

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

December 6, 2024 – 12:00 p.m. to 1:30 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case	Action	Tab 2	Keri Sargent
	CJA 4-202.02. Records classification	Action	Tab 3	Jace Willard
	AI Interim Rules	Action	Tab 4	Keisa Williams
	Style Guide	Action	Tab 5	Keisa Williams
1:00	Technology report/proposals	Information		Brody Arishita
1:20	Old Business/New Business			
1:30	Adjourn			

2025 Meetings:

January 3, 2025	July 11, 2025
February 7, 2025	August 1, 2025
March 7, 2025	September 5, 2025
April 4, 2025	October 3, 2025
May 2, 2025	November 7, 2025
June 6, 2025	December 5, 2025

TAB 1

Minutes

November 1, 2024

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

DRAFT

Webex video conferencing
November 1, 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
Tucker Samuelson
Daniel Meza-Rincon
Shannon Treseder
Stacy Haacke
Meredith Mannebach
Chris Palmer

STAFF:

Keisa Williams
Brody Arishita
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the October 4, 2024 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Fonnesbeck seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 3-102. Assumption of judicial office**
- **CJA 4-206. Exhibits**
- **CJA 4-101. Manner of appearance**
- **CJA 4-202.02. Record classification**
- **CJA 4-202.03. Records access**
- **CJA 6-104. District court water judges**

The proposed amendments to rules 3-102, 4-206, and 4-101 were approved on an expedited basis and are back from a 45-day public comment period. No public comments were received.

The proposed amendments to rule 6-104 clarify that the supervising water judge is responsible for reassigning water cases upon the retirement of a water judge. No public comments were received. The proposed amendments to rule 4.202.02 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. The proposed amendments to rule 4-202.03 authorize the Utah Office for Victims of Crime (UOVC) to access sealed “nonpublic restitution records.” Two public comments were received.

The committee discussed the comments, including when the records would be sealed (upon filing), what parties would have access to them, and the IT programming necessary to facilitate compliance with the rule, if the court were to implement the process contemplated in Mr. Hains' comment. Unsealing the records to allow attorneys in a case to access nonpublic restitution records without filing a motion, while also shielding the records from offenders, would require programming to create special classification / access privileges in the courts' case management systems. The committee reasoned that attorneys will already have access to the records because the UOVC is required to provide copies to the court, prosecutor, and counsel for the offender under 63M-7-527; sealed documents are in the court record on appeal; and filing a motion to access them is not too onerous because the number of appeals is low. Based on the discussion, the committee determined that the language in 4-202.03(2)(D) is unnecessary and removed it from the rule draft. The committee asked Ms. Williams to make a note of the committee's reasoning with respect to Mr. Hains' comment in the memo to the Judicial Council.

Following further discussion, Judge Gardner moved to send rules 4-202.02, 6-104, and 4-202.03, as amended, to the Judicial Council with a recommendation that they be approved as final with a May 1, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

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

The District, Juvenile, and Justice Court Boards of Judges (Boards) proposed amendments to rule 4-403 that would grant judges and commissioners more discretion than what is authorized under the rule. 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 through a standing order issued by the Presiding 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 before sending the rule out for public comment.

The committee discussed language at the end of subsection (4) ("The judge or commissioner must review the document prior to granting such authorization") and the practical implications of requiring a judge to review and sign a formal order after the judge orally gave clerks the authority to sign an order on the record during a court proceeding. Ms. Sargent noted that court clerks could document in a minute entry that an oral ruling had been issued and that clerks were granted the authority to sign the order, which would satisfy audit requirements. The committee agreed that a minute entry would suffice and changed the language in subsection (5) from "in writing and documented" to "must be documented in writing" for clarity purposes. The committee asked Ms. Williams to notify the Boards of that change and ensure they have an opportunity to provide feedback when the rule is posted for comment.

Following further discussion, Judge Carpenter moved to send rule 4-403 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

(4) 4-410. Courthouse closure

In a recent security training, staff identified an issue in rule 4-410 with respect to emergencies that require immediate action. As currently written, the only person authorized to make courthouse closure decisions is a presiding judge, but presiding judges may not be on site or available when immediate decisions must be made regarding safety and building closure. Following discussion, the committee

agreed that the rule should be amended to outline a clear line of authority when immediate decisions must be made, referring judges and court staff to the local security plans for each facility.

Following further discussion, PP&T directed Ms. Williams to take the proposed amendments to rule 4-410 to the AOC Directors for review and recommendations.

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

The proposed amendments in lines 104-108 were sent out for public comment. 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). Staff are proposing additional amendments in line 90 and lines 127-136. The additional proposed amendments would allow the Data and Research department to waive fees for bulk data.

Following discussion, Judge Carpenter moved to recommend to the Judicial Council that rule 4-202.08 be sent out for public comment. Judge Gardner seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Strategic Plan and Emergency Response Plan have been approved by the Management Committee. The Technology Advisory Subcommittee (TAC) is continuing to work on identifying essential functions for each court level. TAC will meet with juvenile, justice, district, and appellate courts to list main essential functions and work within those groups to develop workarounds in the event an essential function is lost.

Mr. Arishita gave the committee more information about the software that will roll out at the end of November. Employees will begin to see 3–5-minute training videos to enhance cybersecurity awareness and knowledge among all staff members. The new software will focus on the latest cybersecurity trends, with the long-term goal of making employees more aware and informed.

Old Business/New Business: The committee decided to defer the discussion on the draft style guide until next month's meeting to allow for input from Justice Petersen. The committee discussed the goal of reducing meeting times to 1.5 hours when possible.

Adjourn: With no further items for discussion, the meeting adjourned at 1:22 p.m. The next meeting will be held on December 6, 2024, at noon via Webex video conferencing.

TAB 2

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

Notes: See rule amendment request form. Substantive proposed amendments are in paragraph (1). The remaining amendments are an attempt to comply with the style guide.

Date of
Request *

MM DD YYYY

11 / 22 / 2024

Name of
Requester *

Keri Sargent

Requester Phone
Number *

435-633-5549

Name of Requester's
Supervisor *

Shane Bahr

Please attach all required documents as outlined above.

 Redline CJA 4-2...

 Add file

Type of Request *

☒ Policy & Planning

☐ Technology

Policy & Planning Section

Location of the Rule *

Code of Judicial Administration ▼

CJA Rule Number, HR/Accounting Section Name, Court Form Name *

CJA 4-202.04

Brief Description of
Proposal *

In (1), add the ability for the clerk of court to waive the requirement that a request to access a non-public record be presented in writing.

Reason Amendment is
Needed *

When a person who is authorized to access a non-public record makes a request, it will be less work for clerical teams to process the request without needing to file a written request in the case.

Is the proposed amendment
urgent? *

☐ Yes

☒ No

If urgent, please provide an estimated deadline date and explain why it is urgent.

Select each entity that has approved this proposal. *

- ☐ Accounting Manual Committee
- ☐ ADR Committee
- ☐ Board of Appellate Court Judges
- ☐ Board of District Court Judges
- ☐ Board of Justice Court Judges
- ☐ Board of Juvenile Court Judges
- ☐ Board of Senior Judges
- ☐ Budget and Fiscal Management Committee
- ☐ Children and Family Law Committee
- ☒ Clerks of Court
- ☐ Court Commissioner Conduct Committee
- ☐ Court Facility Planning Committee
- ☐ Court Forms Committee
- ☐ Ethics Advisory Committee
- ☐ Ethics and Discipline Committee of the Utah Supreme Court
- ☐ General Counsel
- ☐ Guardian Ad Litem Oversight Committee
- ☐ HR Policy and Planning Committee
- ☐ Judicial Branch Education Committee
- ☐ Judicial Outreach Committee

- ☐ Language Access Committee
- ☐ Law Library Oversight Committee
- ☐ Legislative Liaison Committee
- ☐ Licensed Paralegal Practitioner Committee
- ☐ Model Utah Civil Jury Instructions Committee
- ☐ Model Utah Criminal Jury Instructions Committee
- ☐ Policy, Planning, and Technology Committee member
- ☐ Pretrial Release and Supervision Committee
- ☐ Resources for Self-Represented Parties Committee
- ☐ Rules of Appellate Procedure Advisory Committee
- ☐ Rules of Civil Procedure Advisory Committee
- ☐ Rules of Criminal Procedure Advisory Committee
- ☐ Rules of Evidence Advisory Committee
- ☐ Rules of Juvenile Procedure Advisory Committee
- ☐ Rules of Professional Conduct Advisory Committee
- ☐ State Court Administrator
- ☐ TCE's
- ☐ Uniform Fine Committee
- ☐ WINGS Committee
- ☐ None of the Above
- ☐ Justice Court Reform Task Force
- ☐ Appellate Representation Committee

- ☐ Deputy State Court Administrator
- ☐ Judicial Fairness and Accountability Committee
- ☐ Other:

If the approving entity (or individual) is not listed above, please list it (them) here.

.....

List all stakeholders who would be affected by this proposed amendment. *

Court patrons.

.....

Rule 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case.

Intent: to establish the process for accessing a court record associated with a case.

Applicability:

This rule applies to court records associated with a case.

(1) **Written request.** A request to access a public court record ~~shall~~ must be presented in writing to the court clerk ~~of the court~~, unless the court clerk waives the requirement. A request to access a non-public court record to which a person is authorized access pursuant to Rule 4-202.03 ~~shall~~ must be presented in writing to the court clerk ~~of the court~~, unless the court clerk waives the requirement. A written request ~~shall~~ must contain the requester's name, email address, mailing address, ~~daytime~~ telephone number, and a description of the record requested. If the record is a non-public court record, the ~~person making the request~~ requester ~~shall~~ must present identification.

(2) Motion or petition to access record.

(2)(A) If a written request to access a court record is denied by the court clerk ~~of court~~, the ~~person making the request~~ requester may file a motion or petition to access the record.

(2)(B) A person not authorized to access a non-public court record pursuant to ~~Rule~~ Rule 4-202.03 must file a motion or petition to access the record. If the court allows access, the court may impose any reasonable conditions to protect the interests favoring closure.

(2)(C) A motion should be filed when the court record is associated with a case over which the court has continuing jurisdiction. A petition should be filed ~~to access the record~~ when if the court record is associated with a case over which the court no longer has jurisdiction.

(3) Motion or petition to reclassify record.

(3)(A) If the court record is associated with a case over which the court has continuing jurisdiction, a person with an interest in a court record may file a motion to classify the record as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social record; or to have information redacted from the record. The court ~~shall~~ must deny access to the record until the court enters an order.

(3)(B) If the court record is associated with a case over which the court no longer has jurisdiction, a person with an interest in the record may file a petition to classify the record as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social record; or to have information redacted from the record. The court ~~shall~~ must deny access to the record until the court enters an order.

(4) Rules of Procedure Applicable to Motions and Petitions. As appropriate for the nature of the case with which the record is associated, the motion or petition ~~shall~~ must be filed, and proceedings ~~shall~~ must be conducted, ~~in accordance with~~ under the Utah Rules of Civil Procedure, Utah Rules of Criminal Procedure, Utah Rules of Juvenile Procedure, or Utah Rules of Appellate Procedure. The person filing the motion or petition ~~shall~~ must serve any

representative of the press who has requested notice in the case. The court ~~shall~~must conduct a closure hearing when a motion or petition to close a record is contested, when the press has requested notice of closure motions or petitions in ~~the~~ particular case, or when the court decides public interest in the record warrants a hearing.

(5) **Classify – Redact.** The court may classify the record as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social record, or redact information from the record if the record or information:

(5)(A) is classified as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social record under Rule 4-202.02;

(5)(B) is classified as a private, controlled, or protected record by a governmental entity and shared with the court under Utah Code, title 63G, chapter 2, the Government Records Access and Management Act;

(5)(C) is a record regarding the character or competence of an individual; or

(5)(D) is a record containing information the disclosure of which constitutes an unwarranted invasion of personal privacy.

(6) **Factors and findings.** ~~In~~When deciding whether to allow access to a court record or whether to classify a court record as a private, protected, or sealed, safeguarded, juvenile court legal, or juvenile court social record, or to redact information from the record, the court may consider any relevant factor, interest, or policy, including but not limited to the interests described in Rule 4-202. In ruling on a motion or petition under this rule the court ~~shall~~must:

(6)(A) make findings and conclusions about specific records;

(6)(B) identify and balance the interests favoring opening and closing the record; and

(6)(C) if the record is ordered closed, determine there are no reasonable alternatives to closure sufficient to protect the interests favoring closure.

(7) **Appellate briefs.** If an appellate brief is sealed, the court clerk ~~of the court shall~~must seal the brief under Rule 4-205. If an appellate brief is classified as a private, protected, safeguarded, juvenile court legal, or juvenile court social record, the court clerk ~~of the court shall~~must allow access only to persons authorized by Rule 4-202.03. If the court orders information redacted from the brief, the court clerk ~~of the court shall~~must remove the information and allow public access to the edited brief.

(8) **State Law Library.** If the petitioner serves ~~an~~the order on the director of the sState ~~l~~aw library, the director ~~shall~~must comply with the order in the same manner as ~~the~~ athe court clerk ~~of the court under paragraph (7).~~

(9) **Compliance.** Unless otherwise ordered by the court, the order is binding only on the court, the parties to the motion or petition, and the state law library. Compliance with the order by any other person is voluntary.

(10) **Governing rules.** A request under this rule to access a public court record is also governed by Rule 4-202.06. A motion or petition under this rule is not governed by Rule 4-202.06 or Rule 4-202.07.

80 *Effective:* ~~April 11, 2011~~ May 1, 2025

TAB 3

CJA 4-202.02. Records classification

Notes: Proposed amendments 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\(7\)](#).

Access restrictions under the statute only apply after notice. UCA [77-38-608\(3\)](#) (restricting, among other things, state entity's disclosure of SAHP participant's actual address, "after receiving a copy of the notification form from a program participant or a notification of the program participant's enrollment from the commission"); [77-38-611\(1\)](#) (with limited exception not applicable to courts, a program participant is responsible to request state entity's use of assigned address); [77-38-611\(11\)\(a\) & \(b\)](#) (restricting disclosure of participant's address and records containing participant's address); [77-38-611\(11\)\(c\)](#) (requiring redaction of records created within 90 days of SAHP application if participant "presents a valid authorization card or a notification form and requests that the state or local government entity use the assigned address instead of the actual address on the record").

Other provisions likewise contemplate notice. [77-38-609\(2\)](#) (requiring commission to provide notice of applicant's SAHP enrollment to court if at time of application participant or their parent or guardian is subject to certain types of court orders); [77-38-616\(1\)](#) ("A program participant may submit the program participant's actual address to the court as a safeguarded record in accordance with the Utah Code of Judicial Administration, Rule 4-202.02.").

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 ~~non~~nt-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 ~~A~~aadministrative ~~O~~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)(~~BBCG~~) 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 ~~40~~ of ~~the Utah Rules 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) ~~Utah Code~~ Utah Code ~~t~~Title 78B, ~~c~~Chapter 6, ~~p~~Part 1, ~~—~~Utah Adoption Act, ~~—~~six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) ~~Utah Code~~ Utah Code ~~t~~Title 78B, ~~c~~Chapter 15, ~~p~~Part 8, ~~—~~Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) ~~Utah Code~~ Utah Code ~~s~~Section 76-7-304.5, ~~—~~Consent required for abortions performed on minors; and

- (3)(A)(iv) Utah Code ~~S~~section 78B-8-402, — Actions for disease testing;
- (3)(B) expunged records;
- (3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code ~~s~~Section 77-23a-15;
- (3)(D) records showing the identity of a confidential informant;
- (3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code ~~s~~Section 7-2-6;
- (3)(F) wills deposited for safe keeping under Utah Code ~~Section-title~~ 75, ~~chapter~~ -2, ~~part~~ -9, Custody and Deposit of Wills~~04~~;
- (3)(G) records designated as sealed by rule of the Supreme Court;
- (3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings;
- (3)(I) on appeal, any record previously designated as sealed by another court;
- (3)(J) video record of a court proceeding, other than security video; ~~and~~
- (3)(K) "nonpublic restitution records" as defined in Utah Code section 63M-7-502; and
- (3)(~~L~~~~K~~) other records as ordered by the court under Rule 4-202.04.

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

- (4)(A) records in the following actions:
- (4)(A)(i) Utah Code ~~s~~Section 26B-5-332, Involuntary commitment under court order;
- (4)(A)(ii) Utah Code ~~S~~section 76-10-532, Removal from the National Instant Check System database;
- (4)(A)(iii) Utah Code, ~~T~~title 78B, ~~C~~chapter 6, ~~P~~part 1, Utah Adoption Act, until the records are sealed;
- (4)(A)(iv) Utah Code, ~~t~~title 78B, ~~c~~Chapter 15, ~~p~~Part 8, Gestational Agreement, until the records are sealed;
- (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court restitution judgment; and
- (4)(A)(vi) Utah Code ~~s~~Section 26B-8-111, Sex designation changes, and name changes combined with sex designation changes for both minors and adults, except that:

(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) Utah Code, 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 30-2-1181-3-111 is public;

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

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

(4)(B)(iv) Utah Code, Title 8178B, Chapter 612, Utah Child Support Act Child Support;

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

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

(4)(B)(vii) Utah Code, 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 (4)(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 paragraph (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 Rule 15.5 of the Utah Rules of Criminal Procedure:

(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 ~~s~~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 ~~s~~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~~) 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 Utah Code, 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 Utah Code, Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act; ~~or Utah Code, Title 78B, Chapter 14, Uniform Interstate Family Support Act~~; or Utah Code, 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 Utah Code, 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 or, upon receipt of a copy of the notification form from a program participant or a notification of the program participant's enrollment from the Commission on Criminal and Juvenile Justice, the following information about a program participant under Utah Code, title 77, chapter 38, part 6, Safe at Home Program:

(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~~ May 1, 202~~5~~4

TAB 4

Interim Rules on the Use of Generative AI

Notes: In October 2023, the Judicial Council created the attached interim rules on the use of generative AI for court-related work or on court-owned devices.

Ron Gordon is authorized to pre-approve any use not expressly permitted under the rules and has done so on a few occasions. Ron requires a security assessment and legal review before he will approve the use of new generative AI tools. In addition, the IT Department conducts regular security reviews of approved tools to ensure they remain secure.

The interim rules and all approved tools are posted on the [Intranet](#).

The Management Committee has requested that PP&T review the interim rules and provide a recommendation on the need for any changes to the rules or the court's AI policies in general.

INTERIM JUDICIAL COUNCIL RULES ON THE USE OF GENERATIVE AI **October 25, 2023December 16, 2024**

These rules set forth the only authorized use of generative AI tools for court-related work or on court-owned devices.¹ Any use not expressly permitted herein will be considered a violation of court policies. Deviations must be pre-approved by the state court administrator.

Judges and court employees should recognize the limitations of generative AI and may not rely solely on AI-generated content. Generative AI tools are intended to provide assistance and are not a substitute for judicial, legal, or other professional expertise. It is also important to remember that AI models learn from vast datasets of text, images, and other content created by humans. As a result, generative AI tools have been known to produce outputs that inadvertently promote stereotypes, reinforce prejudices, or exhibit unfair biases.

RULES

1. **You are responsible:** Any use of AI-generated content is ultimately the responsibility of the person who uses it.
2. **You may only use approved tools:** Judicial officers and court employees may only use the following generative AI tools for court-related work or on court-owned devices:²
 - ChatGPT (version 3 or 4)
 - Claude.ai (Beta)
 - Gemini (formerly Bard (Experiment))
 - Microsoft Copilot
 - Webex Cisco AI Assistant
3. **Education**~~You must complete court-approved training prior to use:~~ Prior to using generative AI tools for court-related work or on court-owned devices, you Judicial officers and court employees must complete court-approved two hours of education training on the use of generative AI annually, posted on LMS.³ The Judicial Council may impose additional education requirements at any time.
4. **Employees must disclose use to judicial officers:** With the exception of attorneys in the General Counsel's Office, if an employee is preparing work or completing a task for a judicial officer, the court employee must get pre-approval from the judicial officer before using a generative AI tool to complete the work or task.
5. **Do not disclose non-public, personally-identifying, or case-related information:** ~~R~~Court records; court data; ~~or nonpublic information; classified as non-public under the Code of Judicial Administration or the Government Records Access Management Act;~~ personally-identifying information; and/or any information ~~from a case~~ that could lead someone to identify

¹ "Court-owned devices" includes personal devices for which you are receiving a stipend from the court.

² ~~The IT department is also reviewing Casetext CoCounsel.~~

³ ~~The Judicial Institute is developing tailored education and will notify everyone when it is available.~~

~~at~~ the specific case ~~in question~~ or individuals involved in ~~that a~~ case, may not be entered, submitted, or otherwise disclosed to ~~any~~ generative AI tool.

6. **Do not disclose documents from cases:** Documents filed in a case or submitted for filing may not be shared through generative AI tools, even if the document is classified as public.
7. **You may only use generative AI for the followingse purposes:**
 - ~~p~~Preparing educational materials;
 - ~~L~~Legal research;
 - ~~p~~Preparing draft documents;
 - ~~p~~Preparing surveys;
 - ~~t~~Testing reading comprehension of public documents (e.g., to ensure a document is accessible to a self-represented litigant);
 - creating instructions on how to use a new piece of software (e.g., Adobe Captivate),
device, or application; or
 - taking meeting minutes.
8. **Case-related content should be reviewed by a judicial officer:** AI-generated content used for case-related purposes should be ~~thoroughly~~ reviewed by a judicial officer to ensure the information is accurate, the law is applied properly, and application of the law is consistent with the facts of the case.
9. **You must comply with legal and ethical obligations:** When using generative AI, judicial officers and court employees must comply with all relevant laws, legal standards, court policies, and ethical and professional conduct rules, including but not limited to [Section 9](#) of the Human Resource Policy Manual.
10. **You must report inadvertent disclosures:** Judicial officers and court employees must immediately report any data breaches or inadvertent disclosures in violation of ~~paragraphs 5 or 6~~these rules to the Office of General Counsel.

TAB 5

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”), unless it’s necessary to distinguish the Clerk of Court from other clerks.
- Use lowercase “board” when referring to the boards of judges, unless capitalization is necessary to provide clarity.
- Use “Council” when referring to the Judicial Council.
- Use “Court Level Administrator” when referring to a district, juvenile, or justice court administrator.
- Use “Court Administrator” when referring to Ron Gordon and “Deputy Court Administrator” when referring to Neira Siaperas.
- Use “Trial Court Executive” when referring to district or juvenile court TCEs.
- Use “Administrative Office” when referring to the Administrative Office of the Courts.

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:

(1) **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 text text text text.

(1)(A) **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.

(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.

[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.