

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

February 7, 2025 – 12:00 p.m. to 1:30 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	<u>Rule back from public comment:</u> CJA 4-202.08. Fees for records, information, and services	Action	Tab 2	Lisa Ashman
	<u>Rules back from public comment:</u> <ul style="list-style-type: none"> • CJA 4-202.02. Records classification • CJA 4-202.07. Appeals • CJA 4-403. Electronic signature and signature stamp use • CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case 	Action	Tab 3	Keisa Williams
	CJA 3-306.04. Interpreter appointment, payment, and fines	Action	Tab 4	Jon Puente Jessica Leavitt
	CJA 1-205. Standing and ad hoc committees	Action	Tab 5	Jon Puente Abram Sherrod
1:00	Technology report/proposals	Discussion		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

2025 Meetings:

March 7, 2025	August 1, 2025
April 18, 2025	September 5, 2025
May 2, 2025	October 3, 2025
June 6, 2025	November 7, 2025
July 11, 2025	December 5, 2025

TAB 1

Minutes

January 10, 2025

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

DRAFT

Webex video conferencing
January 10, 2025 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Nini Rich
Shane Bahr
Keri Sargent
Kim Zimmerman
James Peters
Jon Puente
Janine Liebert

STAFF:

Keisa Williams
Todd Eaton
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 December 6, 2024 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Justice Petersen seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

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

CJA 3-114. Judicial outreach (REPEAL)

CJA 3-302. Clerk of the court (AMEND)

CJA 3-303. Justice court clerks (AMEND)

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

The public comment period on the above rules has closed. Rules 1-205 and 3-114 were approved on an expedited basis and are currently in effect. No public comments were received. One public comment was received on rule 4-401 expressing confusion about whether the rule applies to telephone appearances. Language was added to clarify that the rule only applies to video conferencing platforms. One comment was received about clerk training, but it was unclear whether the comment was a reference to rule 3-302 or 3-303. Following a discussion, the Committee made no additional amendments to either rule.

Judge Gardner moved to send rules 3-302, 3-303, and 4-401 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 4-510.03 Qualification of ADR providers.

Nini Rich reviewed proposed amendments to CJA Rule 4-510.03 as described in detail in the memo provided to the committee members. In summary, the proposed amendments would remove the language that allows, but does not require, the Judicial Council to establish alternative education, training, and experience requirements for inclusion on the Utah Court Approved ADR Roster (Roster) as an arbitrator. The Judicial Council has never established such alternative requirements. An individual who practices arbitration, but who is not a member of the Utah State Bar, contacted the AOC and asked the Judicial Council to determine what constitutes other education, training, and experience requirements. Nini noted that there are four providers on the Roster who are arbitrators and eight providers who are mediators and arbitrators. These providers are members of the Utah State Bar and have been for at least 10 years. She further noted that the ADR director can exclude a provider as part of their authority to maintain the Roster.

Following a discussion, the Committee made the following changes:

- Removed the language in (6)(A) (lines 100-101) as it is vague and keeping it would require a process to be put in place for a provider to be approved by the Council;
- Removed the definitions for “ADR” and “Roster” (line 5) and “Director” (line 14) as there is a definition section in 4-501.01 that defines those terms;
- Replaced “Provider” with “provider” throughout as it is not a defined term;
- Added “in writing” on line 146;
- Removed “All” from lines 44, 69, and 74; and
- Added “New applicants must” in line 53 and “New applicants and providers must” in lines 56 and 59.

The Committee discussed revising the definition section in 4-501.01 to update terms and define “provider.” Ms. Williams will review the section and report back to the Committee.

With no further discussion, Judge Carpenter moved to send rule 4-510.03 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.

(4) CJA 1-101. General definitions – Rules of Construction.

The proposed amendments clarify and update uniform definitions in the CJA. The Committee discussed the removal of the definition of “Chair” (line 14) as it is confusing and possibly unnecessary. To be certain that “Chair” is not used elsewhere in the rules, Ms. Williams will conduct a search before the next PP&T meeting.

Ms. Sargent noted the definition for Court Level Administrator (line 20) should include the newly formed business and chancery court. The Committee added business and chancery court to this definition.

With no further discussion, Judge Gardner moved to send CJA 1-101 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(5) CJA 4-111. Priority of post-conviction petitions in capital cases.

Shane Bahr reviewed proposed amendments that remove language requiring the AOC to prepare a monthly report on post-conviction petitions in capital cases. Currently, court staff compile the report manually and send it to judges with relevant cases. After consulting with the Capital Litigation Research Attorney and judges who have, or have had, post-conviction capital cases, they agree this report is no longer needed and creates unnecessary work.

The Committee discussed the portion of the rule in paragraph (1) that requires judges to expedite the procedures, hearings, and disposition of post-conviction petitions in capital cases above all other cases, except the trial and appeal of capital felonies. The rule went into effect on November 1, 1996. It is unclear if the Judicial Council still believes these cases should be expedited above all other cases. Following further discussion, the Committee determined that the language in paragraph (1) is a policy decision that should be made by the Judicial Council. Shane Bahr will seek feedback from the Capital Litigation Research Attorney and the Board of District Court Judges prior to the next Council meeting.

Judge Gardner moved to send CJA 4-111 to the Judicial Council for discussion. Judge Carpenter seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Technology Advisory Committee (TAC) will meet on January 13, 2025 to discuss the Artic Wolf cybersecurity training, which is nearly ready for implementation. The IT department is working with the education department to facilitate the mandatory training and to ensure that completion is reported on LMS. TAC will also discuss the emergency response plan and create a restoration priority list, which will help identify essential court functions that could be affected in the event of an emergency impacting multiple systems.

Old Business/New Business: None.

Adjourn: With no further items for discussion, the meeting adjourned at 12:46 p.m. The next meeting will be held on February 7, 2025, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

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

Notes: Two comments were received on rule 4-202.08. Ms. Ashman will attend to discuss her comments and answer any questions you may have.

The public comments and my notes are attached.

Public Comments

CJA 4-202.08. Fees for records, information, and services. Amend. The proposed amendments: 1) set the fee waiver limit for government entities at \$10.00 per transaction to ensure consistent application across the state; 2) set the fee for access to audio records of court proceedings via the FTR Cloud at \$10.00 per transaction; 3) allow the State Court Administrator and Clerks of Court to waive the one free copy limit; and 4) identify individuals and entities that qualify for bulk data fee waivers.

Deborah A. Wood

Clarification on what is considered a “transaction” in section (3)(D) and (10)(A)(i) is necessary. For example, if a request asks for an audio record for 2 separate hearings in the same matter, is that 1 transaction or 2 transactions? This provision will have a significant impact on our office, a governmental entity that is required to prepare most, if not all, of the orders in a matter. What payment options are available to a governmental entity that requests numerous records, either audio or certified records? And if an account can be set up, will a charge to that account be considered as payment “at the time the record is provided” and would that account be available for both juvenile and district court requests?

A self-authentication provision to eliminate the need for certified copies of convictions would be efficient and cost effective.

It’s my understanding that the definition of “transaction” as discussed by the Clerks of Court is essentially this: If a person comes to the counter and makes a request for 10 audio records, that is one transaction. If the same person comes back to the counter two hours later requesting additional recordings, that is a new transaction. Applying this to digital recordings in the FTR Cloud, if a person submits a request for audio recordings of 10 different hearings, the clerk would log in to the FTR Cloud, find the recordings, and “share” those 10 recordings with the requester via email, which would constitute one transaction. If the same individual submits a separate request 2 hours later for 1 audio recording, the clerk logs back in to the FTR Cloud, finds the recording, and shares it with the attorney, making that a new “transaction.” If I’m understanding that correctly, a more accurate term might be \$10.00 per “request,” but I’m not sure that’s any better.

In speaking with Clayson Quigley in the IT Department, the FTR system is not an in-house creation. The court pays for those services. FTR offers “upgrade” packages (my non-tech translation), but I’m not sure what the options are, whether they would resolve the issue, or the extent of associated costs. Brody can offer more intelligent insights. This may be a question for the Technology Advisory Subcommittee.

I’ve included the memo Daniel Meza Rincon and Keri Sargent presented to the Judicial Council in September 2024 as a reminder of how we got here.

Lisa Ashman Ms. Ashman will attend the meeting to explain her comments and answer any questions you may have.

1. **Certified Copies as Evidence:** Certified copies are presented as evidence in the prosecution of a majority of cases, especially where enhanced charges are involved. In many cases, the certified copy of conviction is the primary piece of evidence necessary for a successful prosecution. The vast majority of DV cases and many SV cases will fall into this category. We know of no other entity that charges a fee for evidence.
2. **District Attorney's Role in Prosecution:** All criminal violations outside of the purview of municipal attorneys are prosecuted by the District Attorney which include all felony violations (UCA 10-3-928). The District Attorney is mandated to prosecute on behalf of the State of Utah, so in this context, we are the State. The State of Utah charging the State of Utah these fees seems counterproductive as it relates to our statutory role as prosecutors.
3. **UCA 78A-2-301(1)(ff):** This subsection states "The filing fees under this section may not be charged to the state, the state's agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law." This subsection can be read one of two ways: a) It precludes the charging of all the fees set out in subsection (1), or b) It expressly precludes the charging of filing fees only and makes no other statement regarding other fees. Neither reading suggests the fee for certified copies or other requested documents cannot be waived.

Title 78A (Judiciary and Judicial Administration), Chapter 2 (Judicial Administration), Part 3 (Court Fees and Waivers)

78A-2-301. Civil fees of the courts of record -- Courts complex design.

...

(1)(z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.

(1)(aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.

(1)(bb) **The Judicial Council shall, by rule, establish a schedule of fees for copies of documents and forms and for the search and retrieval of records** under Title 63G, Chapter 2, Government Records Access and Management Act. Fees under Subsection (1)(bb) and (cc) shall be credited to the court as a reimbursement of expenditures.

(1)(cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of the public to conduct a limited amount of searches on the Xchange database without having to pay a monthly subscription fee.

(1)(dd) There is no fee for services or the filing of documents not listed in this section or otherwise provided by law.

(ee) Except as provided in this section, **all fees collected under this section are paid to the General Fund.** Except as provided in this section, all fees shall be paid **at the time the clerk** accepts the pleading for filing or **performs the requested service.**

(ff) The **filing** fees under this section may not be charged to the state, the state's agencies, or political subdivisions **filing or defending** any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the **filing** fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

I interpret (1)(ff) as only applying to filing fees. I agree that nothing in this section expressly addresses the court's authority to waive fees for certified and exemplified copies and (1)(bb) muddies the waters a bit. Assuming for argument's sake that GRAMA applies to the judiciary, I found two somewhat helpful provisions in that Chapter:

63G-2-203 addresses government entities' authority to charge fees to cover the actual costs of *providing records or fulfilling a request*, giving the Council express authority to "establish fees by rules of the judicial council." (3)(d). It also states: (9) **"This section does not alter, repeal, or reduce fees established by other statutes or legislative acts."**

63G-2-702(4) is less clear: "Substantially consistent with the provisions of [GRAMA], the Judicial Council shall: (a) make rules governing requests for access, fees, classification, designation ..."

Read in context, I think the legislature is trying to distinguish between fees for actual copies of documents and fees for expenses incurred by the court in producing those copies. It seems clear that the Council may set and waive fees for expenses associated with *producing* copies of records, but I'm not sure that the Council can waive fees for actual copies, if those fees are set in statute. For example, we must charge \$4 per document plus 50 cents per page for a certified copy of a document, but we can waive any fees associated with producing the certified copy (i.e., personnel time, mailing costs, the cost of paper, the cost of a USB/CD, etc.).

Support for that interpretation can be found in Rule 4-202.08 itself and in 78A-2-301. The fees in Rule 4-202.08 are expenses incurred by the court to produce a record (i.e., paper, electronic storage medium, fax, personnel time, Xchange services, etc.). And under 78A-2-301(1)(ee), the legislature specifies where fees collected for certified and exemplified documents are to be deposited: "*All fees* collected under this section are paid to the General Fund" and those fees must be paid "at the time the clerk ... performs the requested service." Because the legislature has not given us express permission to waive fees for actual copies of certified and exemplified documents, I question whether we can do so. In short, that money may not be ours to waive.

4. **Fiscal Impact:** While it would be very difficult to know the exact fiscal impact to our office, very conservative estimates are \$75,000–\$100,000 annually. As the Salt Lake County budget

process runs on a calendar year (January to December) and was just concluded, we would not have the budget to cover this expense.

5. **Efficiency Issues:** In December 2017, Rule 902 of the Federal Rules of Evidence) was amended to allow for the self-authentication of electronic evidence (UCR 902). This rule change recognized the proliferation of technological advances in digital evidence (~90% of criminal cases) in the criminal justice arena and the need to address its use in the adjudication of court matters. The Advisory Committee who recommended the rule change pointed to the fact that evidence of the type described in 902(14), which encompasses certified copies of conviction, were rarely the subject of a legitimate authenticity dispute and promised to save time and resources, and promote greater certainty. If the Utah District Court were to implement what this rule change has now allowed for a number of years, the monetary savings in both staff time and material costs would be significant and reduce the need to charge fees for the production of these types of records.

Regarding the 2017 FRE 902 amendments (i.e., subparagraphs (13) and (14)), URE 902 was amended in 2019 to essentially adopt those amendments.

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)(~~E~~) 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 3

Back from Public Comment:

CJA 4-202.02. Records classification

CJA 4-202.07. Appeals

CJA 4-403. Electronic signature and signature stamp use

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

Notes: No public comments were received on rules 4-202.02 or 4-202.07. One public comment was received on rule 4-403 and one comment was received on rule 4-202.04.

The public comments and my notes are attached.

Public Comments

CJA 4-202.02. Records classification (AMEND) Proposed amendments classify the contact and identifying information of a participant in the Safe at Home Program under Utah Code, title 77, chapter 38, part 6, as “safeguarded” upon receipt of notice. All other amendments are non-substantive formatting changes.

No comments.

CJA 4-202.07. Appeals (AMEND) Proposed amendments streamline and clarify the appeals process for requests to access court records, including the creation of an initial review process whereby the Management Committee will determine whether to deny an appeal, schedule a hearing, or take no action on an appeal.

No comments.

CJA 4-403. Electronic signature and signature stamp use (AMEND) The proposed amendments grant district, juvenile, and justice courts the discretion to authorize clerks to electronically sign or stamp additional document types without judicial review by issuing a standing order signed 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. The amendments also specify when such authorization must be documented in writing in the case.

Sean Hullinger

Please consider adding:

4-403(1)(1M) Orders for criminal histories pursuant to URCrP 16(a)(5)(C).

Subsection (5)(C) is a procedural nod to the fact that the subscription agreements to both the Federal and State government record repositories that allows Law Enforcement agencies to participate have a clause prohibiting further dissemination of records without a Judicial Order. This is basic criminal discovery, completely consistent with the intention of the 2021 revisions of Rule 16. Making this change could greatly reduce the motion practice that the Courts must currently deal with to realize compliance with this rule.

To the extent that there are concerns about safeguards, the requirement for a Motion from the defense places ethical responsibility on the attorney for the defendant, and prevents ‘automatic’ or ‘bulk’ requests consistent with the other types of permissible orders in -403(1).

I did not amend the rule in response to this comment. I don’t have a good sense of how often this happens or how judges might feel about it. Would his suggestion impact motion practice or reduce a court’s workload? PJs can always add it to the local standing order.

CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case (AMEND) Proposed amendments eliminate the requirement to submit a court records request in writing, if the individual is requesting access to non-public court records that they are authorized to access under Rule 4-202.03. All other amendments are non-substantive formatting changes.

Mikelle Ostler

I had a question regarding the language in CJA 4-202.04(1). “A written request to access a non-public court record is not required for a person authorized to access the record pursuant to Rule 4-202.03.”

Is this language intended to prohibit the courts from requiring a written request from parties on a case? I would like to request similar language regarding public records — “must be presented in writing to the court clerk unless the court clerk waives the requirement.”

In the Juvenile Court specifically, I find the requirement of a written request to be helpful for a few reasons:

- Occasionally we have difficult cases, multiple fathers and other various parties, and there have been instances where the information tracking when we processed/delivered the record has been helpful.
- In our clerical weighted caseload study, it has been proposed that we track the amount of audio requests by the number of filings received. (Requests get eFiled to a specific sub-type that allows us to track record requests.)
- With the requirements to track court fees, the written request provides a paper trail to the fee we have created.

Thank you for your consideration of my question/request.

This makes sense to me. I amended paragraph (1) accordingly. It was getting confusing, so I created separate subsections. In short, clerks may waive the written requirement if the requester is seeking a public record or a non-public record to which they are authorized access under 4-202.03. However, clerks may not waive the written requirement if the requester is seeking a non-public record to which the requester is not authorized access under 4-202.03.

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) publications of the Administrative Office;

(2)(X) 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)(Y) record of the receipt or expenditure of public funds;

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

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

(2)(BB) 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)(CC) record of a request for a record;

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

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

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

(2)(GG) statistical data derived from public and nonpublic records but that disclose only public data; and

(2)(HH) 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 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 nonpublic.

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

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

(3)(A)(i) 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 ~~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 ~~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 title 75, chapter 2, part 9, Custody and Deposit of Wills;

(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;

(3)(K) "nonpublic restitution records" as defined in Utah Code section 63M-7-502; and

(3)(L) 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 81, Utah Domestic Relations Code, including qualified domestic relations orders, except that an action for consortium due to personal injury under section 81-3-111 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 81, chapter 6 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;

- 405
406 (6)(F) referral reports;
407
408 (6)(G) report of preliminary inquiries;
409
410 (6)(H) treatment or service plans;
411
412 (6)(I) nonjudicial adjustment records; and
413
414 (6)(J) documents filed with the court that were received pursuant to the Utah Interstate
415 Compact for Juveniles.

416
417 **(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

- 418 (7)(A) accounting records;
419
420 (7)(B) discovery filed with the court;
421
422 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
423 findings, orders, decrees, probable cause statements;
424
425 (7)(D) name of a party or minor;
426
427 (7)(E) record of a court hearing;
428
429 (7)(F) referral and offense histories; and
430
431 (7)(G) any other juvenile court record regarding a minor that is not designated as a
432 social record.
433

434
435 **(8) Safeguarded Court Records.** The following court records are safeguarded:

- 436
437 (8)(A) upon request, location information, contact information, and identity information,
438 other than the name of a petitioner and other persons to be protected, in an action filed
439 under Utah Code, Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
440
441 (8)(B) upon request, location information, contact information and identity information,
442 other than the name of a party or the party's child, after showing by affidavit that the
443 health, safety, or liberty of the party or child would be jeopardized by disclosure in a
444 proceeding under Utah Code, Title 78B, Chapter 13, Utah Uniform Child Custody
445 Jurisdiction and Enforcement Act; ~~or Utah Code, Title 78B, Chapter 14~~, Uniform
446 Interstate Family Support Act; ~~or Utah Code, Title 78B, Chapter 15~~, Utah Uniform
447 Parentage Act;
448
449 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or
450 (8)(B), location information, contact information and identity information, other than the
451 name of a party or the party's child, in a proceeding under Utah Code, title 81, Utah
452 Domestic Relations Code.
453
454 (8)(D) location information, contact information, and identity information of prospective
455 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; and

(8)(F) the following information about a victim or witness of a crime, including, upon receipt of notice, a participant in the Safe at Home Program 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;

(8)(F)(iii) except for a Safe at Home Program participant's assigned address, documents showing a participant's enrollment, including the authorization card, for a program participant under Utah Code, title 77, chapter 38, part 6, Safe at Home Program.

Effective: ~~January~~ May 1, 202~~5~~4

Rule 4-202.07. Appeals

Intent:

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

Applicability:

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

Statement of the Rule:

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

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

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

(4) **Notice of appeal.**

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

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

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

(5) **State court administrator.** ~~An appeal to T~~the state court administrator may mail a decision within 5 business days after receiving the appeal, or within 15 business days after mailing a notice under Rule 4-202.05(2)(B). If the state court administrator does not mail a decision is deemed denied unless a decision on the appeal is mailed within 5 business days after receiving the appeal or within 15 business days after mailing notice under Rule 4-202.05(2)(B), the appeal is deemed denied.

(6) **Management Committee.**

(6)(A) **Initial review.** The Management Committee will review an appeal at its first meeting held no fewer than 15 business days, but not more than 45 business days, after receiving the appeal. After reviewing the appeal, the Management Committee will

determine whether to issue a decision denying the appeal, schedule a hearing on the appeal, or take no action on the appeal, in which case the appeal is deemed denied. An appeal to the Management Committee is deemed denied unless a decision on the appeal is mailed within 5 business days after ~~the first meeting of the~~ Management Committee's initial review ~~held more than 15 business days after receiving the appeal.~~

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

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

(6)(B)(ii) notify the Petitionerappellant no fewer than 5 business days after the initial review that a hearing will be held. 15 business days before the hearing to appear before the Management Committee to present their argument.

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

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

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

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

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

(6)(D)(7) Decision. Following the hearing or the initial review of the appeal, the Management Committee may issue a written decision on the appeal. The state court administrator ~~will~~ shall mail ~~the decision~~ written decisions on an appeal to all participants. ~~The decision shall:~~

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

~~(7)(B) refer to the authority under which access to the record or portions of the record the request is being denied;~~

~~(7)(C) make findings and conclusions about specific records;~~

~~(7)(D) identify and balance the interests favoring opening and closing the record; and, if the record is closed, determine there are no reasonable alternatives to closure sufficient to protect the interests favoring closure;~~

~~(7)(E) state that the requester may appeal or seek judicial review; and~~

~~(7)(F) state the time limits for filing an appeal or petition for judicial review, and the name and address of the person to whom the appeal or petition must be directed.~~

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

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

Effective: ~~November 1, 2018~~May 1, 2025

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 documented in writing 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, 2025~~2~~

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.

(1)(A) Public records. 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.

(1)(B) Non-public records. A request to access a non-public court record must be presented in writing to the court clerk. A court clerk may waive the written requirement if the requester to which a person is authorized access to the non-public record pursuant to Rule 4-202.03. shall be presented in writing to the clerk of the court unless the clerk waives the requirement.

(1)(C) Format. 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 ~~at 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 Law Library, the director ~~shall~~must comply with the order in the same manner as ~~at the 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.

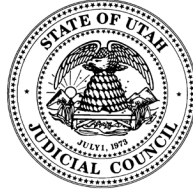
82 (10) **Governing rules.** A request under this rule to access a public court record is also governed
83 by Rule 4-202.06. A motion or petition under this rule is not governed by Rule 4-202.06 or Rule
84 4-202.07.

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

TAB 4

CJA 3-306.04. Interpreter appointment, payment, and fines

Notes: See attached memo for more details



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

December 10, 2024

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Policy, Planning, and Technology Committee

FROM: Jon Puente, Director OFA
Jessica Leavitt, Language Access Program Manager

RE: Proposed Change to Rule 3-306.04

Over the past year, the Language Access Program has received numerous complaints from TCEs, Judicial Officers, contract and staff interpreters of attorneys asking court interpreters to provide on-the-spot interpretation of recorded evidence during proceedings. This type of interpretation goes against best practices and the Code of Professional Responsibility for Court Interpreters.

Typically what is done is that both parties have their evidence translated before proceedings. Then if either party wishes to challenge the other's translation they use the rules of evidence to do so. What we are seeing now is attorneys asking court interpreters to do on-the-spot translations of recorded evidence, written, audio, and visual. What we hope to accomplish with the edits to UCJA 3-306.04 is to preempt this behavior by providing clear guidance of on-the-spot translations of recorded evidence.

We have been working with the Office of General Counsel on these edits in recognition that some of these issues would dovetail into the Rules of Evidence. Attached is a redline rule along with comments.

Rule 3-306.04. Interpreter appointment, payment, and fines.**Intent:**

To state the policy of the Utah courts to secure the rights of people under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. in legal proceedings who are unable to understand or communicate adequately in the English language.

To outline the procedures for appointment and payment of contract interpreters for legal proceedings.

Applicability:

This rule ~~shall apply~~applies to legal proceedings in courts of record and not of record.

This rule ~~shall apply~~applies to interpretation for non-English speaking people and not to interpretation for persons with a hearing impairment, which is governed by Utah and federal statutes.

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

(1)(A) Except as provided in paragraphs (1)(B) and (1)(C), if the appointing authority determines that a party, witness, victim or person who will be bound by the legal proceeding has a primary language other than English and limited English proficiency (LEP), the appointing authority ~~will~~shall appoint a certified or approved interpreter in all legal proceedings. A person requesting an interpreter is presumed to be a person of LEP~~limited English proficiency~~.

(1)(B) A registered interpreter may be appointed if no certified or approved interpreter is reasonably available.

(1)(C) A conditionally-approved interpreter may be appointed if the appointing authority, after evaluating the totality of the circumstances, finds that:

(1)(C)(i) the prospective interpreter has language skills, knowledge of interpreting techniques, and familiarity with interpreting sufficient to interpret the legal proceeding; ~~and~~

(1)(C)(ii) appointment of the prospective interpreter does not present a real or perceived conflict of interest or appearance of bias; and

(1)(C)(iii) a certified, approved, or registered interpreter is not reasonably available or the gravity of the legal proceeding and the potential consequence to the person are so minor that delays in obtaining a certified or approved interpreter are not justified.

Commented [KW1]: Is this different than a person with Limited English proficiency? If so, was that intentional?

LEP is defined in 3-306.01 as: the inability to understand or communicate in English at the level of comprehension and expression needed to participate effectively in legal proceedings.

(1)(D) **Out of state credentials.** The appointing authority may appoint an interpreter with certified or approved or equivalent credentials from another state if the appointing authority finds that the approved, registered, or conditionally approved interpreters who are reasonably available do not have the language skills, knowledge of interpreting techniques, or familiarity with interpreting sufficient to interpret the legal proceeding. The appointing authority may consider the totality of the circumstances, including the complexity or gravity of the legal proceeding, the potential consequences to the person of ~~LEP~~~~limited English proficiency~~, and any other relevant factor.

(1)(E) **Direct verbal exchange.** No interpreter is needed for a direct verbal exchange between the person and court staff if the court staff can fluently speak the language understood by the person and the state court employee is acting within guidelines established in the Human Resources Policies and Procedures. An approved, registered, or conditionally approved interpreter may be appointed if court staff does not speak the language understood by the person.

(1)(F) **Number of interpreters.** The appointing authority will appoint one interpreter for all participants with ~~LEP~~~~limited English proficiency~~, unless the judge determines that the participants have adverse interests, or that due process, confidentiality, the length of the legal proceeding, or other circumstances require that there be additional interpreters.

(2) **Review of denial of request for interpreter.** A person whose request for an interpreter has been denied may apply for review of the denial. The application ~~shall~~~~will~~ be decided by the presiding judge. If there is no presiding judge or if the presiding judge is unavailable, the ~~court~~ clerk ~~will~~~~of the court shall~~ refer the application to any judge ~~of the court or any judge~~ of a court of equal jurisdiction. The application must be filed within 20 days after the denial.

(3) **Waiver.** A person may waive an interpreter if the appointing authority approves the waiver after determining that the waiver has been made knowingly and voluntarily. A person may retract a waiver and request an interpreter at any time. An interpreter is for the benefit of the court as well as for the ~~non-English speaking person~~, so the appointing authority may reject a waiver.

(4) **Translation of court forms.** Forms must be translated by a team of at least two people who are interpreters certified or approved under this rule or translators accredited by the American Translators Association.

(5) Recorded evidence.

Commented [KW2]: Same as above

(5)(A) **Sight translations.** Parties may not ask interpreters to produce on-the-spot sight translations of written documents. The court may explain to the parties why this task is inappropriate.

(5)(B) **Recorded evidence in languages other than English.** When offering a recording of a spoken language other than English, a party must offer a written transcript of the recording to aid the jury or the court in understanding the recording. Admissibility of the recording and transcript is governed by the Utah Rules of Evidence.

(5)(C) **Recorded evidence in English.** Audio and video files recorded in English that will be played in open court should be reviewed by the interpreter(s) who will be providing language services for that hearing prior to the proceeding.

(5)(D) **Emergency circumstances.** If the situation involves an emergency circumstance, the court may require a party with LEP to testify as to what is being said on the recording and have that testimony interpreted by the court interpreter for the record. If the recorded evidence is brief or not complex, the court may permit on-the-spot interpretation with the consent of the court interpreter.

(5)(E) **Duty to inform.** Court interpreters assigned to a given proceeding must inform the judge if they are unable to provide an on-the-spot interpretation of audio or video recordings, or sight translations of written documents in English.

(56) Payment.

(56)(A) **Courts of record.** The fees and expenses for language access in courts of record ~~shall~~ will be paid by the Administrative Office. Payment of fees and expenses ~~shall~~ will be made in accordance with the Accounting Manual.

(56)(B) **Courts not of record.** The local government that funds a court not of record ~~shall~~ will set and pay the fees and expenses for interpreters in that court.

(56)(C) **Parties.** The court may assess the fees and expenses as costs to a party as otherwise provided by law: (e.g., Utah Constitution, Article I, Section 12, Utah Code Sections 77-1-6(2)(b), 77-18-116, 77-32b-104, 78B-1-146(3), ~~URCP Rule 54 of the Utah Rules of Civil Procedure~~(4)(2), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., ~~and including~~ regulations and guidance adopted under that title-).

(56)(D) **Review.** A person who has been ordered to pay fees and expenses for language access may apply to the presiding judge to review the order. If there is no presiding judge, the person may apply to any judge of ~~the court or any judge of a~~ court of equal jurisdiction. The application must be filed within 20 days after ~~the date~~ the order ~~was issued~~.

CJA 3-306.04

DRAFT: February 4, 2025

|130 *Effective: ~~2/27/2024~~[November 1, 2025](#)*

TAB 5

CJA 1-205. Standing and Ad Hoc Committees

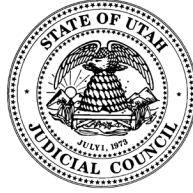
Notes: In February 2024, Nathanael Player proposed adding community representatives as members to the following committees:

- Judicial Branch Education Committee
- Court Facility Planning Committee
- Committee on Children and Family Law
- ~~Committee on Judicial Outreach~~
- Committee on Resources for Self-represented Parties
- Language Access Committee
- Guardian ad Litem Oversight Committee
- ~~Committee on Pretrial Release and Supervision~~
- Committee on Court Forms
- Committee on Judicial Fairness and Accountability

Nathanael had discussed the initiative with the Council ([December 2023](#), item #10), but the proposed amendments had not been approved by impacted committees or adopted by the Council. Stacey Snyder reported that the GAL Oversight Committee, for example, was concerned about the sensitive nature of the items often discussed by the committee and asked that the decision be placed on hold until the committee had more time to consider the issue.

PP&T discussed whether community members made sense on other committees as well, including the Judicial Branch Education Committee, as topics regarding judicial education would not require input from an outside source. PP&T supported the idea in concept and asked Mr. Player to report back with each impacted committee's recommendation. Mr. Puente will provide those committee recommendations during the meeting and, as outlined in the attached memo, will discuss his proposed amendments to lines 120-121, 147-148, 188-189, 219-220, 284-285, and 303-305.

Ms. Williams will discuss all other proposed amendments during the meeting.



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

December 10, 2024

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Policy, Planning, and Technology Committee

FROM: Jon Puente, Director OFA
Abram Sherrod, Public Outreach and Education Coordinator

RE: Community Voice in Administration of the Courts

Last year the Self Help Center and the Office of Fairness and Accountability presented an initiative to the Judicial Council regarding community voices on court committees. The reasoning behind this initiative is that self-represented litigants(SRL) constitute such an incredibly large number in the Utah Courts, therefore the Courts in order to meet its mission should engage with SRL.

The Judicial Council agreed and voted to implement this initiative. The Council instructed the Self-Help Center and OFA to work with the Policy, Planning, and Technology Committee to implement this initiative into rule. When this initiative was presented to the P.P. and T Committee, they asked that this initiative be presented to the standing committees that would be impacted by this initiative and take feedback from them. We have presented this initiative to the committees and now present the amendments to the rule reflecting their feedback.

Individuals targeted to represent community members shall have expertise in their field. These individuals may represent groups, agencies, organizations, or community clinics. They shall have institutional knowledge of the problems individuals face prior to engaging with the courts and an understanding of how to navigate the courts.

The expansion of court committees to include community representation is crucial towards ensuring Utahns have equal access to justice. Adding community voices in court administration can improve our response to access to justice. Attached is a redline version of UCJA 1-205 indicating which committees want to move forward with the community voice initiative.

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

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

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

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

Applicability:

This rule applies to the internal operation of the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B) Composition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B)(iv)(f) the court security director; and

(1)(B)(iv)(g) two community representatives who are knowledgeable about the needs of the self-represented litigants.

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

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

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

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

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

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

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

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

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

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

(1)(B)(v)(j) one-two community representatives of the community who are knowledgeable about the needs of self-represented litigants;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B)(vi)(k) two community representatives [who are knowledgeable about the needs of self-represented litigants](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B)(vii)(m) one American Sign Language representative; and

(1)(B)(vii)(n) two community representatives who are knowledgeable about the needs of self-represented litigants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1)(B)(xi)(e) one court clerk;
- (1)(B)(xi)(f) one appellate court staff attorney;
- (1)(B)(xi)(g) one representative from the Self-Help Center;
- (1)(B)(xi)(h) the State Law Librarian;
- (1)(B)(xi)(i) the district court administrator or designee;
- (1)(B)(xi)(j) one representative from a legal service organization that serves low-income clients;
- (1)(B)(xi)(k) one paralegal;
- (1)(B)(xi)(l) one educator from a paralegal program or law school;
- (1)(B)(xi)(m) one person skilled in linguistics or communication;
- (1)(B)(xi)(n) one representative from the Utah State Bar; and
- (1)(B)(xii)(o) the LPP administrator; and
- (1)(B)(xii)(p) two community representatives who are knowledgeable about the needs of the self-represented litigants.

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

- (1)(B)(xii)(a) one district court judge;
- (1)(B)(xii)(b) one juvenile court judge;
- (1)(B)(xii)(c) one justice court judge;
- (1)(B)(xii)(d) one appellate court judge;
- (1)(B)(xii)(e) two former judges from any court level;
- (1)(B)(xii)(f) the General Counsel or designee;

(1)(B)(xii)(g) ~~one~~ two community representatives of the community, at least one of whom is knowledgeable about the needs of self-represented litigants;

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

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

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

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

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

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

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

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

(1)(B)(xiii)(a)(iv) one representative from the Court Visitor Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(C) **Standing committee meetings and chairs.** The ~~Judicial~~ Council will designate the chair of each standing committee. Standing committees will meet as necessary to accomplish their work. ~~Standing committees will report to the Council as necessary but a minimum of once every year.~~ Except for the Committee on ~~Judicial~~ Fairness and Accountability, ~~C~~council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.**

(1)(D)(i) **Council.** Standing committees will report to the Council as necessary, but at least annually.

(1)(D)(ii) **Committee assessment.** At least once every ~~six-three~~ years, the ~~chair of each standing committee~~Management Committee will ~~review the performance of each committee~~conduct a performance assessment. Chairs should, at a minimum, consider:

(1)(D)(ii)(a) whether there is a more efficient way to accomplish the committee's work;

(1)(D)(ii)(b) whether there are any redundancies that would allow for consolidation with other committees or working groups; and

(1)(D)(ii)(c) whether the committee continues to serve its purpose or could be dissolved.

(1)(D)(iii) Management Committee. Committee chairs will report the results of the performance assessment in paragraph (1)(D)(ii) to the Management Committee. If the Management Committee determines that the committee continues to serve its purpose, the Management Committee will recommend to the ~~Judicial~~ Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the ~~Judicial~~ Council.

(1)(D)(iv) Guardian ad Litem Oversight Committee. Notwithstanding subsection (1)(D), t~~he~~ Guardian ad Litem Oversight Committee, recognized by Section 78A-~~2-1046-901~~, will not terminate.

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

(3) **General provisions.**

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

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

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

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

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

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

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

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

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

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

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

Effective: ~~November 1, 2024~~November 1, 2025