

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

Webex video conferencing
December 6, 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
Daniel Meza-Rincon
Jace Willard
Kaden Taylor

STAFF:

Keisa Williams
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T) meeting. PP&T considered the minutes from the November 1, 2024 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Fonnesbeck seconded the motion. The motion passed unanimously.

(2) CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case.

Keri Sargent reviewed proposed amendments allowing court clerks to waive the requirement that a request to access a non-public court record, to which the requester is authorized access under rule 4-202.03, be presented in writing. Waiving the in-writing requirement would reduce clerical workload. The committee discussed what types of requests the clerks are receiving and what record is created when a non-public document is released.

Following discussion, the committee revised the second sentence in paragraph (1) to clarify that clerks have the discretion to waive the written requirement, not waive who can make a written request. Additional changes were made to create consistency throughout.

Following further discussion, Judge Carpenter moved to send rule 4-202.04 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Justice Petersen seconded the motion. The motion passed unanimously.

(3) CJA 4-202.02. Records classification.

Jace Willard reviewed proposed amendments that would classify the contact and identifying information of a participant in the Safe at Home Program (SAHP) as “safeguarded” upon receipt of a copy of the

notification form from a program participant, or a notification of the program participant's enrollment from the State Commission on Criminal and Juvenile Justice in accordance with Title 77, Chapter 38, Part 6, Safe at Home Program. If a program participant provides the court with a copy of the participant's SAHP address card, the card is also classified as safeguarded. Access to safeguarded records is limited to the individuals and entities listed in rule 4-202.03(7).

The Committee determined that recent amendments to rule 4-202.02 approved as final with a May 1, 2025 effective date would not go back out for public comment. The version posted for comment should only include the latest proposed amendments. The Committee made the following adjustments:

- Moved and revised the language in (8)(F) that describes what documents are safeguarded to (8)(F)(iii) to streamline the rule;
- Revised the language in (8)(F)(iii) to clarify that documents showing a participant's enrollment are included, not just the authorization card; and
- Added an "and" at the end of (8)(E).

Following further discussion, Judge Fonnesebeck moved to send the new amendments to rule 4-202.02 out for a 45-day public comment period. Justice Petersen seconded the motion. The motion passed unanimously.

(4) Interim Rules on the Use of Generative AI

In October 2023, the Judicial Council created interim rules on the use of generative AI for court-related work or on court-owned devices. The Management Committee has requested that PP&T review the interim rules and provide a recommendation on the need for any changes or updates.

Ms. Williams provided an overview of proposed amendments. The State Court Administrator, Ron Gordon, is authorized to pre-approve any use not expressly permitted under the rules and has done so on a few occasions. Mr. Gordon requires a security assessment and legal review before approving the use of a new generative AI tool. In addition, the IT Department conducts regular security reviews of approved tools to ensure they remain secure. Both the interim rules and all approved tools are posted on the Intranet. A customized generative AI training is currently available on the court's the Learning Management System (LMS). Ms. Andersen recommends adding a link to the LMS training in paragraph 3.

Following the National Judicial College AI conference, the Education Department is working to overhaul the current AI training to create several online modules covering:

1. How GenAI works
2. Responsible/ethical use of GenAI
3. Best Practices in using Generative AI
 - Best practices to prompt GenAI
 - Best use cases for GenAI
 - Critical thinking when reviewing GenAI results

The Committee removed the title of the training on LMS in paragraph 3 to account for future changes. The Committee discussed incorporating the interim rules into the Code of Judicial Administration (CJA) or converting them into a policy, and the consequences of an employee failing to follow them. The Committee also discussed the limitations of GenAI, noting that because case-related information cannot

be uploaded, the utility for judges is lessened. Further changes included removing “case-related information” from the heading of paragraph 5, and in paragraph 3, removing “2 hours” of additional education, changing “additional” to “ongoing” education, and removing “annually.” The Committee looks forward to a robust discussion at the Judicial Council meeting.

With no further discussion, Justice Petersen moved to send the Interim Rules on the Use of Generative AI to the Judicial Council for review and approval. Judge Carpenter seconded the motion. The motion passed unanimously.

(5) Style Guide for CJA Rules

The proposed style guide for CJA rules is modeled after the Supreme Court’s style guide. The purpose of the style guide is to ensure consistency within the CJA as rules are brought before PP&T. The Committee discussed proposed amendments in the “Word Preferences” paragraph and decided that those amendments belong in rule 1-101. Ms. Williams will provide a proposed draft of rule 1-101 at the next PP&T meeting. Justice Petersen discussed the prohibition against using “their” for a singular subject and noted that spoken language tends to change more quickly than written language, especially formal language. The Committee decided to keep the prohibition against “their” in the style guide for now, but noted that it might change as dialect changes.

Following further discussion, Judge Gardner moved to approve the Style Guide for CJA rules as amended. Justice Petersen seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Technology Advisory Subcommittee (TAC) meets in January and Mr. Arishita will report back in February.

Old Business/New Business:

Due to scheduling conflicts, the January 2025 PP&T meeting was moved to January 10th from 12-1:30 p.m. and the April 2025 PP&T meeting was moved to April 18th from 12-1:30 p.m.

Adjourn: With no further items for discussion, the meeting adjourned at 1:22 p.m. The next meeting will be held on January 10, 2025, at noon via Webex video conferencing.