

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

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 Fonnesebeck 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. 8<sup>th</sup> 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.