Law School *

17. Gender Identity (check all that apply)

Check all that apply.

- ☐ Female
- ☐ Gender non-binary
- ☐ Male
- ☐ Transgender female
- ☐ Transgender male
- ☐ Other: _____

18. Race/Ethnicity (check all that apply)

Check all that apply.

- ☐ American Indian or Alaska Native
- ☐ Asian (Central/East/South/Southeast)
- ☐ Black or African American
- ☐ Hispanic, Latino/a/x, or Spanish Origin
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White

19. Another race or ethnicity not listed above:

20. Do you have a disability (physical, mental, or learning) that substantially limits one or more major life activities?

Mark only one oval.

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

21. Are you the first person in your family to attend college? *

Mark only one oval.

☐ Yes

☐ No

☐ Prefer not to say

22. Please specify your pronouns (Ex. "she, her, hers", "he, him, his", "they, them, their") *

23. Have you served or are you now serving in the United States military? *

Mark only one oval.

☐ Yes

☐ No

☐ Prefer not to say

Additional Information & Certification

24. How did you hear about the Judicial Mentorship Program?

25. Is there anything else you would like us to know?

26. I understand that this is a professional program and I agree to conduct myself in a professional manner during all interactions with my mentor. I understand that many court records, proceedings, and court-related discussions are sensitive, confidential, and protected by law and court rules. I agree to comply with those laws and court rules, and to abide by the same policies and ethical standards required of court employees while engaged in this program. I will continue to abide by any applicable policies, laws, ~~and~~ and ethical standards following the end of my participation in this program. I agree to make reasonable efforts to communicate and meet with my mentor. I agree that, if I am unable to meet with my mentor during a scheduled time or need to cancel a meeting, I will notify my mentor as soon as possible. I agree to contact the program if I cannot or will not continue with the program. I commit to developing a professional learning relationship with my mentor. I understand that a violation of any rules, laws, policies, or standards may result in immediate dismissal from the program for the remainder of my law school career. I hereby certify that the information I have included in this form is true and correct to the best of my knowledge. I understand that any public information included in this application may be subject to release in response to a ~~GRAMA or~~ court records request.

Check all that apply.

☐ I have read and agree with the above statement.

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Google Forms

TAB 4

CJA 4-403. Electronic signature and signature stamp use

Notes: At its March 1st meeting, PP&T reviewed a draft of rule 4-403 submitted by Meredith Mannebach (changes proposed by the district, juvenile, and justice court boards of judges). Because the proposed amendments would grant judges and commissioners more discretion than what is currently authorized under the rule, PP&T determined that the underlying question of discretion is a policy decision that must be made by the Judicial Council, but before it goes to the Council, PP&T asked Ms. Williams to draft various options with differing levels of discretion and seek feedback from each board.

I presented three options to the boards and asked them to vote on their 1st and 2nd choice. All three options are included in the packet. The boards voted as follows:

- Board of district court judges:
 - Option 3
 - Option 1
- Board of justice court judges:
 - Option 3
 - Option 2
- Board of juvenile court judges:
 - Option 1
 - Option 3

Rule 4-403. Electronic signature and signature stamp use.

Intent:

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule shall apply to all trial courts of record and not of record.

Statement of the Rule:

(1) Approval by document type. A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following document types:

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);

(1)(E) orders to show cause and orders to appear/attend under URCP 7A(c)(4) and URCP 7B(c)(4);

(1)(F) orders to take into custody;

(1)(G) summons;

(1)(H) supplemental procedure orders;

(1)(I) orders setting dates for hearing and for notice;

(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;

(1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; ~~and~~

(1)(L) orders appointing a court visitor;

(1)(M) orders to Continue Appearances;

(1)(N) orders appointing counsel in juvenile cases;

(1)(O) findings and order appointing Guardian Ad Litem (GAL);

(1)(P) minutes and orders that are reflective of an order that is made on the record;

(1)(Q) orders of intervention by the Office of Recovery Services in Domestic Cases; and

(1)(R) orders approving traffic Plea in Abeyance.

~~(2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the~~

Commented [KW1]: I recommend that the list be limited to document types that involve form language which does not change.

If there is some possibility that the order could involve findings specific to a particular case, the document should be reviewed by a judicial officer before it is signed by a clerk. If no judicial officer is reviewing the document, how are we ensuring that the clerk accurately captured the judicial officer's findings in that specific case or hearing?

Another option might be to limit discretion on certain document types or under certain circumstances. For example, create a standard form order for the appointment of counsel. The form would include findings judges make 99% of the time. If the findings in a particular case are different, the judge must review the document before clerks can use an electronic signature or signature stamp on that document. I don't like this option because it may put a lot of pressure on JAs to remember which documents need to be reviewed and which don't. Seems contrary to the desire for clarity and efficiency.

(OPTION 1 – No discretion. Limited to list in the rule)

~~document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.~~

~~(23)~~ **Automatic.** The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council;

~~(23)~~(A) a domestic relations injunction issued under URCP 109;

~~(23)~~(B) an automatic expungement order issued under Utah Code; and

~~(23)~~(C) automated orders related to deferred traffic prosecution cases under Utah Code § 77-2-4.2.

~~(34)~~ **Approval on a document-by-document basis.** All ~~other~~ documents ~~not covered under paragraphs (1) or (2) that require~~ the judge's or commissioner's signature shall be personally signed by the judge or commissioner, unless the judge or commissioner, on a document-by-document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The judge or commissioner shall review the document prior to granting such authorization.

~~(4)~~ **Documentation in the case.** Authorization granted under paragraph (3) shall be in writing and documented in the case. Authorization granted under paragraph (1) does not need to be documented in the case.

~~(5)~~ **Clerk signature.** When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp under this rule, On such documents, the clerk shall indicate in writing that the electronic signature or signature stamp was used at the direction of the judge or commissioner and shall sign his or her name directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

Effective: ~~October-May 1, 2024~~

Rule 4-403. Electronic signature and signature stamp use.

Intent:

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule shall apply to all trial courts of record and not of record.

Statement of the Rule:

(1) Approval by document type.

(1)(A) **Trial courts of record.** The presiding judge of a juvenile or district court may, by standing order, authorize clerks to use the electronic signature or signature stamp of a judge or commissioner in the district, in lieu of obtaining the judge's or commissioner's signature, on certain document types. The standing order shall list each approved document type.

(1)(A)(i) **Unanimous vote.** The presiding judge may only grant such authority by a unanimous vote of all judges in the district and such vote must be documented in writing.

(1)(A)(ii) **Retention.** Standing orders and documentation of the unanimous vote shall be maintained in accordance with the Utah State Courts Records Retention Schedule.

(1)(B) **Trial courts not of record.** In courts not of record, a clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following certain document types. Judges may grant such approval by standing order, listing each approved document type.:

(1)(B)(i) **Presiding judge approval.** All document types in the standing order must be pre-approved, in writing, by the presiding judge of the district.

(1)(B)(ii) **Retention.** Standing orders and documentation of the presiding judge's approval shall be maintained in accordance with the Utah State Courts Records Retention Schedule.

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);

(1)(E) orders to show cause and orders to appear/attend under URCP 7A(c)(4) and URCP 7B(c)(4);

(1)(F) orders to take into custody;

(1)(G) summons;

Commented [KW1]: I recommend that approved lists be limited to document types that involve form language which does not change.

If there is some possibility that the order could involve findings specific to a particular case, the document should be reviewed by a judicial officer before it is signed by a clerk. If no judicial officer is reviewing the document, how are we ensuring that the clerk accurately captured the judicial officer's findings in that specific case or hearing?

Another option might be to limit discretion on certain document types or under certain circumstances. For example, create a standard form order for the appointment of counsel. The form would include findings judges make 99% of the time. If the findings in a particular case are different, the judge must review the document before clerks can use an electronic signature or signature stamp on that document. I don't like this option because it may put a lot of pressure on JAs to remember which documents need to be reviewed and which don't. Seems contrary to the desire for clarity and efficiency.

Commented [KW2]: If a judge disagrees with some or all of the document types in the standing order, should a PJ have the authority to override that judge's wishes? Probably not. It is the judge's order and the judge's signature. With the unanimous vote provision, standing orders may only contain document types that every judge agrees on.

What happens if the bench can't get a unanimous vote on a list? Can individual judges "opt out" and create their own standing orders for their court?

I think allowing each judge to create their own list would be unworkable from a practical perspective, particularly in larger districts. How are clerks supposed to keep track? Who's keeping all of the necessary documentation? Audits would probably be a nightmare as well.

Another option [Option 3] is to keep the list in paragraph (1), but add a provision granting districts the authority to approve additional document types via a standing order. If districts can't get a unanimous vote on a standing order, they at least have the list in (1) to fall back on.

~~(1)(H) supplemental procedure orders;~~

~~(1)(I) orders setting dates for hearing and for notice;~~

~~(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;~~

~~(1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and~~

~~(1)(L) orders appointing a court visitor. (2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.~~

~~(23)~~ **Automatic.** The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council;

~~(23)~~(A) a domestic relations injunction issued under URCP 109;

~~(23)~~(B) an automatic expungement order issued under Utah Code; and

~~(23)~~(C) automated orders related to deferred traffic prosecution cases under Utah Code § 77-2-4.2.

~~(34)~~ **Approval on a document-by-document basis.** All ~~other~~ documents requiring ~~at the~~ judge's or commissioner's signature ~~not covered in a standing order issued in accordance with paragraphs (1)(A) or (1)(B), or authorized in accordance with paragraph (2).~~ shall be personally signed by the judge or commissioner, unless the judge or commissioner, on a document-by-document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The judge or commissioner shall review the document prior to granting such authorization.

~~(4)~~ **Documentation in the case.** Authorization granted under paragraph (3) shall be in writing and documented in the case. ~~Standing orders issued under paragraph (1)(A) or (1)(B) do not need to be documented in the case. On such documents, the clerk shall indicate in writing that the electronic signature or signature stamp was used at the direction of the judge or commissioner.~~

~~(5)~~ **Clerk signatures.** When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp under this rule, ~~and the clerk~~ shall sign his or her name directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

Effective: ~~October-May~~ 1, 202~~4~~2

Rule 4-403. Electronic signature and signature stamp use.

Intent:

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule shall apply to all trial courts of record and not of record.

Statement of the Rule:

(1) Approved document types. A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following document types:

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);

(1)(E) orders to show cause and orders to appear/attend under URCP 7A(c)(4) and URCP 7B(c)(4);

(1)(F) orders to take into custody;

(1)(G) summons;

(1)(H) supplemental procedure orders;

(1)(I) orders setting dates for hearing and for notice;

(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;

(1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; ~~and~~

(1)(L) orders appointing a court visitor;

(1)(M) orders to Continue Appearances;

(1)(N) orders appointing counsel in juvenile cases;

(1)(O) findings and order appointing Guardian Ad Litem (GAL);

(1)(P) minutes and orders that are reflective of an order that is made on the record;

(1)(Q) orders of intervention by the Office of Recovery Services in Domestic Cases; and

(1)(R) orders approving traffic Plea in Abeyance.

~~(2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the~~

Commented [KW1]: I recommend that approved lists be limited to document types that involve form language which does not change.

If there is some possibility that the order could involve findings specific to a particular case, the document should be reviewed by a judicial officer before it is signed by a clerk. If no judicial officer is reviewing the document, how are we ensuring that the clerk accurately captured the judicial officer's findings in that specific case or hearing?

Another option might be to limit discretion on certain document types or under certain circumstances. For example, create a standard form order for the appointment of counsel. The form would include findings judges make 99% of the time. If the findings in a particular case are different, the judge must review the document before clerks can use an electronic signature or signature stamp on that document. I don't like this option because it may put a lot of pressure on JAs to remember which documents need to be reviewed and which don't. Seems contrary to the desire for clarity and efficiency.

~~document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.~~

(2) Approval of additional document types.

(2)(A) Trial courts of record. The presiding judge of a juvenile or district court may, by standing order, authorize clerks to use the electronic signature or signature stamp of a judge or commissioner in the district, in lieu of obtaining the judge's or commissioner's signature, on additional document types not listed in paragraph (1). The standing order shall list each approved document type.

(2)(A)(i) Unanimous vote. The presiding judge may only grant such authority by a unanimous vote of all judges in the district and such vote must be documented in writing.

(2)(A)(ii) Retention. Standing orders and documentation of the unanimous vote shall be maintained in accordance with the Utah State Courts Records Retention Schedule.

(2)(B) Trial courts not of record. In courts not of record, a clerk may, with the prior approval of the judge, use an electronic signature or signature stamp in lieu of obtaining the judge's signature on additional document types not listed in paragraph (1). Judges may grant such approval by standing order, listing each approved document type.:

(2)(B)(i) Presiding judge approval. All document types in the standing order must be pre-approved, in writing, by the presiding judge of the district.

(2)(B)(ii) Retention. Standing orders and documentation of the presiding judge's approval shall be maintained in accordance with the Utah State Courts Records Retention Schedule.

(3) Automatic. The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council;

(3)(A) a domestic relations injunction issued under URCP 109;

(3)(B) an automatic expungement order issued under Utah Code; and

(3)(C) automated orders related to deferred traffic prosecution cases under Utah Code § 77-2-4.2.

(4) Approval on a document-by-document basis. All ~~other~~ documents not covered under paragraphs (1), (2), or (3) that requiring at the judge's or commissioner's signature shall be personally signed by the judge or commissioner, unless the judge or commissioner, on a document-by-document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The judge or commissioner shall review the document prior to granting such authorization.

(5) Documentation in the case. Authorization granted under paragraph (4) shall be in writing and documented in the case. Authorization granted under paragraphs (1), (2), or (3) does not need to be documented in the case.

(6) Clerk signature. When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp under this rule, On such documents, the clerk shall indicate in writing that the electronic signature or signature stamp was used at the direction of the judge or

Commented [KW2]: With this option, districts can approve additional document types not listed in (1) by unanimous vote. If they can't get a unanimous vote, they have the list in (1) to fall back on.

CJA 4-403

DRAFT: 4/1/24

(OPTION 3 – List in the rule with discretion to add per district)

- | 79 ~~commissioner and shall~~ sign his or her name directly beneath the electronic signature or
- 80 stamped imprint of the judge's or commissioner's signature.
- | 81 Effective: ~~October~~May 1, 202~~4~~2