

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

Webex video conferencing  
February 7, 2025 – 12 p.m.

**MEMBERS:**

**PRESENT**

**EXCUSED**

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

**GUESTS:**

Lisa Ashman  
Anna Rossi  
Jon Puente  
Daniel Meza-Rincon  
Keri Sargent  
Jessica Vázquez-Leavitt  
Abram Sherrod  
Jace Willard

**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 January 10, 2025 meeting. With no changes, Judge Gardner moved to approve the minutes as presented. Judge Carpenter seconded the motion. The motion passed unanimously.

**(2) Rule back from public comment:**

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

The public comment period on the above rule has closed. 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. Two comments were received. The first commenter requested clarification on the definition of “transaction.” The second commenter suggested that all fees for copies of court records and FTR recordings be waived for governmental entities.

Lisa Ashman and Anna Rossi Anderson, representing the Salt Lake District Attorney’s Office (SLDA), attended the meeting to explain their concerns and answer questions. Primarily, SLDA is concerned with the budgetary impact on SLDA if copy and recording fees aren’t waived. Certified copies are presented as evidence in the prosecution of a majority of cases and is oftentimes the primary piece of evidence. SLDA

estimates a cost of \$75,000.00 -100,000.00 per year for certified copies. The SLDA budget cycle just ended and SLDA doesn't have enough funds to cover the anticipated certified copy fees for 2025.

PP&T discussed Utah Code section 78A-2-301(1)(ff) and determined that it only applies to filing fees. Under a plain reading of applicable statutes and court rules, while the judiciary is sensitive to budgetary impacts, it appears that the Council is only authorized to waive fees for expenses associated with *producing* copies of records and may not waive fees for the copies themselves, if those fees are set in statute (i.e. certified copies).

One option to significantly reduce copy fees for certified records is for the 3<sup>rd</sup> district court to require all judges to take judicial notice of certified court records, as allowed under the 2019 amendments to URE 902(13) and (14). That rule has not been consistently implemented by 3<sup>rd</sup> district judges. SLDA attorneys are often required to ask clerks to print and certify court records that are already in CORIS. Judge Gardner will speak to the 3<sup>rd</sup> district presiding judge and administrative group about implementing a district-wide policy.

After further discussion, PP&T determined that a legislative amendment to Utah Code section 78A-2-301 is required before the court may waive certified copy fees for governmental agencies. Ms. Ashman and Ms. Rossi Anderson will ask SLDA's legislative policy advisor to address the issue with members of the legislature this session. After further discussion, SLDA will confer with their policy advisor and provide an update to PP&T.

***Judge Gardner moved to take no action on CJA 4-202.08 until the next PP&T meeting. Judge Foncesbeck seconded the motion. The motion passed unanimously.***

**(3) Rules 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.**

The public comment period on the above rules has closed. 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. No amendments were made in response to the comment on rule 4-403. In response to the comment on rule 4-202.04, paragraph (1) was amended to clarify that 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 rule 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 rule 4-202.03. All remaining amendments were non-substantive and intended to provide clarity.

***Judge Foncesbeck moved to recommend to the Judicial Council that rules 4-202.02, 4-202.07, 4-403, and 4-202.04 be approved as final with a May 1, 2025 effective date. Judge Gardner seconded the motion. The motion passed unanimously.***

#### **(4) 3-306.04. Interpreter appointment, payment, and fines.**

Jon Puente and Jessica Vázquez-Leavitt presented proposed amendments to rule 3-306.04. The Language Access Program has received numerous complaints regarding attorneys asking court interpreters to provide on-the-spot interpretations of recorded evidence, both audio and video, and on-the-spot translations of written documents. These on-the-spot interpretations and translations are contrary to best practices and may cause interpreters to violate the Code of Professional Responsibility for Court Interpreters. The proposed amendments provide clear guidance regarding on-the-spot interpretations and translations of recorded evidence.

Under Canon (1) of Appendix F (Code of Professional Responsibility for Court Interpreters) in the Code of Judicial Administration, “[i]nterpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.” When parties bring in recorded or written evidence and ask interpreters to conduct on-the-spot interpretations or translations, the likelihood of additions, omissions, explanations, or paraphrasing is high. The interpreter’s role is to provide services in the courtroom. Evidence should be translated prior to trial by the party intending to submit it. Parties can prepare before trial by retaining a certified interpreter from the court roster. The court may permit on-the-spot interpretations with the consent of the court interpreter for evidence that is brief or not complex. The court could also permit on-the-spot interpretations or translations in emergency circumstances.

Following discussion, PP&T changed lines 14 and 77 to replace “non-English speaking” to “individuals with a primary language other than English and limited English proficiency (LEP).”

***With that change included, Judge Carpenter moved to send rule 3-306.04 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Fonnesebeck seconded the motion. The motion passed unanimously.***

#### **(5) CJA 1-205. Standing and ad hoc committees.**

Janine Liebert presented proposed amendments to rule 1-205, adding community representatives to the following standing committees of the Judicial Council:

- Court Facility Planning Committee
- Committee on Children and Family Law
- Committee on Resources for Self-represented Parties
- Language Access Committee
- Committee on Court Forms
- Committee on Fairness and Accountability

The proposed amendments also require the chair of each standing committee to conduct a committee performance assessment every three years and report the results to the Management Committee. Community representatives will provide an outsider perspective on the processes and procedures of the court. PP&T previously recommended that input be gathered from each of the standing committees to assess whether adding a community member made sense. Over the last year, all Judicial Council standing committees were asked for their feedback on this initiative. The proposed amendments include committees that indicated it would be helpful to add members of the community.

PP&T clarified with Ms. Liebert that community representatives would be individuals who already work with members of the public in some capacity and the courts' public outreach coordinator would assist in the search and vetting of those members. To make the language consistent, "at least one of whom are" was replaced with "who are knowledgeable about the needs of self-represented litigants" in Line 303. PP&T rejected and removed proposed amendments to lines 288-290.

***Following further discussion, Judge Fennesbeck moved to recommend to the Judicial Council that CJA rule 1-205 be approved for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.***

#### **Technology report/proposals:**

The Technology Advisory Subcommittee (TAC) met and discussed essential court functions that could be affected in the event of an emergency. TAC directed IT to present their recommendations to the clerks of court for review and subsequently present them to each court. The Artic Wolf cybersecurity training is ready to be launched at the beginning of March and will include mini trainings that will be documented in LMS.

#### **Old Business/New Business:**

Judge Gardner noted that during the Judicial Council's discussion of proposed amendments to the Interim Rules on the Use of Generative AI, the Council created a workgroup to study the issue and report back. Judge Gardner suggested including a member of PP&T on the workgroup to relay information from the workgroup to PP&T. Judge Gardner asked Ms. Williams to reach out to Justice Petersen about her interest and availability to serve on the workgroup.

**Adjourn:** With no further items for discussion, the meeting adjourned at 1:26 p.m. The next meeting will be held on March 7, 2025, at noon via Webex video conferencing.