

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

October 4, 2024 – 12:00 p.m. to 2:00 p.m.

**Webex**

12:00	Welcome new members and approval of minutes	Action	Tab 1	Judge Gardner
	Elect new Chair	Action		Judge Gardner
	<b>CJA 4-202.07.</b> Appeals		Tab 2	Bryson King
	<b>CJA 1-205.</b> Standing and ad hoc committees	Action	Tab 3	Keisa Williams
	<b>CJA 4-401.</b> Proceedings conducted by remote transmission (NEW)	Action	Tab 4	Keisa Williams
1:00	Technology report/proposals	Discussion		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

**2024 Meetings:**

November 1, 2024

December 6, 2024

**2025 Meetings:**

January 3, 2025

February 7, 2025

March 7, 2025

April 4, 2025

May 2, 2025

June 6, 2025

July 11, 2025

August 1, 2025

September 5, 2025

October 3, 2025

November 7, 2025

December 5, 2025

# TAB 1

## Minutes

September 5, 2024

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

**DRAFT**

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

**MEMBERS:**

**PRESENT**

**EXCUSED**

Judge Samuel Chiara, <i>Chair</i>	✓	
Vacant		
Judge Jon Carpenter	✓	
Judge Michael DiReda	✓	
Judge James Gardner	✓	

**GUESTS:**

Daniel Meza Rincon  
Keri Sargent  
Jim Peters  
Bart Olsen  
Jeremy Marsh  
Paul Barron  
Tucker Samuelson  
Kim Zimmerman  
Shannon Treseder

**STAFF:**

Keisa Williams  
Brody Arishita  
Cindy Schut

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

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

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

**CJA 1-205. Standing and ad hoc committees**  
**CJA 2-102. Council agenda**  
**CJA 3-422. Tribal Liaison Committee (NEW)**  
**CJA 3-501. Insurance benefits upon retirement**  
**CJA 4-202.08. Fees for records, information, and services**

The public comment period on the above rules has closed. No public comments were received. Rules 1-205, 2-102, 3-422, 3-501 are ready to send to the Judicial Council with a recommendation that they be approved as final.

Daniel Meza Rincon and Keri Sargent reviewed additional proposed amendments to rule 4-202.08 as provided in the detailed memo included in the meeting materials. In summary, the word “minimal” has been applied differently across the state and there is a need for consistency. The Budget and Fiscal Management Committee recommended that “minimal” in CJA 4-202.08(10)(A)(i) be defined as anything

\$10 or less, and to further amend rule 4-202.08 to ensure the fee for copies of audio records shared via the FTR cloud can be reduced.

The committee discussed what would qualify as “minimal” for purposes of audio records and whether there should be a cap on the number of transactions that qualify for a fee waiver. The committee asked where the money from the fees currently go and whether the revenue received could be used to pay for licensing, software, or increased usability.

Tucker Samuelson noted that the proposed amendments could affect Data and Research because the rule as drafted would include requests for data. Currently, the Data and Research Department provides data services for several government agencies and does not charge for personnel time. Given the rates for employees in the data department, even 15 minutes of personnel time would be more than the \$10 “minimal” limit.

Following further discussion, the committee agreed that it makes sense to define “minimal” so that it is uniform across the state. The overarching policy question regarding the \$10 limit is on the Judicial Council’s September 11, 2024 agenda. Depending on what the Council decides, a rule draft could be presented to PP&T in October.

***Judge DiReda moved to recommend to the Judicial Council that the amendments to CJA rules 1-205, 2-102, 3-422, and 3-501 be adopted as final with a November 1, 2024 effective date. Judge Gardner seconded the motion. The motion passed unanimously. Following further discussion, PP&T took no action on CJA rule 4-202.08 at this time.***

### **(3) CJA 3-302. Clerk of the court**

Keri Sargent and Shannon Treseder reviewed proposed amendments to CJA Rule 3-302. In summary, the Clerks of Court would like to update the rule to be more in line with current practice, to help court employees understand a Clerk of Court’s role, and to update language and other terms.

***Following discussion, Judge Gardner moved to send 3-302 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.***

### **(4) CJA 9-105. Justice court hours**

James Peters reviewed amendments proposed by the Board of Justice Court Judges. The proposed amendments would require justice courts to add operating hours to their websites, allow them to close for local holidays, and no longer require them to notify the AOC on a quarterly basis of changes to their operating hours.

The committee discussed concerns with the amendments. Under 78A-7-213(3), justice courts “shall be open and judicial business shall be transacted” 5 days per week or no less than four days per week for at least 11 hours per day. Local governing bodies can establish operating hours, provided they comply with the statute and the Code of Judicial Administration. Local holidays that do not align with state holidays could be recognized if the statutory requirements are met. Following further discussion, the committee recommended that the proposed amendments be sent back to the Board of Justice Court Judges with the committee’s concerns.

***PP&T took no action on CJA 9-101 at this time.***

**(5) CJA 3-303. Justice court clerks**

James Peters reviewed amendments proposed by the Board of Justice Court Judges. The proposed amendments would address the evolution of clerk certification, codify the Judicial Council's decision to remove CORIS access from those who aren't current with certification, and address training needs based on a clerk's role.

***Judge Carpenter moved to send to CJA 3-303 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge DiReda seconded the motion. The motion passed unanimously.***

**(6) CJA 4-401. Proceedings conducted by remote transmission. (NEW)**

This new rule memorializes the Management Committee's August 5<sup>th</sup> Administrative Order on the use of Webinars. Ms. Williams incorporated changes recommended by Judge Gardner prior to the meeting. Mr. Arishita noted that his team has been working with Cisco for feature requests, add-ons, and other fixes so that there will be fewer disruptions. He also noted that they are looking at software specifically for court operations, but cost may be a factor. The committee discussed whether a rule was needed.

***After further discussion, the committee decided to address the issue with the Judicial Council and asked Ms. Williams to send the rule draft to the Council solely to guide the Council's discussion, not for approval.***

**(7) Human Resources**

**HR04-13. Career Mobility and Career Service**

**HR06-7. Stipends**

**HR06-8. Retirement Benefits Clarification**

**HR07-8. Witness and Jury Leave**

**HR07-15. Family and Medical Leave "Moonlighting"**

**HR07-20. Sick Leave Bank**

**HR07-21. Parental and Postpartum Leave**

**HR07-23. Safe Leave**

**HR08-2. Telework Mileage**

**HR08-22. Out of State and Out of Country Working**

**HR09-8. Weapon Policy**

**HR09-15. Preferred and Legal Name**

**HR10-1. and HR06-6. Pay for Performance**

**HR11-3. Discretionary Factors (Discipline)**

**HR13. Volunteering**

**Terminology cleanup**

**Definitions and Policy. Transfer language.**

The Human Resources Policy Review Committee recommends approval of the proposed amendments to HR policies as provided in the detailed memo in the materials.

#### **HR04-13 Career Mobility and Career Service**

The proposed amendments remove outdated language to clarify that career mobility assignments are temporary in nature and will not lead to any previously unestablished career service status.

#### **HR06-7. Stipends**

The proposed amendments clarify that the Trial Court Executive has the authority to approve stipends, that employees must demonstrate an acceptable knowledge level, and complete a formal agreement. There is also a provision for when a stipend may be paused.

#### **HR06-8 Retirement Benefits Clarification**

The proposed amendments update language to point to the statutorily authorized entity for establishing eligibility requirements under the Utah State Retirement and Insurance Benefits Act (Title 49).

#### **HR07-8 Witness and Jury Leave**

The proposed amendments update policy language to clarify when an employee is eligible to receive a full day's pay for witness or jury leave.

#### **HR07-15 Family and Medical Leave "Moonlighting"**

The proposed amendments clarify that an employee on FMLA must adhere to the secondary employment requirements under HR09-10.

#### **HR07-20 Sick Leave Bank**

The proposed amendments establish the date an employee first uses sick leave bank hours as the beginning of the year in which up to 240 hours of sick leave bank may be used and equalizes the impact of the benefit between part-time and full-time employees.

#### **HR07-21. Parental and Postpartum Leave**

The proposed amendments create consistency between the current policy and HB75, a bill that recently passed in the General Legislative Session. The bill clarifies that an employee must be employed at the time of the qualifying event, specifies that the purpose of parental leave is for bonding, adds foster care as a qualifying event, and specifies that postpartum recovery leave is only available when the birth occurs at 20 weeks gestation or later.

#### **HR07-23. Safe Leave**

The proposed amendments come from SB174 which establishes a type of leave for state employees that must be granted to a victim of domestic violation and some other similarly situated employees who have exhausted all of their own accrued leave.

#### **HR08-2. Telework Mileage**

The State Division of Finance recently adjusted its policies and no longer prohibits mileage reimbursement for travel of less than 50 miles. The proposed amendment reflects this update and more precisely defines routine teleworking.

#### **HR08-22. Out of State and Out of Country Working**

The proposed amendments include TCEs in the line of approval for out-of-state work and support a more logical line of approval.

#### **HR09-8. Weapon Policy**

Amends Weapon and Court Security HR Policy to maintain consistency with Rule 3-414. Court Security

#### **HR09-15. Preferred and Legal Name**

Amends language allowing employees to use a preferred name and identifies circumstances when a legal name must be used.

#### **HR10-1. and HR06-6. Pay for Performance**

The proposed amendments formalize policies related to the legislature's allocation of funds specifically to the judiciary for implementing pay-for-performance increases. The extensive amendments to HR10 aims to ensure practices surrounding setting performance expectations and evaluating job performance enable the judiciary to provide accountability. The amendments to HR06 governing salary aim to clarify and provide reasonable consistency in the judiciary's pay for performance program.

#### **HR11-3. Discretionary Factors (Discipline)**

The proposed amendments clarify that when a manager considers an appropriate disciplinary action for cases of misconduct or poor performance, the manager should only consider similar cases under the current State Court Administrator's tenure.

#### **HR13. Volunteering**

The proposed amendments clarify that up to an hour of Administrative Leave per month, rather than an hour of work time, should be recorded on the employee's timesheet when voluntarily participating in Employee Resource Groups

#### **Terminology cleanup**

The proposed amendments replace "Rule" with "Policy" when used in reference to HR Policy for consistency and to avoid confusion.

### **Definitions and Policy. Transfer language.**

The proposed amendments define other state entities for purposes of procedures for employment transfers between the judiciary and other state entities. Also, a thorough review of the HR Policy was made to clarify whether each instance of the term “transfer” referred to an “external” or “internal” transfer.

The committee did not recommend additional amendments. As the HR policies are internal policies, they do not go out for public comment.

***With no further discussion, Judge DiReda moved to recommend to the Judicial Council that HR policies HR04-13, HR06-6, HR06-7, HR06-8, HR07-8, HR07-15, HR07-20, HR07-21, HR07-23, HR08-2, HR08-22, HR09-8, HR09-15, HR10-1, HR11-3, HR13, and certain terminology and definitions be approved as proposed. Judge Gardner seconded the motion. The motion passed unanimously.***

### **Technology report/proposals:**

The IT Strategic plan was approved at the last committee meeting. Mr. Arishita will present it to the Management Committee in October for final approval.

The Technology Advisory Group is researching cybersecurity awareness training. Staff recently attended a workshop on disaster recovery and cybersecurity. Mr. Arishita provided information on a statewide phishing campaign to increase cybersecurity knowledge across the State.

**Old Business/New Business:** None

**Adjourn:** With no further items for discussion, the meeting adjourned at 1:55 p.m. The next meeting will be held on October 4, 2024, at noon via Webex video conferencing.

# TAB 2

## **CJA 4-202.07. Appeals**

**Notes:** The proposed amendments are in response to a request from the Management Committee to clarify the records access appeals process. Once approved by PP&T, the draft would go to the Management Committee for consideration before being placed on the Council's consent calendar for public comment.

## Rule 4-202.07. Appeals

### Intent:

To establish the rights and procedures in an appeal of a record request.

### Applicability:

This rule applies to requests to access or to classify a court record other than a motion or petition under Rule 4-202.04.

### Statement of the Rule:

(1) Access – Extraordinary circumstances. A person requesting access to a court record may appeal a denial of the request, a claim of extraordinary circumstances, or the time claimed necessary to address the extraordinary circumstances. A person whose interests are protected by closure may appeal a decision to permit access to a court record.

(2) Classification. A person requesting that a court record be classified as private or protected may appeal a denial of the request. ~~A person whose interests are protected by closure may appeal a decision to permit access to a court record.~~

(3) Time for filing appeal. An appeal ~~must~~shall be made in writing within 30 days after the decision giving rise to the appeal, or within 30 days after a request is deemed denied under Rule 4-202.06(6). ~~A person described in this subsection may petition for judicial review as provided by statute.~~

### (4) Notice of appeal.

~~(43)~~(A) The notice of appeal ~~must~~shall contain the appellant's name, email address, mailing address, daytime telephone number, the relief sought, and a statement of facts, authority and argument in support of the appeal.

~~(42)~~(B) If the original request was to the custodian of the record, the appeal is to the state court administrator. If the original request was to the state court administrator, the appeal is to the Management Committee ~~of the Judicial Council.~~ The appeal of a decision by the state court administrator is to the Management Committee.

(4)(C) The notice of appeal must be delivered to the state court administrator, including appeals to the Management Committee.

~~(54)~~ State court administrator. An appeal to the state court administrator is deemed denied unless a decision on the appeal is mailed within 5 business days after receiving the appeal or within 15 business days after mailing notice under Rule 4-202.05(2)(B).

### (6) Management Committee.

(6)(A) Initial review. The Management Committee will review an appeal at its first meeting held no fewer than 15 business days, but not more than 45 business days, after receiving the appeal. After reviewing the appeal, the Management Committee will determine whether to issue a decision denying the appeal, schedule a hearing on the appeal, or take no action on the appeal, in which case the appeal is deemed denied. An appeal to the Management Committee is deemed denied unless a decision on the

39 appeal is mailed within 5 business days after ~~the first meeting of the~~ Management  
40 Committee's initial review ~~held more than 15 business days after receiving the appeal.~~

41 (6)(B) Notice of hearing. If the Management Committee determines to hold a hearing  
42 on the appeal, the state court administrator will:

43 (6)(B)(i) notify the Office of General Counsel no fewer than 15 business days  
44 before the hearing to submit a written statement of facts, authority and argument  
45 in opposition to the appeal and to appear before the Management Committee to  
46 present its argument. The Office of General Counsel shall submit its written  
47 statement of facts, authority and argument to the state court administrator and  
48 the Petitioner at least 7 business days before the meeting; and

49 (6)(B)(ii) notify the Petitioner no fewer than 15 business days before the hearing  
50 to appear before the Management Committee to present their argument.

51 (6)(C)(5) Hearing. ~~The state court administrator shall mail notice of the Management~~  
52 ~~Committee meeting to all participants at least 10 business days before the meeting. At~~  
53 ~~least 7 business days before the meeting, all participants shall mail to the state court~~  
54 ~~administrator and to the other participants a written statement of facts, authority and~~  
55 ~~argument in support of or opposition to the appeal.~~

56 (6)(C)(i) The Management Committee may permit any other person whose  
57 interests are substantially affected by a decision to participate. The order of  
58 presentation will be decided by the Management Committee.

59 (6)(C)(ii) Discovery is prohibited, but the Management Committee may compel  
60 the production of evidence. The Management Committee may review a record in  
61 a closed meeting.

62 (6)(C)(iii) The deliberations of the Management Committee are closed, but the  
63 balance of the hearing on the appeal is an open and public meeting of which  
64 notice will be given in accordance with Rule 2-103.

65  
66 ~~(6) The Management Committee shall allow the participants a reasonable opportunity to~~  
67 ~~present facts, authority and argument in support of or opposition to the appeal. The~~  
68 ~~order of presentation shall be decided by the Management Committee. The~~  
69 ~~Management Committee may review the record in a closed meeting. Discovery is~~  
70 ~~prohibited, but the Management Committee may compel the production of evidence.~~

71 (6)(D)(7) Decision. Following the hearing, the Management Committee will issue a  
72 written decision on the appeal. The state court administrator will~~shall~~ mail the decision  
73 ~~on an appeal~~ to all participants. The decision will~~shall~~:

74 (7)(A)(6)(D)(i) describe the record or portions of the record to which access is  
75 granted or denied in a manner that does not disclose information other than  
76 public information;

77 (7)(B)(6)(D)(ii) refer to the authority under which access to the record or portions  
78 of the record the request is being denied;

79 ~~(7)(G)(6)(D)(iii)~~ make findings and conclusions about specific records;  
80 ~~(7)(D)(6)(D)(iv)~~ identify and balance the interests favoring opening and closing  
81 the record; and, if the record is closed, determine there are no reasonable  
82 alternatives to closure sufficient to protect the interests favoring closure;  
83 ~~(7)(E)(6)(D)(v)~~ state that the requester may ~~appeal or~~ seek judicial review; and  
84 ~~(7)(F)(6)(D)(vi)~~ state the time limits for filing ~~an appeal or a~~ petition for judicial  
85 review, and the name and address of the person to whom the ~~appeal or~~ petition  
86 must be directed.

87 ~~(8)~~ **Time.** The time periods in this rule may be extended by mutual agreement. A document  
88 required to be sent by mail may be sent by email, fax or hand-delivery. The duties of the state  
89 court administrator may be delegated.

90  
91 **(8) Judicial review.** Nothing in this rule prevents an individual from filing a petition for judicial  
92 review as provided by statute.

93  
94 Effective: November 1, 2024

# TAB 3

## CJA 1-205. Standing and ad hoc committees

**Notes:** Some of the amendments were approved by PP&T for final approval at the last meeting and will be on the Council's October agenda. New changes are highlighted in yellow.

*(lines 182-193)* Changes to membership on the Judicial Outreach Committee.

*(lines 41, 280-314)* Eliminates the Committee on Pretrial Release and Supervision. The committee is staffed by Michael Drechsel and has been on hiatus since the end of 2021. Legislative interest in pretrial reform became very contentious at the end of 2020 and throughout 2021. The committee met during 2021 but wasn't doing much because the legislature was so active in the space. Around that time, a federal lawsuit was filed against several judges regarding issues related to pretrial reform and it seemed unwise to make statements on the subject while the lawsuit was pending. The Chair's term ended in 2021 and no member asked about reactivating the committee. At this time, all of the committee members' terms have expired and the Council has shifted its focus to other equally important topics. Mr. Drechsel feels the committee is no longer needed.

(1)(C): "... Standing committees shall report to the Council as necessary but a minimum of once every year ..."

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

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

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

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

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

**Applicability:**

This rule ~~shall~~ applies to the internal operation of the Council.

**Statement of the Rule:****(1) Standing Committees.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(A)(xiiiiv) Committee on Judicial Fairness and Accountability; ~~and~~

(1)(A)(xivxv) Working Interdisciplinary Network of Guardianship Stakeholders  
(WINGS); and

(1)(A)(xv) Tribal Liaison Committee.

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

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-302 and ~~shall~~will consist of:

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

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

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

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and ~~shall~~will consist of:

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

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

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

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

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

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

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 ~~shall~~will consist of:

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

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

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

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

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

(1)(B)(iii)(f) one state level administrator;

(1)(B)(iii)(g) the Human Resource Management Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resource Management Director and the adult educator ~~shall~~will serve as non-voting members. The state level administrator and the Human Resource Management Director ~~shall~~will serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and ~~shall~~will consist of:

(1)(B)(iv)(a) one judge from each level of trial court;

(1)(B)(iv)(b) one appellate court judge;

(1)(B)(iv)(c) the state court administrator;

(1)(B)(iv)(d) a trial court executive;

(1)(B)(iv)(e) two business people with experience in the construction or financing of facilities; and

(1)(B)(iv)(f) the court security director.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and ~~shall~~will consist of:

(1)(B)(v)(a) one Senator appointed by the President of the Senate;

(1)(B)(v)(b) the Director of the Department of Human Services or designee;

(1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;

(1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;

(1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;

(1)(B)(v)(f) one representative of a child advocacy organization;

(1)(B)(v)(g) the ADR Program Director or designee;

(1)(B)(v)(h) one professional in the area of child development;

(1)(B)(v)(i) one mental health professional;

(1)(B)(v)(j) one representative of the community;

(1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;

(1)(B)(v)(l) one court commissioner;

(1)(B)(v)(m) two district court judges; and

(1)(B)(v)(n) two juvenile court judges.

(1)(B)(v)(o) One of the district court judges and one of the juvenile court judges ~~shall~~will serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vi) The **Committee on Judicial Outreach** performs the duties described in rule 3-114 and ~~shall~~will consist of:

(1)(B)(vi)(a) one appellate court judge;

(1)(B)(vi)(b) one district court judge;

(1)(B)(vi)(c) one juvenile court judge;

(1)(B)(vi)(d) one justice court judge;

(1)(B)(vi)(e) one state level administrator;

(1)(B)(vi)(f) ~~a state level~~ one judicial education representative;

(1)(B)(vi)(g) one court executive;

(1)(B)(vi)(h) one Utah State Bar representative;

(1)(B)(vi)(i) one communication representative;

(1)(B)(vi)(j) one Law Librarian or law library representative;

(1)(B)(vi)(k) one civic community representative; ~~and~~

(1)(B)(vi)(l) one state education representative ~~and~~;

(1)(B)(vi)(m) General Counsel or representative.

(1)(B)(vi)(n) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee. The Law Librarian and General Counsel, or their respective representatives, will serve as permanent members of the committee.

(1)(B)(vii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and ~~shall~~ will consist of:

(1)(B)(vii)(a) two district court judges;

(1)(B)(vii)(b) one juvenile court judge;

(1)(B)(vii)(c) two justice court judges;

(1)(B)(vii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;

(1)(B)(vii)(e) one representative from a social services organization providing direct services to underserved communities;

(1)(B)(vii)(f) one representative from the Utah State Bar;

(1)(B)(vii)(g) two representatives from legal service organizations that serve low-income clients;

(1)(B)(vii)(h) one private attorney experienced in providing services to self-represented parties;

(1)(B)(vii)(i) two law school representatives;

(1)(B)(vii)(j) the state law librarian; and

(1)(B)(vii)(k) two community representatives.

(1)(B)(viii) The **Language Access Committee** performs the duties described in rule 3-306.02 and ~~shall~~will consist of:

(1)(B)(viii)(a) one district court judge;

(1)(B)(viii)(b) one juvenile court judge;

(1)(B)(viii)(c) one justice court judge;

(1)(B)(viii)(d) one trial court executive;

(1)(B)(viii)(e) one court clerk;

(1)(B)(viii)(f) one interpreter coordinator;

(1)(B)(viii)(g) one probation officer;

(1)(B)(viii)(h) one prosecuting attorney;

(1)(B)(viii)(i) one defense attorney;

(1)(B)(viii)(j) two certified interpreters;

(1)(B)(viii)(k) one approved interpreter;

(1)(B)(viii)(l) one expert in the field of linguistics; and

(1)(B)(viii)(m) one American Sign Language representative.

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

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

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

(1)(B)(x)(a) two district court judges;

(1)(B)(x)(b) four lawyers who primarily represent plaintiffs;

(1)(B)(x)(c) four lawyers who primarily represent defendants; and

(1)(B)(x)(d) one person skilled in linguistics or communication.

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

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

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

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

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

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

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

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

~~(1)(B)(xii)(b) two justice court judges;~~

~~(1)(B)(xii)(c) one prosecutor;~~

~~(1)(B)(xii)(d) one defense attorney;~~

~~(1)(B)(xii)(e) one county sheriff;~~

~~(1)(B)(xii)(f) one representative of counties;~~

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

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

~~(1)(B)(xii)(i) one commercial surety agent;~~

~~(1)(B)(xii)(j) one state senator;~~

~~(1)(B)(xii)(k) one state representative;~~

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

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

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

~~(1)(B)(xii)(o) one chief of police; and~~

~~(1)(B)(xii)(p) the court's general counsel or designee.~~

(1)(B)(xiii) The **Committee on Court Forms** performs the duties described in rule 3-117 and ~~shall~~will consist of:

(1)(B)(xiii)(a) two district court judges;

(1)(B)(xiii)(b) one court commissioner;

(1)(B)(xiii)(c) one juvenile court judge;

(1)(B)(xiii)(d) one justice court judge;

(1)(B)(xiii)(e) one court clerk;

(1)(B)(xiii)(f) one appellate court staff attorney;

(1)(B)(xiii)(g) one representative from the Self-Help Center;

(1)(B)(xiii)(h) the State Law Librarian;

(1)(B)(xiii)(i) the district court administrator or designee;

(1)(B)(xiii)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiii)(k) one paralegal;

(1)(B)(xiii)(l) one educator from a paralegal program or law school;

(1)(B)(xiii)(m) one person skilled in linguistics or communication;

(1)(B)(xiii)(n) one representative from the Utah State Bar; and

(1)(B)(xiii)(o) the LPP administrator.

(1)(B)(xiii) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee ~~shall~~will include members who demonstrate an interest in or who have experience with issues of diversity, equity, and inclusion and ~~shall~~will consist of:

(1)(B)(xiiiiv)(a) one district court judge;

(1)(B)(xiiiiv)(b) one juvenile court judge;

(1)(B)(xiiiiv)(c) one justice court judge;

(1)(B)(xiiiiv)(d) one appellate court judge;

(1)(B)(xiiiiv)(e) two former judges from any court level;

(1)(B)(xiiiiv)(f) the General Counsel or designee;

(1)(B)(xiiiiv)(g) one representative of the community;

(1)(B)(xiiiiv)(h) the Director of the Office of Fairness and Accountability;

(1)(B)(xiiiiv)(i) the Director of Data and Research or designee; and

(1)(B)(xiiiiv)(j) up to two additional qualified individuals.

(1)(B)(xiv) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and ~~shall~~will consist of:

(1)(B)(xiv)(a) **Judiciary** representatives:

(1)(B)(xiv)(a)(i) two or more district court judges;

(1)(B)(xiv)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;

(1)(B)(xiv)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP); ~~and~~

(1)(B)(xiv)(a)(iv) one representative from the Court Visitor Program; ~~and~~

~~(1)(B)(xv)(a)(v) the General Counsel or designee.~~

(1)(B)(xiv)(b) **Community stakeholder** representatives:

(1)(B)(xiv)(b)(i) one representative from Adult Protective Services;

(1)(B)(xiv)(b)(ii) one representative from Disability Law Center;

(1)(B)(xiv)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xiv)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xiv)(b)(v) one representative from the Utah State Bar;

(1)(B)(xiv)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xiv)(b)(vii) one representative from the Utah legislature;

(1)(B)(xiv)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xiv)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xiv)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xiv)(c) **Individual community** representatives. Three or more community stakeholders representing:

(1)(B)(xiv)(c)(i) mental health community;

(1)(B)(xiv)(c)(ii) medical community;

(1)(B)(xiv)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xiv)(c)(iv) aging-adult services community;

(1)(B)(xiv)(c)(v) educator from a legal program or law school;

(1)(B)(xiv)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xiv)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(xiv)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(B)(xv) The **Tribal Liaison Committee** performs the duties described in rule 3-422 and **will** consist of:

(1)(B)(xv)(a) one district court judge;

(1)(B)(xv)(b) one juvenile court judge;

(1)(B)(xv)(c) one justice court judge;

(1)(B)(xv)(d) one appellate court judge;

(1)(B)(xv)(e) one federal district court judge or magistrate;

(1)(B)(xv)(f) one tribal court judge;

(1)(B)(xv)(g) two representatives of Utah's Indian Tribes or affiliated community groups;

(1)(B)(xv)(h) the Tribal Liaison;

(1)(B)(xv)(i) one trial court executive;

(1)(B)(xv)(j) one clerk of court or designee;

(1)(B)(xv)(k) one representative from the Utah State Bar Indian Law Section;

(1)(B)(xv)(l) one representative from the United States Attorney's Office;

(1)(B)(xv)(m) one representative from the Indigent Defense Commission; and

(1)(B)(xv)(n) one representative from the Guardian ad Litem's Office.

(1)(C) **Standing committee chairs.** The Judicial Council ~~shall~~will designate the chair of each standing committee. Standing committees ~~shall~~will meet as necessary to accomplish their work. Standing committees ~~shall~~will report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, council members may not serve, participate or vote on standing

committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

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

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

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

(3) **General provisions.**

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

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

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

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

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

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

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

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

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

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

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

*Effective: ~~November~~June 1, 2024~~3~~*

# TAB 4

## **CJA 4-401. Proceedings conducted by remote transmission (NEW)**

**Notes:** At its last meeting, the Judicial Council determined that there should be a rule regarding the security of remote proceedings. The Council directed PP&T to remove references to a particular platform and determined that exceptions must be approved by the Council, not the Management Committee.

**Rule 4-401. Proceedings conducted by remote transmission****Intent:**

To ensure the security of remote court proceedings.

**Applicability:**

This rule applies to courts of record and not of record.

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

(1)(A) “Court proceeding” means any trial, hearing or other matter involving a participant.

(1)(B) “Participant” means the same as that term is defined in Rule 87 of the Utah Rules of Civil Procedure, Rule 17.5 of the Utah Rules of Criminal Procedure, or Rule 61 of the Utah Rules of Juvenile Procedure.

(1)(C) “Remote” or “Remotely” means a judge, participant, or court staff assisting with the proceeding will appear by video conference or other electronic means approved by the court.

**(2) Video conferencing platforms.**

~~(2)(A) All remote court proceedings will be conducted exclusively via a video conferencing platform approved by the Judicial Councilthe Management Committee (such as Webex webinars) where the Court can better control the behavior of those attending remotely (such as locking audio and video). The Judicial Council may grant exceptions.~~

~~(2)(B) Remote court proceedings may not be conducted via a video conferencing platform not approved by the Management Committee (such as Webex meetings and Webex personal rooms) where the Court cannot adequately control the behavior of those attending remotely (such as locking audio and video).~~

**(3) Exceptions.**

~~(3)(A) The Management Committee may grant exceptions for nonpublic remote court proceedings.~~

~~(3)(B) Courts granted an exception under paragraph (3)(A) must ensure the remote court proceeding is locked. Links to those proceedings may not be shared publicly, but judges may grant permission to share the links with participants or other interested individuals.~~

47 ~~(4) **Links.** Links to public remote court proceedings conducted via a video conferencing platform~~  
48 ~~described in paragraph (2) must be made available to the public unless otherwise ordered by~~  
49 ~~the court. Exceptions may be granted by the Management Committee.~~

50  
51 *Effective: November 1, 2024*