

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

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

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Daniel Meza-Rincon
Janine Liebert
Keri Sargent
Meredith Mannebach
Jace Willard

STAFF:

Keisa Williams
Brody Arishita
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the February 7, 2025 meeting. With no changes, Judge Fonnesbeck moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 4-202.06. Response to request to access or classify a court record**
- **CJA 4-202.07. Appeals**
- **CJA 4-403. Electronic signature and signature stamp use**

Rule 4-403 and 4-202.07 were removed from the Judicial Council's agenda in February and sent back to PP&T for further discussion.

Rule 4-202.06

Ms. Williams proposed amendments to clean up and clarify language in rule 4-202.06.

The committee took no action on rule 4-202.06.

Rule 4-202.07

The Council sought clarification on paragraph (1) of rule 4-202.07, specifically regarding notice to individuals whose interests are protected by closure. Ms. Williams clarified that rule 4-202.07 governs appeals related to requests for administrative court records, aggregate court records, and court records for the purpose of research. Those requests are governed by rules 4-202.05 and 4-202.06 and are made to the custodian of the record, which will always be someone in the judiciary. In short, the onus is on the

Administrative Office of the Courts to determine whose interests are protected by closure and to give them notice. Following discussion, PP&T made no further amendments to the rule.

Judge Fennesbeck moved to recommend to the Judicial Council that rule 4-202.07 be approved as final with a May 1, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

Rule 4-403

Following a round of public comments and by motion of PP&T, the proposed amendments to 4-403 were sent to the Judicial Council for final approval in February. At the request of Judge McCullagh, the rule was removed from the Council's agenda for further discussion by PP&T.

Judge McCullagh provided feedback and proposed language to PP&T, with the goal of making the practice contemplated in rule 4-403 consistent throughout the juvenile, district, and justice courts. Following a discussion, the committee adopted Judge McCullagh's proposed language, with minor, non-substantive changes.

With no further discussion, Judge Carpenter moved to send rule 4-403 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

(3) CJA 4-206. Exhibits

This rule was recently amended to reflect statutory changes concerning the receipt, retention, and exposal of court exhibits. Primarily, the amendments referred parties to the statute regarding their retention obligations in criminal cases and required that all exhibits in the court's custody in criminal cases be given to the prosecuting agency. Court staff received feedback expressing concerns about giving bulky or sensitive exhibits that require law enforcement chain of custody and defense exhibits to prosecuting agencies. Jace Willard explained the proposed amendments in paragraphs (2)(A), (3), and (5) made in response to that feedback. Mr. Willard noted that properly interpreted, the changes are in compliance with Utah Code section 77-11c-102.

Following further discussion, Judge Gardner moved to recommend to the Judicial Council that the proposed amendments to rule 4-206 be approved as final with an expedited effective date, followed by a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(4) URE Committee

The Supreme Court's Advisory Committee on the Utah Rules of Evidence (URE) is requesting to add a feature to the court's website to make it easier to track changes to the rules and their source. Right now, other than the committee notes in the rules, someone looking for this information can search the approved amendments page. Sometimes the posts on that page include a note regarding associated legislative amendments, but that is rare. You can search by rule number if a tag was included in the post, which should bring up all amendments to the rule. The posts include dates and redlined changes. In addition, the committee webpages allow you to search committee meeting agendas and materials for changes regarding specific rules tagged on each post. However, we don't have a feature similar to the

legislature's historical code page. The URE Committee is requesting the new feature, but it would be pertinent to all court rules, not just the URE.

Brody Arishita discussed the feasibility of the request with Jason Ralston who manages the court's website and noted that some older versions of the rules are already stored in the system. The Committee discussed referring the matter to the Technology Advisory Subcommittee (TAC) who could create prototypes and prioritize the request in accordance with TAC's guidelines. TAC could start with the URE and, once functionality is built, PP&T could decide to add other rules depending on prioritization and cost.

After further discussion, Justice Petersen moved to refer the request to add features to the court's website to TAC. Judge Fannesbeck seconded the motion. The motion passed unanimously.

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

At its February meeting, the Judicial Council sent rule 4-111 back to PP&T to discuss whether there is continued utility in expediting procedures in capital cases above all other cases. If so, the Council asked PP&T to determine whether the policy needs to be memorialized in rule. If not, the rule can be repealed.

The Committee discussed whether removing the language in paragraph (1) and keeping an internal policy of expediting post-conviction petitions would be sufficient. The Committee determined that there is value in keeping the language as a reminder that those cases should be prioritized to prevent lengthy delays.

Judge Gardner moved to recommend to the Judicial Council that CJA rule 4-111 be approved for a 45-day public comment period. Justice Petersen seconded the motion. The motion passed unanimously.

(6) HR Policies. Due to scheduling conflicts, HR policies were moved to a future date.

Technology report/proposals:

Mr. Arishita will meet with the clerks of court on March 12th to review the essential court functions that could be affected in the event of an emergency. There will also be a separate meeting with the justice court clerks of court and Mr. Arishita will report back to PP&T at a later date.

Old Business/New Business:

Keri Sargent asked about the status of the amendments to rule 4-202.08 that were tabled at March's PP&T meeting. Ms. Williams noted that the Salt Lake District Attorney's office was able to get a legislator to sponsor a bill waiving all fees for government agencies, but must wait until the legislative session ends to see if the bill passes.

Adjourn: With no further items for discussion, the meeting adjourned at 12:58 p.m. The next meeting will be held on April 18, 2025, at noon via Webex video conferencing.