

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

Webex video conferencing
May 17, 2024 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Neira Siaperas
Nick Stiles
Paul Barron
Jon Puente
Lauren Anderson
Jessica Leavitt
Keri Sargent

STAFF:

Keisa Williams
Brody Arishita

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the April 5, 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:

- Language Access Rules (*approved on an expedited basis, 2/27/24 effective date*)
 - **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
 - **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**

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 interpreters 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 or 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 to ensure judges have the ability to appoint court employees (not hired as interpreters) for limited purposes, such as rescheduling a hearing when an interpreter is not available.

Following a discussion, the committee determined that the language in (2)(C) is unnecessary because judges may appoint an employee for such limited purposes under (1)(C) by making certain findings on the record, to include: 1) the individual has the skills necessary to interpret, 2) the appointment would not present a conflict or appearance of bias, 3) a certified, approved, or registered interpreter is not reasonably available, and 4) the gravity of the legal proceeding and potential consequences are so minor that delays are not justified.

Because the language access rules were approved on an expedited basis, no further action is necessary. Judge Chiara will discuss the committee's decision regarding the language in (2)(C) during his PP&T report at the beginning of the next Council meeting.

Judge Bazzelle moved to recommend to the Judicial Council that the amendments to CJA rule 6-304 be adopted as final with a November 1, 2024 effective date, and the senior judge rules listed above be adopted as final with the same effective date as the two associated Supreme Court rules (11-201 and 11-203). Judge Carpenter seconded the motion. The motion passed unanimously.

(3) CJA 3-419. Office of Fairness and Accountability

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

Jon Puente noted that the Committee on Fairness and Accountability (Committee) does not recommend making amendments to rule 3-419 or 3-420. However, if PP&T or the Council determine that amendments are necessary, the Committee recommended one minor amendment to rule 3-419. Ms. Williams added section headings to rules 3-419 and 3-420 to make the formatting consistent throughout the CJA. In rule 3-419, Mr. Puente proposed updating the title of the Data and Research Department in line 56 and removing the communication and information program in line 99, as that is now a separate department. Ms. Williams proposed a few minor amendments to the Judicial Inclusion Mentorship Program materials to keep the language consistent with the proposed amendments in rule 3-419.

Following discussion, PP&T took no action.

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

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. Ms. Williams

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

PP&T discussed each option and deemed Option 2 unnecessary because it could be incorporated into Option 3. In Option 3, PP&T deleted the unanimous vote provision in (2)(A)(i) and amended paragraph (2)(A) to account for the concern that a Presiding Judge could override an individual judge's preference.

Paragraph (2)(A) in Option 3 now reads as follows:

*(2)(A) **Trial courts of record.** In a court of record, a judge or commissioner may authorize a clerk to use the electronic signature or signature stamp of the judge or commissioner, in lieu of obtaining the judge's or commissioner's signature, on document types listed in paragraph (1) and document types authorized by a standing order issued by the presiding judge of that district.*

*(2)(A)(i) **Standing order.** 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 document types not listed in paragraph (1).*

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

The proposed document types in paragraph (1) of Option 3 were deleted because individual districts could add those document types to their local orders, but because the Council retains discretion in Option 1, the boards' proposed edits to paragraph (1) in Option 1 remain.

PP&T ask Ms. Williams to draft a memo to the Council outlining Options 1 and 3 for the Council's June meeting. The Council could decide to send one or both rules out for public comment, send them back to PP&T for further review, or take no action.

Technology report/proposals:

- Court Employee Device Standard Policy
- Technology Emergency Response Plan

The Management Committee approved the Court Employee Device Standard Policy and the Technology Emergency Response Plan with a May 14th effective date. The Technology Advisory Subcommittee (TAC) meets in July to discuss the strategic plan. Mr. Arishita will report back.

Old Business/New Business:

Due to scheduling conflicts, the June PP&T meeting was moved to June 14th from 12-1:30pm.

Judge Gardner talked with Judge Mettler about the manner of appearance rule. Notice provisions were removed from the procedural rules and should be included in CJA 4-101. Ms. Williams will add CJA 4-101 to PP&T's June agenda.

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.