

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

Webex video conferencing  
April 18, 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  
Lauren Anderson  
Nini Rich  
Shane Bahr  
Bart Olsen  
Pleasy Wayas  
Judge Chelsea Koch  
Jessica Vázquez-Leavitt  
Stacy Haacke  
Jon Puente  
James Peters  
Abram Sherrod  
Aubrey Staples  
Tucker Samuelson

**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 March 7, 2025 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 1-101. General definitions – Rules of construction**
- **CJA 1-205. Standing and ad hoc committees**
- **CJA 3-306.04. Interpreter appointment, payment, and fines**
- **CJA 4-510.03. Qualifications of ADR providers**

No public comments were received on rules 1-101, 1-205, 3-306.04, or 4-510.03. Ms. Williams asked to hold rule 1-101 for a future PP&T meeting to conduct a more in-depth search for defined terms in the CJA.

***The committee took no action on rule 1-101. Judge Gardner moved to recommend to the Judicial Council that rules 1-205, 3-306.04, and 4-510.03 be approved as final with a May 1, 2025 effective date. Justice Petersen seconded the motion. The motion passed unanimously.***

### **(3) CJA 3-117. Committee on Court Forms**

The Committee on Court Forms (Forms Committee) seeks approval to revise its enabling rule. Judge Chelsea Koch, Janine Liebert, and Pleasy Wayas from the Forms Committee reviewed the proposed changes which would 1) formalize the authority of the Forms Committee; 2) clarify that the Judicial Council must approve forms used by Licensed Paralegal Practitioners and the Forms Committee approves all other forms; 3) allow the Forms Committee to delegate its responsibility for certain groups of forms; and 4) direct the Forms Committee to draft forms that center on the needs of self-represented litigants and enhance access to justice. The proposed revisions were approved by the Forms Committee and reviewed by the Committee on Resources for Self-Represented Parties.

PP&T discussed paragraph (3) of the draft rule and made the following changes:

- Line 22 – change to “Unless directed otherwise, the Council delegates final approval authority to the committee for all forms except for forms for use by LPPs” because the Judicial Council should retain the ultimate final say on form approval.
- Line 22 – change the title to “Approval and use of Forms” instead of Licensed Paralegal Practitioners.
- Add to line 23-24 - “Objections to approved forms may be raised with the Council by the committee or Boards” to ensure clarity as to how to resolve disputes.

PP&T asked the presenters for clarification on the application of paragraph (4), which states, “Courts may not reject committee-approved forms,” particularly whether a judge could still require a different form if they found the approved form insufficient. The presenters clarified that the intent of that language is to prevent clerical staff from rejecting forms. Judges would retain their discretion. The committee made the following changes:

- Line 24-25- modified to “Courts must accept committee-approved forms, unless a judge or commissioner make a determination that the form is not legally sufficient.”

***With no further discussion, Judge Gardner moved to send rule 3-117 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.***

### **(3) CJA 3-203. Domestic Relations Special Masters**

This new rule was developed by the Domestic Relations Special Masters subcommittee, a subcommittee of the Standing Committee on Children and Family Law, to establish the qualifications, training requirements, and continuing education for domestic relations special masters. Aubrey Staples and Stacy Haacke presented the proposed rule, explaining that it is designed to complement Rule 53A of the Utah Rules of Civil Procedure (URCP), which is currently out for public comment, by establishing specific training requirements and minimum qualifications for this role. Following discussion, PP&T agreed that the proposed rule should be taken back to the subcommittee for further revision to address identified issues and ensure alignment with URCP 53A.

***PP&T took no action on CJA 3-203 at this time.***

#### **(4) 3-403. Judicial branch education**

The Standing Education Committee proposed changes to rule 3-403 to make the rule applicable to all state employees who are not time-limited employees. This comes as law clerk attorneys asked whether the rule applied to them under the current wording. The Standing Education Committee would also like to make rule 3-403 applicable to state employees during the employees' performance year (April 1-March 31), excluding judicial officers and justice court employees. This would allow supervisors to include education requirements in performance expectations and evaluations.

PP&T changed "HR" to "human resource" on line 16 and to "human resources" on line 99 because "HR" is not a defined term.

***With no further discussion, Judge Carpenter moved to send rule 3-403 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.***

#### **(5) Appendix A. Justice Court Nominating Commissions Procedure Manual**

The proposed amendments will modernize the justice court judge application process by implementing an online portal for applications instead of requiring individuals to submit a paper application. Further amendments remove the requirement for a credit check paid for by the applicant and performed by the Administrative Office of the Courts. Removing the credit check requirement delegates this responsibility to the cities and counties by encouraging local governments to perform their own due diligence when selecting a candidate.

Mr. Peters requested an expedited effective date. The website has been programmed and they would like to stop processing paper applications.

***Judge Gardner moved to recommend to the Judicial Council that CJA Appendix A be approved as final with an expedited effective date of May 1, 2025, as well as published for a 45-day public comment period. Justice Petersen seconded the motion. The motion passed unanimously.***

#### **(6) CJA 3-402. Human resources administration and HR Policies:**

- **HR 11-1. Disciplinary Action**
- **HR 17-9, 3-5, 17-1. Grievance Procedures**
- **HR 17-5, 17-8. Mediation**
- **HR 7-3. Annual Leave Accrual**
- **HR 8-3. Exercise Release**

The Human Resources Policy Review Committee approved the proposed amendments to CJA 3-402 and HR policies. The amendments:

- facilitate consistency in disciplinary actions of career service employees and at-will employees;
- amend Grievance Panel Membership;

- allow job classification decisions to be grieved to the HR Director, with final decisions made by the State Court Administrator;
- clear up confusion about the process for reviewing allegations of retaliation;
- clarify that the Grievance Review Panel has the authority to review adverse actions against career service employees and defines what constitutes an adverse action;
- remove the ability to require mediation during the grievance process;
- discontinue the practice of automatically granting the maximum amount of annual leave to new hires in the IT Department; and
- expand exercise release time into wellness release time to promote mental health.

PP&T discussed the limited benefits received from mediation and the high cost associated with the process. Previously, career service employees only received notice and an opportunity to respond in termination cases. Now, human resources provides these rights before any adverse action is taken, making mediation less effective. Mediation is still an option, but it is not required. The committee made the following changes to CJA 3-402:

- Line 19 - Code of Ethics was uncapitalized;
- Line 73 - Remove section 5(C) Non-voting members as it is no longer needed;
- Lines 84-85 – Changed PP&T back to Policy, Planning and Technology Committee because its definition was removed along with section 5(C).

***Judge Gardner moved to recommend to the Judicial Council that CJA 3-402 be approved as final with an expedited effective date of July 1, 2025, as well as published for a 45-day public comment period, and HR policies HR11-1, HR17-9, HR03-5, HR17-1, HR17-5, HR17-8, HR07-3, HR08-3 be approved as proposed. Judge Carpenter seconded the motion. The motion passed unanimously.***

#### **(7) CJA 4-202.02. Records classification**

**CJA 4-510.06. Cases exempt from ADR rules**

**CJA 4-613. Jail prisoner transportation**

**CJA 4-202.03. Records access**

The proposed amendments to rules 4-202.02, 4-510.06, and 4-613 update statutory references in response to recodifications during the legislative session. The proposed amendments to rule 4-202.03 are in response to HB 129, which significantly impacts the classification of, and access to, adoption records. Stacy Haacke noted that the way in which the statute is worded, it would be difficult to rephrase the statutory language in the rule, making a reference to the statute preferable.

***Judge Carpenter moved to recommend to the Judicial Council that rules 4-202.02, 4-510.06, 4-613, and 4-202.03 be approved as final with an effective date of May 1, 2025. Rule 4-202.03 should also be published for a 45-day public comment period. Justice Petersen seconded the motion. The motion passed unanimously.***

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

Proposed amendments to rule 4-202.08 were reviewed at the February 7, 2025 PP&T meeting. No action was taken at that time because PP&T determined that the court may not (administratively) waive certified or exemplified copy fees for government agencies absent a legislative amendment to Utah Code

section 78A-2-301. The Salt Lake District Attorney's Office (SLDA) was unable to obtain a legislative amendment during the 2025 legislative session. Due to a lack of time, the proposed amendments will be moved to the June agenda.

***PP&T took no action on CJA 4-202.08 at this time.***

**Technology report/proposals:**

Mr. Eaton provided an update on the request from the Supreme Court's Advisory Committee on the Utah Rules of Evidence to add a historical tracking feature for rules on the court website. This request was referred to the Technology Advisory Committee (TAC) and Justice Pohlman requested it be reviewed by the Supreme Court bench. Mr. Arishita is scheduled to present this to the bench on April 30th. Mr. Eaton also provided an update on the development of a plan outlining essential court functions in the event of an emergency. Meetings were held with clerks of court in March. The plan has been presented to the board of district court judges and chief probation officers, and work is progressing. Briefings for juvenile boards and the justice court board are scheduled.

**Old Business/New Business: None**

**Adjourn:** With no further items for discussion, the meeting adjourned at 1:29 p.m. The next meeting will be held on June 6, 2025, at noon via Webex video conferencing.