

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

November 1, 2024 – 12:00 p.m. to 2:00 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
12:05	<u>Rules back from public comment:</u> CJA 3-102. Assumption of judicial office CJA 4-206. Exhibits CJA 4-101. Manner of Appearance (NEW) CJA 4-202.02. Records classification CJA 4-202.03. Records access CJA 6-104. District court water judges	Action	Tab 2	Keisa Williams
	CJA 4-403. Electronic signature and signature stamps	Action	Tab 3	Keisa Williams
	CJA 4-202.08. Fees for records, information, and services	Action	Tab 4	Daniel Meza Rincon Keri Sargent Tucker Samuelsen
	CJA 4-410. Courthouse closure		Tab 5	Keisa Williams
	Style Guide		Tab 6	Keisa Williams
1:00	Technology report/proposals	Discussion		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

2024 Meetings:

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

October 4, 2024

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

DRAFT

Webex video conferencing
October 4, 2024 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

Judge James Gardner, <i>Chair</i>	✓	
Justice Paige Petersen	✓	
Judge Angela Fonnesbeck	✓	
Judge Jon Carpenter	✓	

GUESTS:

Keri Sargent
Paul Barron
Jon Puente
Bryson King

STAFF:

Keisa Williams
Brody Arishita
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed Justice Peterson and Judge Fonnesbeck to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the September 5, 2024 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Elect new Chair:

Because Judge Chiara was reassigned to another executive committee, PP&T must elect a new chair. Judge Gardner noted that he believes a well-functioning committee should have a rotating chair and suggested conducting a new election every year. By rule, PP&T may elect chairs on a schedule deemed appropriate by the committee.

Judge Carpenter moved to elect Judge Gardner as the new Chair and to hold a new election in October 2025. Justice Petersen seconded the motion. The motion passed unanimously.

(3) CJA 4-202.07. Appeals

The proposed amendments to rule 4-202.07 are in response to a request from the Management Committee to clarify and streamline the records access appeal process for records not associated with a case. Bryson King provided an overview of the changes, pointing out an inconsistency in the current rule regarding an appellant's right to a hearing and the timing of those hearings. PP&T made minor changes for clarification and consistency purposes and removed language requiring the Management Committee to make certain findings in written decisions. PP&T noted that the rule does not require the Management Committee to issue a written decision within a specific timeframe and asked Mr. King to get the Management Committee's feedback on that issue.

Following further discussion, PP&T directed Mr. King to take the revised draft of rule 4-202.07 to the Management Committee for review.

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

CJA 3-114. Judicial outreach (REPEAL)

Following a round of public comments, the amendments to rule 1-205 creating the Tribal Liaison Committee and removing the general counsel member position from the WINGS Committee were approved by PP&T at the last meeting and are scheduled to be on the Judicial Council's October agenda for final approval. The new proposed amendments eliminate the Pretrial Release and Supervision Committee (lines 41, 280-314) and consolidate the Judicial Outreach Committee (Outreach Committee) with the Committee on Fairness and Accountability (CFA) (lines 182-193).

The Committee on Pretrial Release and Supervision is staffed by Michael Drechsel and has been on hiatus since the end of 2021 due to legislative interest in pretrial reform and a federal lawsuit regarding issues related to pretrial reform. The chair's term ended in 2021 and all of the committee members' terms have expired. The Council has shifted its focus to other equally important topics and Mr. Drechsel feels the committee is no longer needed.

Because much of the work of the Outreach Committee and the CFA overlaps, the chairs agreed to consolidate. If approved, the CFA would absorb subcommittees from the Outreach Committee and the Outreach Committee would be eliminated, requiring the repeal of rule 3-114. The Office of Fairness and Accountability staffs both committees and would work with the chairs to ensure a smooth transition.

Ms. Williams recommended that the latest amendments be included in the version already scheduled for final approval by the Judicial Council, with a recommendation that they be approved on an expedited basis, followed by a public comment period. She indicated that it may be confusing to have two recently amended versions circulating at the same time, and holding the initial amendments for a second round of public comments would delay the Tribal Liaison Committee's work.

Following further discussion, Justice Petersen moved to recommend to the Judicial Council that all amendments to rule 1-205 be approved on an expedited basis with a November 1, 2024 effective date, followed by a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

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

At its September 12, 2024 meeting, the Judicial Council determined that the judiciary should have a rule regarding the security of remote court proceedings and directed PP&T to remove references in rule 4-401 to a particular platform. The Council also determined that exceptions must be approved by the Judicial Council, not the Management Committee.

Following discussion, Judge Carpenter moved to send rule 4-401 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Fannesbeck seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Technology Advisory Committee (TAC) is reviewing essential functions for each court level, working to identify which court systems could be affected in the event of a cybersecurity attack or natural disaster, and devising short- and long-term options for responding to such an event. TAC is also looking at a new tool to educate employees about cybersecurity and phishing scams and would like to send out

training videos. Mr. Arishita noted that the strategic plan will be on the Management Committee's Oct. 8th agenda for final approval.

Justice Petersen asked if the IT department is performing any testing to determine whether Artificial Intelligence (AI) could be helpful to the judiciary in the long term, avoiding risks to the extent possible. Mr. Arishita noted that some departments are currently testing AI-assisted products and IT performs a robust security assessment before products are approved for use.

Old Business/New Business:

Style Guide - Ms. Williams recommended that PP&T adopt a style guide to ensure CJA rules are consistent. The guide could be modeled after the Supreme Court's style guide, with adjustments based on PP&T's preferences. PP&T agreed and determined that rules will be amended in accordance with the style guide moving forward. Ms. Williams will make edits to the Supreme Court's style guide and send it to the committee for review.

Committee review - Ms. Williams requested that PP&T authorize a review of the judiciary's general policy regarding the creation of standing committees, ad hoc committees, advisory groups, etc. Many judges and court staff have indicated that they are overwhelmed with committee assignments, particularly in rural districts and benches with a small number of judges. With help from Tucker Samuelson, the general counsel's office is populating a spreadsheet that lists every committee, subcommittee, advisory group, working group, and board, and identifies the number of assignments per bench/district. Ms. Williams suggested that the purpose of the review could be to determine whether committees are still needed, whether there are any redundancies that would allow for consolidation, and whether there is a more efficient way to accomplish the judiciary's work. Judge Gardner noted that, while serving on a committee is a privilege and judicial participation should be encouraged, creating efficiencies and eliminating unnecessary work makes sense. PP&T discussed developing principles that committees could follow, such as the frequency of meetings and staff autonomy.

Keri Sargent expressed concern about the pendulum swinging too far, eliminating committees that court employees need to receive direction.

Ms. Williams pointed to paragraph (1)(D) in rule 1-205 requiring the Management Committee to conduct a performance review of each committee every six years to determine whether the committee continues to serve its purpose and to make a recommendation to the Judicial Council about whether the committee should continue. Ms. Williams is unsure whether those reviews have been conducted and suggested consulting the Management Committee about whether that requirement should be removed. Committees could be required to conduct their own self-assessment every six years and include the results in their annual report to the Council under (1)(C).

After further discussion, PP&T directed Ms. Williams to draft an email asking all committee chairs and staff to conduct a self-assessment using the principles outlined by PP&T. Ms. Williams will also refer the question about conducting a six-year assessment to the Management Committee for consideration.

Adjourn: With no further items for discussion, the meeting adjourned at 1:27 p.m. The next meeting will be held on November 1, 2024, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

Currently in effect:

CJA 3-102. Assumption of judicial office (AMEND)

CJA 4-206. Exhibits (AMEND)

CJA 4-101. Manner of Appearance (NEW)

For final approval:

CJA 4-202.02. Records classification (AMEND)

CJA 4-202.03. Records access (AMEND)

CJA 6-104. District court water judges (AMEND)

Notes: Rules 3-102, 4-206, and 4-101 were approved on an expedited basis. No public comments were received. Unless the committee makes substantive amendments, no action is required.

No public comments were received on rule 6-104. Two comments were received on rules 4-202.02 and 4-202.03 (attached).

As a reminder, the proposed amendments to rule 4-202.02:

- reclassify probation progress / violation reports as protected records to account for new reporting procedures at Adult Probation and Parole (lines 98 and 383)(requested by the Board of District Court Judges);
- classify “nonpublic restitution records” as sealed records (line 176); and
- update statutory references.

The proposed amendments to rule 4-202.03 authorize the Utah Office for Victims of Crime (UOVC) to access sealed “nonpublic restitution records” to ensure the UOVC can fulfill its statutory obligations.

Under [63M-7-502\(28\)](#), a “nonpublic restitution record” is defined as “a restitution record that contains a claimant's medical or mental health information.”¹

¹ On December 31, 2024, a revised version of [63M-7-502](#) goes into effect. The definition of “nonpublic restitution record” will be renumbered but unchanged.

Under [63M-7-527](#), nonpublic restitution records may only be disclosed as follows:

(5)(a) If [UOVC] requests restitution in a criminal case and the offender requests a restitution hearing, [UOVC] shall provide a nonpublic restitution record to the court, the prosecuting attorney, and counsel for the offender.

(b) A person may not:

(i) disseminate a nonpublic restitution record obtained under this Subsection (5); or

(ii) *share a nonpublic restitution record with the offender* unless the office and claimant agree, in writing, to the disclosure.

(6) Before [UOVC] may disclose a restitution record under Subsection (4) or (5), the office shall redact:

(a) the name, not including the initials, of a minor or an individual who has been the victim of a sexual assault;

(b) the contact information of a claimant or a witness, including a physical address, phone number, or email address;

(c) a claimant's date of birth and social security number; and

(d) any information that would jeopardize the health or safety of a claimant.

Mr. Meza-Rincon will be in attendance to explain his comment. Ms. Sargent will provide feedback in response to Mr. Hains' comment.

Posted: August 30, 2024		Utah Courts	<ul style="list-style-type: none">▪ -Rules of Professional Conduct▪ -Rules of Professional Practice▪ -Rules of Small Claims Procedure▪ ADR101▪ ADR103▪ Appendix B▪ Appendix F▪ CJA Appendix F▪ CJA01-0201▪ CJA01-0204▪ CJA01-0205▪ CJA01-0205▪ CJA01-0302▪ CJA01-0303▪ CJA01-0304▪ CJA01-0305▪ CJA010-01-0404▪ CJA010-1-020▪ CJA02-0101▪ CJA02-0102▪ CJA02-0103▪ CJA02-0104▪ CJA02-0106.01▪ CJA02-0106.02▪ CJA02-0106.03▪ CJA02-0106.04▪ CJA02-0106.05▪ CJA02-0204▪ CJA02-0206▪ CJA02-0208▪ CJA02-0208▪ CJA02-0211▪ CJA02-0212▪ CJA03-0101▪ CJA03-0102▪ CJA03-0103▪ CJA03-0103▪ CJA03-0104▪ CJA03-0105▪ CJA03-0106▪ CJA03-0106▪ CJA03-0107▪ CJA03-0108▪ CJA03-0109▪ CJA03-0111▪ CJA03-0111.01▪ CJA03-0111.02▪ CJA03-0111.03▪ CJA03-0111.04▪ CJA03-0111.05▪ CJA03-0111.06▪ CJA03-0112▪ CJA03-0113▪ CJA03-0114▪ CJA03-0115▪ CJA03-0116▪ CJA03-0117▪ CJA03-0201▪ CJA03-0201.02▪ CJA03-0202▪ CJA03-0301
<div><div>Code of Judicial Administration – Comment Period Closed October 14, 2024</div><div><p>CJA4-202.02. Records classification. AMEND. The proposed amendments reclassify probation progress/violation reports as protected records, classify “nonpublic restitution records” as sealed records in accordance with Utah Code, and update statutory references to account for the recodification of the Domestic Relations code.</p><p>CJA4-202.03. Records access. AMEND. The proposed amendments authorize the Utah Office for Victims of Crime (UVOC) to access sealed “nonpublic restitution records” to ensure the UVOC can fulfill its statutory obligations.</p><p>CJA6-104. District court water judges. AMEND. The proposed amendments clarify that the supervising water judge is responsible for reassigning water cases upon the retirement of a water judge.</p></div><div><div>This entry was posted in CJA04-0202.02, CJA04-0202.03, CJA06-0104, Uncategorized.</div></div></div>			
« Notice of Approved Amendments and Public Comment Period for Utah Code of Judicial Administration – Comment Period Closed October 20, 2024	Supreme Court Rules of Professional Practice – Comment Period Closed October 6, 2024 »		
<div><div>UTAH COURTS</div><div><div>View more posts from this author</div></div></div>			
<div><div>2 thoughts on “Code of Judicial Administration – Comment Period Closed October 14, 2024”</div></div>			
Daniel Meza and Heather Olson			

October 9, 2024 at 10:17 am

Our Juvenile Court Team has a few questions related to proposed changes to CJA 4-202.02 and CJA 4-202.03.

Related to CJA 4-202.02 – With non public restitution records being classified as sealed records, would they be sealed upon filing? and if not, would they be sealed in a specific time frame? Should these records be treated as adoption records and expungement records and sealed from our case management systems? Would this prevent other attorneys from seeing the records?

Related to CJA 4-202.03 – Would UOVC only have access to nonpublic restitution records filed by their office, or would they have access to nonpublic restitution records filed by someone else?

Would these updates to the rule result in UOVC not needing to file protective orders on restitution records containing medical or mental health records? Currently those requests ask that Judges and attorneys on a case be able to view the records and that it isn't further distributed. Would proposed changes limit access by Judges and attorneys?

William Hains

October 14, 2024 at 9:42 pm

When UOVC relies on nonpublic restitution records to request restitution in the district court, it must provide that information to the prosecutor and defense counsel. Utah Code § 63M-7-527(5). I understand that sealing the filing does not prevent UOVC from complying with that obligation by separately giving the records to the attorneys. But if the attorneys and the court have access to that information during the restitution proceedings in the district court, they should have access to that information on appeal. On appeal, the only information the attorneys can use to challenge or defend the district court's order is what is filed on the district court's docket. Under this rule, the nonpublic restitution records would be sealed and accessible only on motion brought under Rule 4-202.04. See *State v. Chadwick*, 2023 UT 12. Requiring the prosecutor and defense counsel to file such motions in every restitution appeal involving UOVC is cumbersome. Rather, the rule should explicitly allow it. Perhaps the new language on lines 71-72 of Rule 4-202.03 could read, "(2)(D) Nonpublic restitution records. The Utah Office for Victims of Crime (UOVC), the prosecutor, and counsel for the defendant may access nonpublic restitution records."

- CJA03-0301.01
- CJA03-0302
- CJA03-0303
- CJA03-0304
- CJA03-0304.01
- CJA03-0305
- CJA03-0306
- CJA03-0306.01
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- CJA04-0402
- CJA04-0403
- CJA04-0404
- CJA04-0405
- CJA04-0408

Rule 4-202.02. Records Classification.**Intent:**

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Presumption of Public Court Records.** Court records are public unless otherwise classified by this rule.

(2) **Public Court Records.** Public court records include but are not limited to:

(2)(A) abstract of a citation that redacts all non-public information;

(2)(B) aggregate records without non-public information and without personal identifying information;

(2)(C) appellate filings, including briefs;

(2)(D) arrest warrants, but a court may restrict access before service;

(2)(E) audit reports;

(2)(F) case files;

(2)(G) committee reports after release by the Judicial Council or the court that requested the study;

(2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;

(2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;

(2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;

(2)(K) financial records;

(2)(L) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:

(2)(L)(i) amount in controversy;

(2)(L)(ii) attorney name;

(2)(L)(iii) licensed paralegal practitioner name;

(2)(L)(iv) case number;

(2)(L)(v) case status;

(2)(L)(vi) civil case type or criminal violation;

(2)(L)(vii) civil judgment or criminal disposition;

(2)(L)(viii) daily calendar;

(2)(L)(ix) file date;

(2)(L)(x) party name;

(2)(M) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;

(2)(N) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

(2)(O) name, business address, business telephone number, and business email address of a lawyer or licensed paralegal practitioner appearing in a case;

(2)(P) name, business address, business telephone number, and business email address of court personnel other than judges;

(2)(Q) name, business address, and business telephone number of judges;

(2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;

(2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;

(2)(T) opinions, including concurring and dissenting opinions, and orders entered in open hearings;

(2)(U) order or decision classifying a record as not public;

(2)(V) private record if the subject of the record has given written permission to make the record public;

~~(2)(W) probation progress/violation reports;~~

(2)(~~W~~X) publications of the administrative office of the courts;

(2)(~~XY~~) record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person;

(2)(~~YZ~~) record of the receipt or expenditure of public funds;

(2)(~~ZAA~~) record, minutes, or transcript of an open meeting;

(2)(~~AABB~~) official audio record, minutes, or transcript of an open hearing;

(2)(~~BBGG~~) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;

(2)(~~CCDD~~) record of a request for a record;

(2)(~~DDEE~~) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;

(2)(~~EEFF~~) rules of the Supreme Court and Judicial Council;

(2)(~~FFGG~~) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

(2)(~~GGHH~~) statistical data derived from public and non-public records but that disclose only public data; and

(2)(~~HHH~~) notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary ~~shall~~ will contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses. Upon a finding of good cause on the record, the juvenile court may reclassify these records as non-public.

(3) Sealed Court Records. The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on minors; and

- 152 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;
153
154
155 (3)(B) expunged records;
156
157 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah
158 Code Section 77-23a-15;
159
160 (3)(D) records showing the identity of a confidential informant;
161
162 (3)(E) records relating to the possession of a financial institution by the commissioner of
163 financial institutions under Utah Code Section 7-2-6;
164
165 (3)(F) wills deposited for safe keeping under Utah Code ~~Section-Title~~ 75, Chapter -2,
166 Part -9, Custody and Deposit of Wills~~04~~;
167
168 (3)(G) records designated as sealed by rule of the Supreme Court;
169
170 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of
171 any legal proceedings;
172
173 (3)(I) on appeal, any record previously designated as sealed by another court;
174
175 (3)(J) video record of a court proceeding, other than security video; ~~and~~
176
177 (3)(K) “nonpublic restitution records” as defined in Section 63M-7-502; and
178
179 (3)(~~L~~K) other records as ordered by the court under Rule 4-202.04.
180

181 **(4) Private Court Records.** The following court records are private:
182

- 183 (4)(A) records in the following actions:
184
185 (4)(A)(i) Section 26B-5-332, Involuntary commitment under court order;
186
187 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System
188 database;
189
190 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are
191 sealed;
192
193 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records
194 are sealed;
195
196 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court
197 restitution judgment; and
198
199 (4)(A)(vi) Section 26B-8-111, Sex designation changes, and name changes
200 combined with sex designation changes for both minors and adults, except that:
201
202 (4)(A)(vi)(a) the case history is public for minors; and

(4)(A)(vi)(b) the case history and record of public hearings are public for adults.

(4)(B) records in the following actions, except that the case history, judgments, orders, decrees, letters of appointment, and the record of public hearings are public records:

(4)(B)(i) Title ~~8130, Husband and Wife~~ Utah Domestic Relations Code, including qualified domestic relations orders, except that an action for consortium due to personal injury under Section ~~30-2-1481-3-111~~ is public;

(4)(B)(ii) Title 75, Chapter 5, Protection of Persons Under Disability and ~~I~~their Property;

(4)(B)(iii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

(4)(B)(iv) Title ~~8178B~~, Chapter ~~642, Utah Child Support Act~~ Child Support;

(4)(B)(v) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vi) Title 78B, Chapter 14, Uniform Interstate Family Support Act;

(4)(B)(vii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

(4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);

(4)(C) records related to determinations of indigency;

(4)(D) an affidavit supporting a motion to waive fees;

(4)(E) aggregate records other than public aggregate records under subsection (2);

(4)(F) alternative dispute resolution records;

(4)(G) applications for accommodation under the Americans with Disabilities Act;

(4)(H) jail booking sheets;

(4)(I) citation, but an abstract of a citation that redacts all non-public information is public;

(4)(J) judgment information statement;

(4)(K) judicial review of final agency action under Utah Code Section 80-2-707;

(4)(L) the following personal identifying information about a party: driver's license number, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;

(4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;

(4)(N) medical, psychiatric, or psychological records;

(4)(O) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:

(4)(O)(i) name change of a minor, unless the name change is combined with a sex designation change;

(4)(O)(ii) guardianship or conservatorship for a minor;

(4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;

(4)(O)(iv) protective orders and stalking injunctions; and

(4)(O)(v) custody orders and decrees;

(4)(P) nonresident violator notice of noncompliance;

(4)(Q) personnel file of a current or former court personnel or applicant for employment;

(4)(R) photograph, film, or video of a crime victim;

(4)(S) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:

(4)(S)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process; or

(4)(S)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(T) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

(4)(U) record submitted for in camera review until its public availability is determined;

(4)(V) reports of investigations by Child Protective Services;

(4)(W) statement in support of petition to determine competency;

(4)(X) victim impact statements;

(4)(Y) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

(4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;

(4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;

(4)(BB) records related to Court Commissioner Conduct Committee and Council actions under Rule 3-201.02, other than a public censure by the Council, and

(4)(CC) other records as ordered by the court under Rule 4-202.04.

(5) Protected Court Records. The following court records are protected:

(5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;

(5)(B) records that are subject to the attorney client privilege;

(5)(C) bids or proposals until the deadline for submitting them has closed;

(5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;

(5)(F) court security plans;

(5)(G) investigation and analysis of loss covered by the risk management fund;

(5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;

(5)(I) confidential business records under Utah Code Section 63G-2-309;

(5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:

(5)(J)(i) interfere with an investigation;

(5)(J)(ii) interfere with a fair hearing or trial;

(5)(J)(iii) disclose the identity of a confidential source; or

(5)(J)(iv) concern the security of a court facility;

(5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;

(5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;

(5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;

(5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation, or parole;

(5)(O) record the disclosure of which would jeopardize life, safety, or property;

(5)(P) strategy about collective bargaining or pending litigation;

(5)(Q) test questions and answers;

(5)(R) trade secrets as defined in Utah Code Section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report;

(5)(U) probation progress/violation reports;

(5)(V) except for those filed with the court, records maintained and prepared by juvenile probation; and

(5)(~~W~~V) other records as ordered by the court under Rule 4-202.04.

(6) Juvenile Court Social Records. The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;

(6)(C) medical, psychological, psychiatric evaluations;

(6)(D) pre-disposition, dispositional, and social summary reports;

(6)(E) probation agency and institutional reports or evaluations;

(6)(F) referral reports;

- (6)(G) report of preliminary inquiries;
- (6)(H) treatment or service plans;
- (6)(I) nonjudicial adjustment records; and
- (6)(J) documents filed with the court that were received pursuant to the Utah Interstate Compact for Juveniles.

(7) Juvenile Court Legal Records. The following are juvenile court legal records:

- (7)(A) accounting records;
- (7)(B) discovery filed with the court;
- (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees, probable cause statements;
- (7)(D) name of a party or minor;
- (7)(E) record of a court hearing;
- (7)(F) referral and offense histories; and
- (7)(G) any other juvenile court record regarding a minor that is not designated as a social record.

(8) Safeguarded Court Records. The following court records are safeguarded:

- (8)(A) upon request, location information, contact information, and identity information, other than the name of a petitioner and other persons to be protected, in an action filed under Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- (8)(B) upon request, location information, contact information and identity information, other than the name of a party or the party's child, after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;
- (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or (8)(B), location information, contact information and identity information, other than the name of a party or the party's child, in a proceeding under Title ~~8130, Husband and Wife~~ Utah Domestic Relations Code.
- (8)(D) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;
- (8)(E) location information, contact information, and identity information other than name of a prospective juror summoned to attend court;

(8)(F) the following information about a victim or witness of a crime:

(8)(F)(i) business and personal address, email address, telephone number, and similar information from which the person can be located or contacted;

(8)(F)(ii) date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information.

Effective: ~~January~~ November 1, 2024

Rule 4-202.03. Records Access.**Intent:**

To identify who may access court records.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Public Court Records.** Any person may access a public court record.

(2) **Sealed Court Records.** No one may access a sealed court record except as authorized below or by order of the court. A judge may review a sealed record when the circumstances warrant.

(2)(A) **Adoption records.** Upon request and presentation of positive identification, an adoption petition, and any other documents filed in connection with the adoption, may be open to inspection and copying:

(2)(A)(i) by a party to the adoption proceeding while the proceeding is pending or within six months after the day on which the adoption decree is entered;

(2)(A)(ii) when the adoption document becomes public on the one hundredth anniversary of the date of the final decree of adoption was entered;

(2)(A)(iii) when the birth certificate becomes public on the one hundredth anniversary of the date of birth;

(2)(A)(iv) by an attorney who is not the attorney of record with a release from an individual authorized access under this rule that is signed and notarized not more than 90 days before the date of the request for the records;

(2)(A)(v) by an individual who was 18 years of age or older at the time of adoption or their adoptive parent, without a court order, unless the final decree of adoption was entered by the juvenile court; and

(2)(A)(vi) by an individual who was a minor at the time of adoption, if the individual is 18 years of age or older and was born in the state of Utah, but only to the extent the birth parent consented to access under the Utah Adoption Act or if the birth parents listed on the original birth certificate are deceased.

(2)(B) **Expunged records.**

(2)(B)(i) The following may obtain certified copies of the expungement order and the case history upon request and presentation of positive identification:

(2)(B)(i)(a) the petitioner or an individual who receives an automatic expungement under Utah Code [Title 77](#), Chapter 40a or Section 77-27-5.1;

(2)(B)(i)(b) a law enforcement officer involved in the case, for use solely in the officer's defense of a civil action arising out of the officer's involvement with the petitioner in that particular case;

(2)(B)(i)(c) parties to a civil action arising out of the expunged incident, if the information is kept confidential and utilized only in the action; and

(2)(B)(i)(d) an attorney who is not the attorney of record with a release from an individual authorized access under this rule that is signed and notarized not more than 90 days before the date of the request.

(2)(B)(ii) Information contained in expunged records may be accessed by qualifying individuals and agencies under Utah Code Section 77-40a-403 upon written request and approval by the state court administrator in accordance with Rule 4-202.05. Requests must include documentation proving that the requester meets the conditions for access and a statement that the requester will comply with all confidentiality requirements in Rule 4-202.05 and Utah Code.

(2)(C) **Video records.** An official court transcriber may obtain a video record of a court proceeding for the purposes outlined in Rule 5-202. A court employee may obtain a video record of a court proceeding if needed to fulfill official court duties.

(2)(D) **Nonpublic restitution records.** The Utah Office for Victims of Crime (UOVC) may access nonpublic restitution records.

(3) Private Court Records. The following may access a private court record:

(3)(A) the subject of the record;

(3)(B) the parent or guardian of the subject of the record if the subject is an unemancipated minor or under a legal incapacity;

(3)(C) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(3)(D) an interested person to an action under the Uniform Probate Code;

(3)(E) the person who submitted the record;

(3)(F) the attorney or licensed paralegal practitioner for a person who may access the private record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(3)(G) an individual with a release from a person who may access the private record signed and notarized no more than 90 days before the date the request is made;

(3)(H) anyone by court order;

(3)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(3)(K) a governmental entity with which the record is shared under Rule 4-202.10.

(4) Protected Court Records. The following may access a protected court record:

(4)(A) the person or governmental entity whose interests are protected by closure;

(4)(B) the parent or guardian of the person whose interests are protected by closure if the person is an unemancipated minor or under a legal incapacity;

(4)(C) the person who submitted the record;

(4)(D) the attorney or licensed paralegal practitioner for the person who submitted the record or for the person or governmental entity whose interests are protected by closure or for the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity or an individual who has a power of attorney from such person or governmental entity;

(4)(E) an individual with a release from the person who submitted the record or from the person or governmental entity whose interests are protected by closure or from the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity signed and notarized no more than 90 days before the date the request is made;

(4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(4)(G) anyone by court order;

(4)(H) court personnel, but only to achieve the purpose for which the record was submitted;

(4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(4)(J) a governmental entity with which the record is shared under Rule 4-202.10.

(5) Juvenile Court Social Records. The following may access a juvenile court social record:

(5)(A) the subject of the record, if 18 years of age or over;

(5)(B) a parent or guardian of the subject of the record, or their attorney, if the subject is an unemancipated minor;

(5)(C) an attorney or person with power of attorney for the subject of the record;

(5)(D) a person with a notarized release from the subject of the record or the subject's legal representative dated no more than 90 days before the date the request is made;

(5)(E) the subject of the record's therapists and evaluators;

(5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(G) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;

(5)(H) the Department of Human Services, school districts and vendors with whom they or the courts contract (who ~~shall~~must not permit further access to the record), but only for court business;

(5)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(5)(J) a governmental entity with which the record is shared under Rule 4-202.10;

(5)(K) the person who submitted the record;

(5)(L) public or private individuals or agencies providing services to the subject of the record or to the subject's family, including services provided pursuant to a nonjudicial adjustment, if a probation officer determines that access is necessary to provide effective services; and

(5)(M) anyone by court order.

(5)(N) Dispositional reports on delinquency cases may be accessed by the minor's counsel, the prosecuting attorney, the guardian ad litem, and the counsel for the parent, guardian, or custodian of a child. When a minor or minor's parent, guardian, or custodian is not represented by counsel the court may limit inspection of reports by the minor or the minor's parent, guardian, or custodian if the court determines it is in the best interest of the minor.

(5)(O) Juvenile court competency evaluations, psychological evaluations, psychiatric evaluations, psychosexual evaluations, sex behavior risk assessments, and other sensitive mental health and medical records may be accessed only by:

(5)(O)(i) a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(O)(ii) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;

(5)(O)(iii) court personnel, but only to achieve the purpose for which the record was submitted; and

(5)(O)(iv) anyone by court order.

(5)(P) When releasing records under (5)(O)(iv), the court should consider whether releasing the records to the subject of the record would be detrimental to the subject's mental health or the safety of any individual, or would constitute a violation of normal professional practice and medical ethics.

(5)(Q) When records may be accessed only by court order, a juvenile court judge will permit access consistent with Rule 4-202.04 as required by due process of law in a manner that serves the best interest of the child.

(6) Juvenile Court Legal Records. The following may access a juvenile court legal record:

(6)(A) all who may access the juvenile court social record;

(6)(B) a law enforcement agency;

(6)(C) a children's justice center;

(6)(D) public or private individuals or agencies providing services to the subject of the record or to the subject's family;

(6)(E) the victim of a delinquent act may access the disposition order entered against the minor; and

(6)(F) the parent or guardian of the victim of a delinquent act may access the disposition order entered against the minor if the victim is an unemancipated minor or under legal incapacity.

(7) **Safeguarded Court Records.** The following may access a safeguarded record:

(7)(A) the subject of the record;

(7)(B) the person who submitted the record;

(7)(C) the attorney or licensed paralegal practitioner for a person who may access the record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(7)(D) an individual with a release from a person who may access the record signed and notarized no more than 90 days before the date the request is made;

(7)(E) anyone by court order;

(7)(F) court personnel, but only to achieve the purpose for which the record was submitted;

(7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05;

(7)(H) a governmental entity with which the record is shared under Rule 4-202.10; and

(7)(I) a person given access to the record in order for juvenile probation to fulfill a probation responsibility.

(8) **Juvenile court probation records.** Records prepared and maintained by juvenile court probation that are not filed in a juvenile court case are not open for inspection except by order of the court.

(9) Court personnel ~~shall~~may not permit access to court records ~~only~~ by unauthorized persons. The court may order anyone who accesses a non-public record not to permit further access, the violation of which may be contempt of court.

(10) If a court or court employee in an official capacity is a party in a case, the records of the party and the party's attorney are subject to the rules of discovery and evidence to the same extent as any other party.

Effective: ~~January~~May 1, 2024

Rule 3-102. Assumption of judicial office**Intent:**

To provide standards for qualification, training, and furnishings for judicial office.

Applicability:

This rule shall apply to all judges of courts of record. Paragraphs (1) and (2) apply to judges of courts not of record.

Statement of the Rule:**(1) Qualification for office.**

(1)(A) **Appointment.** Under Utah Constitution Article VIII, Section 8, appointment to a court of record is effective upon confirmation by the Senate. Under Utah Code Section 78A-7-202, appointment to a court not of record is effective upon certification by the Judicial Council.

(1)(B) **Qualification.** An appointee to judicial office shall qualify for office as provided by law within 60 days after the appointment is effective. If an appointee is confirmed by the Senate but cannot qualify for office within 60 days after the appointment is effective because the term of the judge the appointee is replacing has not ended, the Judicial Council may extend this time period. To qualify for office judicial appointees must have appropriate residency, take the oath of office, refrain from the practice of law and resign from any elective, non-judicial public office or political party office which they may hold. The oath of office shall be subscribed by the appointee, administered as provided by law and filed with the appropriate state, county, or municipal office and the administrative office. An appointee to judicial office is entitled to assume the duties of judge and be compensated for such duties on the date he or she has qualified for office.

(1)(C) **Oath.** A judge elected to office by retention election shall take and subscribe the constitutional oath or affirmation on or before the first Monday in January following the date of the election and shall file the oath or affirmation within 60 days with the appropriate state, county or municipal office and the administrative office. The oath of office may be administered by any person authorized to administer oaths.

(2) Education and training. Within twelve months of qualification for office, each judge is required to complete a program of education and training as provided by this Code and the education policies and procedures adopted pursuant to this Code.

(3) Furnishings. The administrative office shall establish a schedule for the provision and replacement of appropriate furnishings, equipment and supplies for individual judges. The

furnishings shall include at a minimum one desk, one chair, two side chairs, one bookcase, one credenza and one couch and shall be provided in accordance with applicable procurement provisions. The schedule shall consider such factors as the physical stature of successor judges, wear and tear and other damage to furnishings, and the cost and feasibility of repair rather than replacement. Any expenses incurred in complying with this paragraph shall be borne by the state.

Effective: ~~November 1, 2009~~ August 23, 2024

Rule 4-101. Manner of appearance.

Intent:

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

Applicability:

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

Statement of the Rule:

(1) Definitions.

(1)(A) “Hybrid hearing” means a hearing at which some participants appear in person and others appear remotely.

(1)(B) “In-person” means a participant will be physically present in the courtroom.

(1)(C) “In-person hearing” means a hearing where all participants appear in person.

(1)(D) “Participant” means the same as that term is defined in the applicable rule of procedure: 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)(E) “Remote” or “Remotely” means a participant will appear by video conference or other electronic means approved by the court.

(1)(F) “Remote hearing” means no participants will be physically present in the courtroom and all participants will appear remotely.

(2) Notice. When calendaring a hearing, the court must provide the participants with notice as to whether the court intends the hearing to be an in-person hearing, a remote hearing, or a hybrid hearing. Notice may be provided in open court. Notice that is not provided in open court should include:

(2)(A) the date and time of the hearing;

(2)(B) for in-person hearings, the physical address of the courthouse and the courtroom number;

(2)(C) for remote hearings, a Webex link, and a link to the courts’ website which includes information regarding attending a remote or hybrid hearing; and

(2)(D) for hybrid hearings, the information required in paragraphs (2)(B) and (2)(C).

(3) **Granted requests.** If a court grants a request to appear in a manner that is different from the manner noticed at calendaring, the court should include in its communication all information in paragraph (2) relevant to the new manner of appearance.

(4) **Effect on other participants.** The preference of one participant, and the court's accommodation of that preference, does not:

(4)(A) change the format of the hearing for any other participant unless otherwise ordered by the court; or

(4)(B) affect any other participant's opportunity to make a timely request to appear by a different format or the court's consideration of that request.

(5) **Court compliance and accountability.** Rule 87 of the Utah Rules of Civil Procedure, Rule 17.5 of the Utah Rules of Criminal Procedure, and Rule 61 of the Utah Rules of Juvenile Procedure impact the effective operation of the court, including docket management. As such, implementation and enforcement of those rules is the responsibility of each presiding judge pursuant to rules 3-104 and 9-109.

Effective October 1, 2024

Rule 4-206. Exhibits.**Intent:**

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

Applicability:

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

Statement of the Rule:**(1) Marking exhibits.**

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

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

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

(2) Exhibit custody during trial.

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

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

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

(2)(C) Secured Storage.

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

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

(3) Exhibit custody prior to disposition.

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

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

(3)(A)(ii) **Secured Storage Location.** Each court must provide physical and electronic secured storage locations within their facility for storing exhibits retained by the court under subsection (2)(B), and shall maintain a current inventory list of all exhibits in the court's custody. The physical secured storage location must be sufficient to prevent access from unauthorized persons, secured with a key lock, combination lock, or electronic lock, and protected from theft or damage. The electronic secured storage location should be sufficient to prevent access from unauthorized persons. Prior to use, physical and electronic secured storage locations must be certified by the Court Security Director. Requests for

certification must be made in writing and shall fully describe the secured storage location, local access procedures, and security controls. Any changes to the location, access procedures, or security controls require recertification by the Court Security Director.

(3)(B) Exhibit custody post disposition.

(3)(B)(i) Courts of record. In courts of record, upon final disposition of the case, exhibits in the court's custody shall be disposed of or returned to the offering parties pursuant to paragraph (5). The clerk of court, exhibit manager, or designee shall execute a receipt identifying the material taken, the party to whom the exhibit is released, and the date and time of the release. The receipt shall be made a part of the court record.

(3)(B)(ii) Courts not of record. In civil cases in courts not of record, upon final disposition of the case, all exhibits in the court's custody shall be returned to the parties. In criminal cases in courts not of record, upon final disposition of the case, all exhibits in the court's custody shall be given to the prosecuting agency, which must comply with Title 77, Chapter 11c, Retention of Evidence. The clerk of court, exhibit manager, or designee shall execute a receipt identifying the material taken, the party to whom the exhibit is released, and the date and time of the release. The receipt shall be made a part of the court record.

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

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

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

(5) Disposal of exhibits. Exhibits shall be disposed of as follows:

(5)(A) Criminal. In criminal and juvenile delinquency cases:

(5)(A)(i) Party custody. Parties with custody of ~~biological~~ evidence must comply with Title ~~77~~53, Chapter ~~11c~~20, ~~Forensic Biological Retention of~~ Evidence ~~Preservation~~.

(5)(A)(ii) **Court custody.** Exhibits in the court's custody shall be transferred to the prosecuting agency no earlier than 365 days after the time for appeal has expired, provided no appeal has been filed and there are no pending post-conviction relief actions or pending appeals of post-conviction relief actions.

(5)(B) **Civil.** In cases that are not criminal in nature:

(5)(B)(i) **Disposal time.** Provided no appeal has been filed, parties may dispose of, and exhibit managers, clerks of court, or designees shall dispose of any ~~other~~ exhibits in their custody no earlier than 90 days after the time for appeal has expired, ~~or the statute of limitations for post-conviction relief, including the time for appeal from post-conviction relief has expired, whichever is later.~~

(5)(B)(ii) **Court custody.** Exhibits in the court's custody shall be disposed of as follows:

(5)(~~BA~~)(ii)(a) **No monetary value.** Property having no monetary value shall be destroyed by the exhibit manager, clerk of court, or designee. The exhibit manager shall create a certificate of destruction including a description of the exhibit, the case and exhibit numbers, and the date and time of the destruction. The certificate of destruction shall be made a part of the court record.

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

(5)(C) **Time Period.** Upon receipt of remittitur from an appellate court, the time period for all cases is reset.

Effective: ~~November~~ September 1, 20242

Rule 6-104. District court water judges**Intent:**

To designate certain district court judges as water judges.

To establish a procedure whereby district court water cases are heard by designated water judges.

To designate a supervising water judge.

Applicability:

This rule shall apply to district court judges.

Statement of the Rule:

(1) **Council Designation.** The Judicial Council shall formally designate at least three district court judges who volunteer as water judges. In making the designation, the Judicial Council shall consider the knowledge and experience of the judge in relation to cases involving the adjudication of water rights, or the willingness of that judge to become familiar with this area of the law.

(2) **Request for Assignment.** If a party to an action filed under Utah Code Title 73, Chapter 3, Appropriation or Chapter 4, Determination of Water Rights makes a request, as part of the complaint or first responsive pleading, to have the case assigned to a water judge, the case will be assigned to a water judge. Thereafter, a request to have the case assigned to a water judge may be granted in the discretion of the judge assigned to the case. Additionally, a party may request that a non-Chapter 3 or Chapter 4 case be assigned to a water judge. Non-Chapter 3 or 4 cases will be reviewed and assigned by the supervising water judge if the case is of sufficient legal complexity as related to water law to warrant assignment to a water judge.

(3) **Assignments.** Assignment of cases involving water law to a water judge shall be made on a random basis. Assignment may include an adjustment in the judge's calendar to allow the judge to handle the case.

(4) Reassignments. All cases involving water law that are pending before a water judge at the time the water judge ceases to be a water judge or ceases to be a district judge will be reassigned to another water judge.

(4)(5) **Supervising Water Judge.** The water judges shall elect one of the water judges to be the supervising water judge. The term of office of the supervising water judge is two years beginning July 1. The supervising water judge shall be primarily responsible for:

(4)(5)(A) the assignment and reassignment of water law cases to water judges;

(4)(5)(B) the coordination of schedules of water judges and the assignment of courtrooms and facilities in conjunction with the state court administrator and the presiding judge of each district court;

(4)(5)(C) addressing concerns of water judges, other district court judges, or the Judicial Council regarding the management of district court water law cases;

(4)(5)(D) overseeing the water law education of the water judges, in conjunction with the Standing Committee on Judicial Branch Education and the Utah Judicial Institute;

(4)(5)(E) presiding over meetings of the water judges;

(4)(5)(F) the use of law clerk resources to develop water expertise, to assist the water judges, and to facilitate consistency in the development of case precedents in the water law area and otherwise assist in the transition as new water judges are designated; and

(4)(5)(G) coordinating with the water judge's presiding judge regarding any appropriate adjustments to the water judge's caseload.

(5)(6) Posting Decisions. If a water judge decides a water law case of first impression, the water judge shall cause the decision to be posted. A decision need not be posted where the case deals with settled rules of law.

(6)(7) Term. Water judges shall serve only so long as they are district court judges. Water judges may, however, resign as water judges, at their own request or the request of the Judicial Council, while still serving as district court judges.

(7)(8) Caseload. If a water judge does not have a full workload of water law cases, the judge shall hear non-water law district court cases to maintain a full workload of cases.

(8)(9) Venue. Nothing in this rule affects venue.

~~Effective: 11/01/2022~~Effective: November 1, 2024

TAB 3

CJA 4-403. Electronic signature and signature stamp use

Notes: Under rule 4-403 currently, a judicial officer's electronic signature and signature stamp may be used by someone other than the judicial officer in the following three circumstances:

- 1) if authorized by the judicial officer, a clerk may electronically sign or stamp documents that fall under one of the document types listed in paragraph (1), without prior judicial review;
- 2) computer-generated signatures can be automatically affixed to the three document types listed in paragraph (3); and
- 3) clerks may electronically sign or stamp documents that do not fall under one of the document types in paragraph (1), but only on a document-by-document basis and only after a judicial officer has reviewed the document.

Judicial officers do not have the discretion to add to the list of document types in (1).

The District, Juvenile, and Justice Court Boards of Judges (Boards) proposed amendments to rule 4-403 that would grant judges and commissioners significantly more discretion than what is currently authorized under the rule. The Policy, Planning, and Technology Committee (PP&T) sought feedback from the Boards on three versions of rule 4-403 with varying levels of discretion. The boards were not in agreement.

PP&T took the underlying question of discretion to the Council, along with two versions of rule 4-403. The Council voted to grant each district the authority to add document types not listed in paragraph (1) through a standing order issued by the Presiding Judge of the district (or for justice courts, a local standing order pre-approved by the presiding justice court judge of the district), provided individual judicial officers maintain the discretion to restrict the use of their signature.

The Council asked PP&T to conduct one final review of rule 4-403 before sending it out for public comment.

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~~applies 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~~(e)(4)~~ and URCP 7B~~(e)(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.

~~(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.~~

(2) Approval of additional document types.

(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 on 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 must 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 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 must 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 Section§ 77-2-4.2.

(4) **Approval on a document-by-document basis.** All ~~other~~ documents not covered under paragraphs (1), (2), or (3) that require the judge's or commissioner's signature shall must 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 must review the document prior to granting such authorization.

(5) **Documentation in the case.** Authorization granted under paragraph (4) must 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~~ must 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~~2~~

TAB 4

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

Notes: The proposed amendments in lines 104-108 went out for public comment in May 2024. No public comments were received.

At its September meeting, the Judicial Council agreed that the term “minimal” in line 94 should be changed to a set dollar amount to ensure consistent application across the state and \$10.00 was deemed to be a reasonable amount. The Council also agreed that access to audio via the FTR Cloud should be \$10.00 per transaction (lines 35-36).

Daniel Meza-Rincon, Keri Sargent, and Tucker Samuelson are proposing additional amendments in line 90 and lines 127-136. Because the amendments are substantive, the rule should be sent out for a second round of public comments. The requesters are seeking a July 1, 2025 effective date.

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

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

Applicability:

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

Statement of the Rule:

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

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

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

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

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

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

(3)(D) access to audio record of court proceedings via the FTR Cloud: \$10.00 per transaction; and

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

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

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

(6) **Personnel time.**

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

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

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

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

(7) **Public online services.**

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

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

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

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

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

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

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

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

(10) **Waiver of fees.**

(10)(A) Subject to (10)(B), fees established by this rule, other than fees for bulk data and public online services, ~~shall~~will be waived for:

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is ~~minimal~~\$10.00 or less per transaction;

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

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

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

(10)(B) Individuals who qualify for a fee waiver under (10)(A)(ii) and (10)(A)(iii) are entitled to one free copy of the record requested. The State Court Administrator may waive the one free copy limit for administrative records or records associated with a case. Clerks of Court or the clerk's designee in courts of record and justice court designees in courts not of record, may waive the one free copy limit for records associated with a case. under this rule for good cause.

(10)(C) Fees for public online services ~~shall~~will be waived for:

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

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

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

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

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

(10)(D) Fees for bulk data will be waived for:

(10)(D)(i) any government entity of Utah or its political subdivisions;

131 (10)(D)(ii) the Utah State Bar;
132
133 (10)(D)(iii) public defenders for searches performed in connection with their
134 duties as public defenders; and
135
136 (10)(D)(iv) a student engaged in research for an academic purpose.
137
138 *Effective: ~~January~~ July 1, 20254*

TAB 5

CJA 4-410. Courthouse closure

Notes: In a recent security training, staff identified an issue in rule 4-410 with respect to emergencies that require immediate action (i.e., active shooter, fire, bomb threat, etc.). Presiding judges may not be on site or available when immediate decisions must be made regarding safety and building closures. For example, in the event of a fire, if a presiding judge is unavailable, who decides whether and when the building is safe to resume operations? Can the highest-ranking employee/judicial officer on scene cancel all court proceedings and send employees home for the rest of the day? Or do they have to make employees stick around and wait for a PJ to make that call?

The rule draft is intended to guide a committee discussion about the *policy* of granting employees or non-PJ judges the discretion to make immediate decisions during an emergency. I am seeking the committee's feedback, not approval of the rule amendment.

Rule 4-410. Courthouse closure.**Intent:**

To establish protocols surrounding the closure of a court's physical building in the event that extreme weather or other emergency situation prevents the safe arrival to, or the ability to safely conduct business in, the courthouse.

Applicability:

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

Statement of the Rule:**(1) Definitions.****(1)(A) In courts of record:**

(1)(A)(i) "Court administrator" refers to the State Court Administrator.

(1)(A)(ii) "Court executive" refers to the trial court executive in the district and juvenile courts and the Appellate Court Administrator in the appellate courts.

(1)(A)(iii) "Court level administrator" refers to the district, juvenile, or appellate court administrator.

(1)(A)(iv) "Presiding judge" refers to the judge who presides over the district or court level.

~~(1)(A)(ii) "Court executive" refers to the trial court executive in the district and juvenile courts and the Appellate Court Administrator in the appellate courts.~~

(1)(B) In courts not of record:

(1)(B)(i) "Court administrator" refers to the State Court Administrator.

(1)(B)(ii) "Court executive" refers to the local justice court administrator.

(1)(B)(iii) "Court level administrator" refers to the justice court administrator.

(1)(B)(iv) "Presiding judge" refers to the local justice court presiding judge, not the district level presiding judge.

~~(1)(B)(ii) "Court executive" refers to the local justice court administrator.~~

(2) Emergencies.

(2)(A) Immediate action. In the event of an emergency that requires immediate action, judicial officers and court employees will follow emergency protocols outlined in the local security plan. The presiding judge, court administrator, court level administrator, and court executive must be notified of an emergency as soon as possible. Notwithstanding any other provision of this rule, until such time as the presiding judge or associate presiding judge is available, the highest-ranking employee or judicial officer on scene has the discretion to, after consulting with emergency response personnel, determine whether a courthouse is safe to resume operations.

(2)(B) **Presiding judge.** In the event the presiding judge determines that a courthouse is not safe or is not capable of supporting the core mission of the court due to extreme weather conditions or other emergency situation, the presiding judge has the discretion to determine, in consultation with the court administrator, court level administrator, court executive, court security, and authority responsible for the building's operation and maintenance, how to continue supporting the core mission of the court.

(3) **Closure order.** The presiding judge(s) may order:

(3)(A) the time-limited partial closure of the courthouse;

(3)(B) the time-limited complete closure of the courthouse; or

(3)(C) the indefinite complete closure of the courthouse.

(4) **Building closure.** If the presiding judge orders a complete or partial building closure that in any way affects the public's ability to conduct court business in that location,:

(4)(A) the presiding judge may order that operations resume in an alternate location; and

(4)(B) the presiding judge ~~shall~~will ensure that notice is posted in at least two conspicuous places informing the public of:

(4)(B)(i) the building's physical closure;

(4)(B)(ii) the anticipated length of time the building will be closed; and

(4)(B)(iii) the procedures for conducting court business, including where cases will be heard and how to file court documents.

(5) **Communication of decision to close the courthouse.**

(5)(A) **Courts of record.** In courts of record, the presiding judge ~~shall~~will, as soon as possible, inform the ~~State~~court ~~a~~Administrator, the Chief Justice, the ~~c~~Courts' ~~Communications Director~~Public Information Officer, the Court Security Director, the Court Facilities Director, the ~~s~~Sheriff whose jurisdiction covers the affected courthouse, and the other organizations or lessees occupying the building of the presiding judge's decision to close the courthouse.

(5)(B) **Courts not of record.** In courts not of record, the presiding judge ~~shall~~will, as soon as possible, inform the court administrator, court executive, the ~~Justice~~court ~~level~~ ~~a~~Administrator, the ~~c~~Courts' ~~Communications Director~~Public Information Officer, the Court Security Director, the law enforcement agency whose jurisdiction covers the affected courthouse, and the other building occupants of the presiding judge's decision to close the courthouse.

(6) **Public Information Officer.** The ~~c~~Courts' ~~Communications Director~~Public Information Officer ~~shall~~will immediately inform the media and public of the closure.

(7) **Extensions.** If the presiding judge determines that there is a need to extend a court closure order, the presiding judge ~~shall~~will so order and the steps of paragraphs (1) through (4) ~~shall~~will repeat.

(8) **Co-located court levels.** For all courthouses that house more than one level of court, the presiding judges of each court level ~~shall~~will confer and come to a consensus decision regarding action pursuant to subsection (3) above.

(8)(A) In the event that a closure is ordered by consensus, the presiding judges of the closed courthouse ~~shall~~will all sign the closure order.

(8)(B) In the event there is not consensus among the presiding judges, the Chief Justice ~~shall~~will determine whether to issue and sign the closure order.

(9) **Retention.** Each presiding judge and the Administrative Office of the Courts ~~shall~~will retain a copy of the order.

Effective: ~~January 27~~May 1, 202~~5~~9

TAB 6

Style Guide for CJA Rules

Notes: The proposed style guide for CJA rules is modeled after the Supreme Court's style guide.

Style Guide
Policy, Planning, & Technology Committee
Code of Judicial Administration Rules
DRAFT

Grammar preferences:

- Always include the Oxford comma.
- Strictly limit prepositional phrases unless necessary. Rewrite prepositional phrases to possessives where possible (e.g. use “the court’s judgment” not “the judgment of the court.”).
- Turn buried verbs into verbs (e.g. nouns ending in -tion, -sion, -ment, -ence, -ance, -ity).
- Use active voice where possible.
- Use semicolons to separate items in a series when any element in the series contains an internal comma. If the paragraph contains subparts, use semicolons to separate each subpart even if there are no internal commas, and include “and” or “or” in the penultimate subpart.
- To avoid ambiguity, place a modifier next to the word or phrase it modifies.
- Use “which” as a nonrestrictive relative pronoun. It should almost always follow a comma.
- Draft in the singular.
 - Do not use “their” unless the subject is plural.
 - Do not use gendered pronouns. Use one of these [alternatives](#) instead. If absolutely necessary, pluralize the subject.
- Draft in the present, not the past or future. (e.g. use “is” and not “will be”).

Word preferences:

- Do not use “section” or “subsection” when referring to rules (these are used for statutes). Use “paragraph.”
- Avoid “shall.” Use “may” if permissive, “must” or “may not” if mandatory, “will” if referring to the court.
- Replace all references to “paper” or “papers” with “document” or “documents,” unless the language refers to a physical piece of paper.
- Use “but” instead of “and” to introduce a contrasting idea.
- When citing a statute, use lowercase “section” rather than an abbreviation or the section symbol (§).
- Use “upon” if the meaning is “at the occurrence of...” otherwise use “on.”
- Use “if” instead of “in the event of”

- Minimize “of” where possible (e.g., use “court order” or “court clerk” not “order of the court” or “clerk of court”).

Style preferences:

- Prefer short sentences. Aim for sentences whose length does not exceed 30 words. A subpart is counted as a separate sentence.
- If the sentence requires an exception to be alluded to before it can be read without a miscue, allude to the exception at the beginning of the sentence, unless it is too long to be stated briefly.
- Eliminate hyphens separating the prefix from the root word (e.g., prefer pretrial to pre-trial and nonparty to non-party).
- Hyphenate phrasal adjectives (2+ words that modify a noun).
- Defined terms must appear in alphabetical order.
- Draft in the singular unless referring to the plural.
- Spell out all numbers of ten and below, use digits for 11 and above.
- English phrases are generally preferred over Latin phrases.

Cross references:

- Avoid code/rule cross references unless they bring clarity, consistency, or controlling standards into the rules.
- If the cross reference is necessary:
 - Do not cite to a specific paragraph (e.g., use “Utah Code section 75-5-303” not “75-5-303(a)(2)(i)” or “Rule 4” not “Rule 4(a)(1)(A)”).
 - If referring to the same rule, lowercase “rule” (e.g. “This rule applies unless changed or supplemented...”).
 - To other rules within the Code of Judicial Administration: capitalize “Rule” but do not use the long title (e.g. as provided in Rule 4).
 - To rules within other bodies of rules: capitalize the rule and use the long title (e.g. “Service must be made in accordance with Rule 4 of the Utah Rules of Civil Procedure”).

Font and spacing:

- Use Arial, 11 pt. font, single spacing, 6 pt. spacing after intent, applicability, and statement of the rule (unclick the box “Don’t add space between paragraphs of the same style), and 1 space between each numbered paragraph.
- Order of paragraphs: number, uppercase letter, romanette (e.g. (3)(C)(ii)). For each new subparagraph, use the entire numbering system.
- Tabs: First line (e.g. (1)) flush with left margin, indent ¼ inch (one tab) for each new subparagraph and include the entire numbering system (e.g. (1)(A)(i)).

Example:

[illegible][illegible]

(1)(B) **Optional heading.** Text text text text text text text text text text text text
text text text text text text text text text text text text text text text text.

[illegible]

Titles/headings:

- Only the first word of rule titles/headings is capitalized.
- Use bolding for rule titles and paragraph headings.
- Include headings for all first-level paragraphs. Include headings for other levels as appropriate.

Chicago Manual of Style

5: Grammar and Usage

5.255: Techniques for achieving gender neutrality

Chapter Contents / Word Usage / Bias-Free Language

Achieving gender neutrality for generic references to people often involves rewording. [Eight] methods are suggested below because no single method will work for every writer or in every context. Choose the combination of methods that works best in the context you've created.

Omit the pronoun. Sometimes a personal pronoun is not really necessary. For instance, in the programmer should update the records when data is transferred to her by the head office, if there is only one programmer, the pronoun phrase to her can be omitted: the programmer should update the records when data is transferred by the head office. Note that the shorter sentence is tighter as well as gender-free.

Repeat the noun. If a noun and its pronoun are separated by many words, try repeating the noun. For instance, a writer should be careful not to needlessly antagonize readers, because her credibility would otherwise suffer becomes a writer should be careful not to needlessly antagonize readers, because the writer's credibility would otherwise suffer. Take care not to overuse this technique. Repeating a noun too frequently will irritate readers. If you have to repeat a noun more than twice in a sentence or repeat it too soon, you should probably rewrite the sentence.

Use a plural antecedent. By using a plural antecedent, you eliminate the need for a singular pronoun. For instance, a contestant must conduct himself with dignity at all times becomes contestants must conduct themselves with dignity at all times. The method may cause a slight change in connotation. In the example, a duty becomes a collective responsibility rather than an individual one.

Use an article instead of a pronoun. Try replacing the singular personal pronoun with a definite or indefinite article. Quite often you'll find that the effect on the sentence's meaning is negligible. For instance, A student accused of cheating must actively waive his right to have his guidance counselor present becomes A student accused of cheating must actively waive the right to have a guidance counselor present.

Use the neutral singular pronoun one. Try replacing the gender-specific personal pronoun with the gender-neutral singular pronoun one. For instance, an actor in New York is likely to earn more than he is in Paducah becomes an actor in New York is likely to earn more than one in Paducah.

Use the relative pronoun who. This technique works best when it replaces a personal pronoun that follows if. It also requires revising the sentence slightly. For instance, employers presume that if an applicant can't write well, he won't be a good employee becomes employers presume that an applicant who can't write well won't be a good employee.

Use the imperative mood. The imperative eliminates the need for an explicit pronoun. Although its usefulness is limited in some types of writing, you may find that it avoids prolixity and more forcefully addresses the target audience. For instance, a lifeguard must keep a close watch over children while he is monitoring the pool becomes keep a close watch over children while monitoring the pool.

...

Revise the sentence. If no other technique produces a sentence that reads well, rewrite the sentence so that personal pronouns aren't needed. The amount of revision will vary. For instance, if a boy or girl misbehaves, his or her privileges will be revoked might become if someone misbehaves, that person's privileges will be revoked. And a person who decides not to admit he lied will be considered honest until someone exposes his lie might become a person who denies lying will be considered honest until the lie is exposed.