

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

June 6, 2025 – 12:00 p.m. to 1:30 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	<u>Rules back from public comment:</u> <ul style="list-style-type: none"> • CJA 4-206. Exhibits • CJA 4-403. Electronic signature and signature stamp use • CJA 4-111. Priority of post-conviction petitions in capital cases <u>Non-substantive amendments:</u> <ul style="list-style-type: none"> • CJA 1-205. Standing and ad hoc committees • CJA 4-202.02. Records classification • CJA 6-501. Testing and reporting requirements for guardians and conservators • CJA 4-510.06 Cases exempt from ADR rules • CJA 4-613. Jail prisoner transportation • CJA 4-202.03. Records access 	Action	Tab 2	Keisa Williams
	<u>Removing Supreme Court Chapters from the CJA:</u> <ul style="list-style-type: none"> • Chapter 11. General Provisions • Chapter 12. Code of Judicial Conduct • Chapter 13. Rules of Professional Conduct • Chapter 14. Rules Governing the Utah State Bar • Chapter 15. Rules Governing Licensed Paralegal Practitioners 	Action	Tab 3	Nick Stiles
	CJA 3-413. Judicial library resources	Action	Tab 4	Kaden Taylor
	CJA 3-201. Court commissioners	Action	Tab 5	Keisa Williams
1:10	Technology report/proposals	Discussion		Brody Arishita
1:20	Old Business/New Business	Discussion		Judge Gardner
1:30	Adjourn			

2025 Meetings:

July 11, 2025	October 3, 2025
August 1, 2025	November 7, 2025
September 5, 2025	December 5, 2025

TAB 1

Minutes

April 18, 2025

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

DRAFT

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.

TAB 2

Back from Public Comment:

CJA 4-206. Exhibits

CJA 4-403. Electronic signature and signature stamp use

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

Non-substantive amendments:

CJA 1-205. Standing and ad hoc committees

CJA 4-202.02. Records classification

CJA 6-501. Testing and reporting requirements for guardians and conservators

CJA 4-510.06. Cases exempt from ADR rules

CJA 4-613. Jail prisoner transportation

CJA 4-202.03. Records access

Public comments:

No public comments were received on rules 4-403 and 4-111. Those are ready to go to the Council for final approval.

Rule 4-206: Two public comments were received, both recommending clerical fixes. Rule 4-206 was approved on an expedited basis with a March 14th effective date. Because the rule is already in effect and the changes are not substantive, the rule could be placed on the Council's consent calendar along with the other rules involving non-substantive amendments.

Non-substantive amendments:

Rule 1-205: (line 127) changes "Department of Human Services" to "Department of Health and Human Services" to align with statute

Rule 4-202.02: (lines 141-145, 185-191, 213-228, 443-446) We jumped the gun a bit on the statutory references. The recodification (SB 119) doesn't take effect until September 1, 2025.

These amendments simply revert back to the references currently in effect. We will make a note to update those on September 1st.

Rule 6-501: (line 51) Fixing the reference to a paragraph that does not exist. Keri Sargent reports that the amendment has been approved by the WINGS committee and the GRAMP/Court Visitor Administrator.

Rule 4-510.06: (lines 37-41) These amendments also revert back to the statutory references currently in effect and will be updated on September 1st. The remaining changes are formatting (lines 11-18, 28-29, 35, 44-45). **Title 81, chapter 4, dissolution of marriage in line 44 is correctly numbered.*

Rule 4-613: (lines 20-22) The statutory references are correct. We are simply changing “Person” to “Individual” and fixing formatting.

Rule 4-202.03: (lines 16-17) Reverting back to statutory references currently in effect; (lines 132, 135, 169-170) updating the title of the Juvenile Justice and Youth Services and Department of Health and Human Services; and fixing formatting.

Rule 4-202.03 was approved on an expedited basis with a May 1st effective date, but also went out for a 45-day public comment period. The comment period doesn’t end until June 15th. Normally, we would wait to reconsider amendments in July, after the comment period expires. However, the only [changes out for comment](#) are the updated statutory references that now need to be changed back and removing the majority of the language regarding adoption records in (2)(A), replacing it with a reference to the statute.

So far, the only public comment we’ve received is about reverting back to the statutory references currently in effect and making formatting suggestions. Considering the changes out for comment are directly related to the proposed amendments here and are non-substantive, I don’t think we need to wait until the July 11th meeting to vote on the proposed amendments in the materials.

Code of Judicial Administration – Comment Period Closed April 28, 2025

CJA04-206. Exhibits (AMEND)

The proposed amendments clarify that exhibits in the court's custody post-disposition will be transferred to the offering party or appropriate law enforcement agency.

This entry was posted in **CJA04-0206**.

« **Rules of Criminal Procedure –
Comment Period Closed May 1, 2025**

**Code of Judicial Administration –
Comment Period Closed April 28, 2025** »

UTAH COURTS

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2 thoughts on “Code of Judicial Administration – Comment Period Closed April 28, 2025”

Daniel Meza

April 4, 2025 at 7:51 am

“Submitting party” is used once in the rule at the beginning, followed by mention and references to “Offering party(ies)” Would it be appropriate to update submitting party to offering party at the beginning of the rule?

Keri Sargent

April 17, 2025 at 2:09 pm

Regarding the return of criminal exhibits to the offering party and/or law enforcement agency post disposition, it would be helpful to the court's clerical processes to more clearly define how and when that should happen. Paragraph (3)(B)(i) may be the best place to add that wording. Starting with line 82, clerical teams “...will execute a receipt identifying the material sent, the party to whom the exhibit is released, and the date and time of the release. The receipt shall will be made a part of the court record.” Using “SENT” instead of “TAKEN” in that sentence can let clerical teams simply mail / email the exhibits back to the offering party, and create the receipt indicating when the exhibits were sent, the date and time and to

whom. This would sidestep any issues of the courts trying to find the offering party, or the offering party never being present to receive the criminal exhibits.

1 **Rule 4-206. Exhibits.**

2 **Intent:**

3 To establish a uniform procedure for the receipt, maintenance, and release of exhibits.

4 **Applicability:**

5 This rule applies to all trial courts of record and not of record, except small claims court. In the
6 discretion of the court, this rule may apply to any proceeding in which exhibits are introduced.

7 **Statement of the Rule:**

8 **(1) Marking exhibits.**

9 (1)(A) **Marking Exhibits.** Prior to trial, or at a time specified by the judge, each party
10 must mark all exhibits it intends to introduce with exhibit labels in the format prescribed
11 by the clerk of court. Labels or tags must include, at a minimum, a case number, exhibit
12 number/letter, and an appropriate party designation. With approval of the court, a
13 photograph may be offered ~~by the submitting party~~ as a representation of the original
14 exhibit.

15 (1)(B) **Digital Exhibits.** Digital exhibits must be marked as provided in paragraph (1)(A)
16 and submitted to the court as prescribed by the clerk of court. Exhibits should not be
17 eFiled.

18 (1)(C) **Courts not of record.** Courts not of record may exempt parties from the
19 requirements outlined in paragraphs (1)(A) and (1)(B) and prescribe an alternative
20 process for marking exhibits.

21 **(2) Exhibit custody during trial.**

22 (2)(A) **Custody of the Parties.** During the trial, bulky and sensitive exhibits, and exhibits
23 that require law enforcement chain of custody, will remain in the custody of the party
24 offering the exhibit or in the custody of the appropriate law enforcement agency. Such
25 exhibits include, but are not limited to: biological evidence, biohazards, controlled
26 substances, paraphernalia, firearms, ammunition, explosive devices, pornographic
27 materials, jewelry, poisonous or dangerous chemicals, intoxicating liquors, money or
28 articles of high monetary value, counterfeit money, original digital storage media such as
29 a hard drive or computer, and documents or physical exhibits of unusual bulk or weight.
30 The clerk of court or designee must list these exhibits in the exhibit list and note that the
31 original exhibit is in the custody of the party or agency.

32 (2)(B) **Custody of the Court.** Physical exhibits offered, other than those in paragraph
33 (2)(A), must be placed in the custody of the clerk of court or designee. Digital exhibits
34 offered will be stored electronically or on digital media such as a thumb drive and stored
35 in accordance with paragraph (2)(C). The clerk of court or designee must list all exhibits
36 in the exhibit list, and the list will be made a part of the court record. An exhibit list may
37 be the court's designated case management system or a form approved by the Judicial
38 Council.

39 (2)(C) **Secured Storage.**

40 (2)(C)(i) Upon daily adjournment, the clerk of court or designee must compare
41 the exhibit list with the exhibits offered that day. Digital exhibits in the custody of
42 the court will be stored electronically in a manner meeting the requirements
43 outlined in paragraph (3)(A)(ii). Physical exhibits in the custody of the court must
44 be stored in an envelope or container, marked with the case number, and stored
45 in a secured storage location that meets the requirements outlined in paragraph
46 (3)(A)(ii).

47 (2)(C)(ii) Exhibits may be stored in a temporary secured location for no more than
48 72 hours, provided the temporary location is sufficient to prevent access by
49 unauthorized persons, and the location is secured with a key lock, combination
50 lock, or electronic lock. Access to the temporary storage location will be limited to
51 the clerk of court, judge, or a designee.

52 (3) **Exhibit custody prior to disposition.**

53 (3)(A) **Pending Disposition.** Exhibits in the court's custody pursuant to paragraph (2)(B)
54 may not be taken from the custody of the clerk of court or designee until final disposition
55 of the case, except upon order of the court and execution of a receipt that identifies the
56 material, the party or law enforcement agency to whom the exhibit is released, and the
57 date and time of the release. The receipt will be made a part of the court record.

58 (3)(A)(i) **Exhibit Manager.** The clerk of court will appoint an exhibit manager with
59 responsibility for the security, maintenance, documentation of the chain of
60 custody, and disposition of exhibits. The clerk of court may also appoint a person
61 to act as exhibit manager during periods when the primary exhibit manager is
62 absent. Unaccompanied or unauthorized access to secured storage locations by
63 anyone other than the exhibit manager, acting exhibit manager, or the clerk of
64 court is prohibited without a court order.

65 (3)(A)(ii) **Secured Storage Location.** Each court must provide physical and
66 electronic secured storage locations within their facility for storing exhibits
67 retained by the court under subsection (2)(B), and will maintain a current
68 inventory list of all exhibits in the court's custody. The physical secured storage
69 location must be sufficient to prevent access from unauthorized persons, secured
70 with a key lock, combination lock, or electronic lock, and protected from theft or
71 damage. The electronic secured storage location should be sufficient to prevent
72 access from unauthorized persons. Prior to use, physical and electronic secured
73 storage locations must be certified by the Court Security Director. Requests for
74 certification must be made in writing and will fully describe the secured storage
75 location, local access procedures, and security controls. Any changes to the
76 location, access procedures, or security controls require recertification by the
77 Court Security Director.

78 (3)(B) **Exhibit custody post disposition.**

(3)(B)(i) **Courts of record.** In courts of record, upon final disposition of the case, exhibits in the court's custody will be disposed of or returned to the offering parties or appropriate law enforcement agency pursuant to paragraph (5). The clerk of court, exhibit manager, or designee will execute a receipt identifying the material ~~taken~~sent, the party to whom the exhibit is released, and the date and time of the release. The receipt will be made a part of the court record.

(3)(B)(ii) **Courts not of record.** In civil cases in courts not of record, upon final disposition of the case, all exhibits in the court's custody will be returned to the parties. In criminal cases in courts not of record, upon final disposition of the case, all exhibits in the court's custody will be given to the offering party or appropriate law enforcement agency, which must comply with Utah Code title 77, chapter 11c, Retention of Evidence. The clerk of court, exhibit manager, or designee will execute a receipt identifying the material ~~sent~~taken, the party or law enforcement officer to whom the exhibit is released, and the date and time of the release. The receipt will be made a part of the court record.

(3)(C) **Exhibits in the custody of the parties.** Unless otherwise ordered by the court, exhibits identified in paragraph (2)(A) will remain in the custody of the parties or law enforcement agency until they are eligible for disposal pursuant to paragraph (5)(A)(i) or (5)(B)(i). Parties are responsible for preserving exhibits in the same condition as when they were first admitted into evidence.

(3)(D) **Access to exhibits by parties.** Parties may file a motion requesting access to an exhibit in the custody of the court or another party. Upon order of the court, the clerk of court, exhibit manager or designee, or party or law enforcement agency with custody of the exhibits will promptly make available for examination exhibits, or original or true copies of the exhibits.

(4) **Appeals.** Exhibits and exhibit lists will be provided upon appeal in accordance with the Utah Rules of Appellate Procedure.

(5) **Disposal of exhibits.** Exhibits will be disposed of as follows:

(5)(A) **Criminal.** In criminal and juvenile delinquency cases:

(5)(A)(i) **Party custody.** Parties and law enforcement agencies with custody of evidence must comply with Utah Code title 77, chapter 11c, Retention of Evidence.

(5)(A)(ii) **Court custody.** Exhibits in the court's custody will be transferred to the offering party or appropriate law enforcement agency no earlier than 365 days after the time for appeal has expired, provided no appeal has been filed and there are no pending post-conviction relief actions or pending appeals of post-conviction relief actions.

(5)(B) **Civil.** In cases that are not criminal in nature:

(5)(B)(i) **Disposal time.** Provided no appeal has been filed, parties may dispose of, and exhibit managers, clerks of court, or designees will dispose of any exhibits in their custody no earlier than 90 days after the time for appeal has expired.

(5)(B)(ii) **Court custody.** Exhibits in the court's custody will be disposed of as follows:

(5)(B)(ii)(a) **No monetary value.** Property having no monetary value will be destroyed by the exhibit manager, clerk of court, or designee. The exhibit manager will create a certificate of destruction including a description of the exhibit, the case and exhibit numbers, and the date and time of the destruction. The certificate of destruction will be made a part of the court record.

(5)(B)(ii)(b) **Monetary value.** Property having monetary value will be returned to its owner or, if unclaimed, will be given to the offering party, sheriff of the county, or other law enforcement agency to be sold in accordance with Utah Code. The receiving agency will furnish the court with a receipt identifying the receiving agency, the exhibit received, and the date and time the exhibit was received. The receipt will be made a part of the court record.

(5)(C) **Time Period.** Upon receipt of remittitur from an appellate court, the time period for all cases is reset.

Effective: March 14, 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) Standing Orders. A juvenile or district court presiding judge, or a justice court presiding judge of a judicial district may issue a standing order authorizing judges and commissioners to allow clerks to use an electronic signature or signature stamp in lieu of a judge's or commissioner's signature on specific document types other than those listed in paragraph (1). Before issuing such an order, the presiding judge must determine that

39 there is a benefit in administrative convenience, and be satisfied that there are minimal
40 concerns about record accuracy or integrity in allowing a clerk to use a judge's or
41 commissioner's electronic signature or signature stamp.

42 (2)(B) Judge Authorization. When a presiding judge has issued a standing order
43 pursuant to paragraph (2)(A), a judge or commissioner within that district may authorize
44 a clerk to use an electronic signature or signature stamp, in lieu of obtaining the judge's
45 or commissioner's signature.

46 (2)(C) Retention of Standing Orders. Standing orders issued under this Rule must be
47 maintained in accordance with the Utah State Courts Records Retention Schedule.

48 (3) **Automatic.** The electronic signature of a judge may be automatically affixed to the following
49 documents without the need for specific direction from the assigned judge when issued using a
50 form approved by the Judicial Council;

51 (3)(A) a domestic relations injunction issued under URCP 109;

52 (3)(B) an automatic expungement order issued under Utah Code; and

53 (3)(C) automated orders related to deferred traffic prosecution cases under Utah Code
54 Section§ 77-2-4.2.

55 (4) **Approval on a document-by-document basis.** All ~~other~~ documents not covered under
56 paragraphs (1), (2), or (3) that require~~ing at the~~ judge's or commissioner's signature shall must be
57 personally signed by the judge or commissioner, unless the judge or commissioner, on a
58 document-by-document basis, authorizes the clerk to use the judge's or commissioner's
59 electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The
60 judge or commissioner must review the document prior to granting such authorization.

61 (5) Documentation in the case. Authorization granted under paragraph (4) must be
62 documented in writing in the case. Authorization granted under paragraphs (1), (2), or (3) does
63 not need to be documented in the case.

64 (6) Clerk signature. When a clerk is authorized to use a judge's or commissioner's electronic
65 signature or signature stamp under this rule, On such documents, the clerk shall must indicate
66 in writing that the electronic signature or signature stamp was used at the direction of the judge
67 or commissioner and shall sign his or her name directly beneath the electronic signature or
68 stamped imprint of the judge's or commissioner's signature.

69 *Effective: ~~October~~ May 1, 2025*~~2~~

Rule 4-111. Priority of post-conviction petitions in capital cases.**Intent:**

To provide for the just and speedy resolution of post-conviction petitions in capital cases.

Applicability:

This rule ~~shall apply~~applies to the Supreme Court, District Court, and Administrative Office ~~of the Courts.~~

Statement of the rule:

(1) ~~The e~~Courts ~~shall~~must 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.

~~(2) The Administrative Office of the Courts shall prepare a monthly report that identifies:~~

~~(A) all pending post-conviction petitions in capital cases;~~

~~(B) the name of the judge or judges assigned to each case;~~

~~(C) the names of counsel for the parties;~~

~~(D) the prior and next calendared event of each case;~~

~~(E) the age of each case from filing of the petition; and~~

~~(F) the age of each case from filing of the notice of appeal.~~

~~(3) The Administrative Office of the Courts shall provide the report to any judge assigned to a pending post-conviction petition in a capital case, to the presiding judge of that court, and to the presiding officer of the Judicial Council.~~

Effective: ~~November 1, 1996~~May 1, 2025

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 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 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 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;

(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~~Health and 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) two community representatives 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;

(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;
- (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) two community representatives who are 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 Council will designate the chair of each standing committee. Standing committees will meet as necessary to accomplish their work. Except for the Committee on Fairness and Accountability, 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 three years, the chair of each standing committee will conduct a performance assessment. Chairs should, at a minimum, consider:

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

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

(1)(D)(iii)(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 Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Council.

(1)(D)(iv) **Guardian ad Litem Oversight Committee.** The Guardian ad Litem Oversight Committee, recognized by Section 78A-2-104, 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: June 23, 2025~~May 1, 2025~~

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, 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-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 Judicial 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 non-public 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 non-public.

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

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

(3)(A)(i) Utah Code, title ~~84~~78B, chapter ~~436~~, Part 1, Utah Adoption Act, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Utah Code, title ~~84~~78B, chapter 15, part 8, Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;

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

(3)(A)(iv) Utah Code section 78B-8-402, Actions for disease testing;

- 152 (3)(B) expunged records;
153
154 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah
155 Code section 77-23a-15;
156
157 (3)(D) records showing the identity of a confidential informant;
158
159 (3)(E) records relating to the possession of a financial institution by the commissioner of
160 financial institutions under Utah Code section 7-2-6;
161
162 (3)(F) wills deposited for safe keeping under Utah Code, title 75, chapter 2, part 9,
163 Custody and Deposit of Wills;
164
165 (3)(G) records designated as sealed by rule of the Supreme Court;
166
167 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of
168 any legal proceedings;
169
170 (3)(I) on appeal, any record previously designated as sealed by another court;
171
172 (3)(J) video record of a court proceeding, other than security video;
173
174 (3)(K) "nonpublic restitution records" as defined in Utah Code section 63M-7-502; and
175
176 (3)(L) other records as ordered by the court under Rule 4-202.04.
177

178 **(4) Private Court Records.** The following court records are private:
179

180 (4)(A) records in the following actions:
181

- 182 (4)(A)(i) Utah Code section 26B-5-332, Involuntary commitment under court
183 order;
184
185 (4)(A)(ii) Utah Code section 76-~~4011-532311~~, Removal from the National Instant
186 Check System database;
187
188 (4)(A)(iii) Utah Code, title ~~8478B~~, chapter ~~436~~, part 1, Utah Adoption Act, until the
189 records are sealed;
190
191 (4)(A)(iv) Utah Code, title ~~8478B~~, chapter 15, part 8, Gestational Agreement, until
192 the records are sealed;
193
194 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court
195 restitution judgment; and
196
197 (4)(A)(vi) Utah Code section 26B-8-111, Sex designation changes, and name
198 changes combined with sex designation changes for both minors and adults,
199 except that:
200
201 (4)(A)(vi)(a) the case history is public for minors; and
202

(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 Utah ~~Code s~~Section 81-3-111 is public;

(4)(B)(ii) Utah Code, title 75, chapter 5, Protection of ~~persons~~Persons under 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 ~~8478B~~, chapter ~~612~~, ~~Child Support~~Utah Child Support Act;

(4)(B)(v) Utah Code, title ~~8478B~~, chapter ~~1113~~, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vi) Utah Code, title ~~8478B~~, chapter ~~814~~, Uniform Interstate Family Support Act;

(4)(B)(vii) Utah Code, title ~~8478B~~, 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 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,

253 identification number, maiden name and mother's maiden name, and similar personal
254 identifying information;

255
256 (4)(M) the following personal identifying information about a person other than a party or
257 a victim or witness of a crime: residential address, personal email address, personal
258 telephone number; date of birth, driver's license number, social security number,
259 account description and number, password, identification number, maiden name,
260 mother's maiden name, and similar personal identifying information;

261
262 (4)(N) medical, psychiatric, or psychological records;

263
264 (4)(O) name of a minor, except that the name of a minor party is public in the following
265 district and justice court proceedings:

266
267 (4)(O)(i) name change of a minor, unless the name change is combined with a
268 sex designation change;

269
270 (4)(O)(ii) guardianship or conservatorship for a minor;

271
272 (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;

273
274 (4)(O)(iv) protective orders and stalking injunctions; and

275
276 (4)(O)(v) custody orders and decrees;

277
278 (4)(P) nonresident violator notice of noncompliance;

279
280 (4)(Q) personnel file of a current or former court personnel or applicant for employment;

281
282 (4)(R) photograph, film, or video of a crime victim;

283
284 (4)(S) record of a court hearing closed to the public or of a child's testimony taken under
285 Rule 15.5 of the Utah Rules of Criminal Procedure:

286
287 (4)(S)(i) permanently if the hearing is not traditionally open to the public and
288 public access does not play a significant positive role in the process; or

289
290 (4)(S)(ii) if the hearing is traditionally open to the public, until the judge
291 determines it is possible to release the record without prejudice to the interests
292 that justified the closure;

293
294 (4)(T) record submitted by a senior judge or court commissioner regarding performance
295 evaluation and certification;

296
297 (4)(U) record submitted for in camera review until its public availability is determined;

298
299 (4)(V) reports of investigations by Child Protective Services;

300
301 (4)(W) statement in support of petition to determine competency;

302
303 (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 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 section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report;

(5)(U) probation progress/violation reports;

(5)(V) except for those filed with the court, records maintained and prepared by juvenile probation; and

(5)(W) other records as ordered by the court under Rule 4-202.04.

(6) Juvenile Court Social Records. The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;

(6)(C) medical, psychological, psychiatric evaluations;

(6)(D) pre-disposition, dispositional, and social summary reports;

(6)(E) probation agency and institutional reports or evaluations;

(6)(F) referral reports;

- (6)(G) report of preliminary inquiries;
- (6)(H) treatment or service plans;
- (6)(I) nonjudicial adjustment records; and
- (6)(J) documents filed with the court that were received pursuant to the Utah Interstate Compact for Juveniles.

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

- (7)(A) accounting records;
- (7)(B) discovery filed with the court;
- (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees, probable cause statements;
- (7)(D) name of a party or minor;
- (7)(E) record of a court hearing;
- (7)(F) referral and offense histories; and
- (7)(G) any other juvenile court record regarding a minor that is not designated as a social record.

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

- (8)(A) upon request, location information, contact information, and identity information, other than the name of a petitioner and other persons to be protected, in an action filed under Utah Code, title 78B, chapter 7, Protective Orders and Stalking Injunctions;
- (8)(B) upon request, location information, contact information and identity information, other than the name of a party or the party's child, after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Utah Code, title ~~81~~78B, chapter ~~11~~13, Utah Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code, title ~~81~~78B, chapter ~~8~~14, Uniform Interstate Family Support Act; or Utah Code, title ~~81~~78B, chapter 15, Utah Uniform Parentage Act;
- (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or (8)(B), location information, contact information and identity information, other than the name of a party or the party's child, in a proceeding under Utah Code, title 81, Utah Domestic Relations Code;
- (8)(D) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;

(8)(E) location information, contact information, and identity information other than name of a prospective juror summoned to attend court; 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 ~~May 1~~ June 23, 2025

1 **Rule 6-501. Testing and reporting requirements for guardians and conservators.**

2
3 **Intent:**

4 To set forth the testing requirements for guardians and conservators and to establish standards
5 and procedures for inventories, reports, and accountings that guardians and conservators are
6 required to file under the Utah Uniform Probate Code.

7
8 **Applicability:**

9 This rule applies to individuals seeking appointment as guardians and conservators and
10 individuals who are appointed by the court as guardians and conservators.

11
12 **Statement of the Rule:**

13 **(1) Definitions.**

14 (1)(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312
15 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.

16
17 (1)(B) "Interested person" means the respondent, if he or she is not a minor, the respondent's
18 guardian and conservator, the respondent's spouse, adult children, parents and siblings, and
19 any other person interested in the welfare, estate, or affairs of the respondent who requests
20 notice under Utah Code Section 75-5-406. If no person is an interested person as previously
21 defined, then interested person includes at least one of the respondent's closest adult
22 relatives, if any can be found. For purposes of minor guardianship, interested persons include
23 the persons listed in Utah Code Section 75-5-207.

24
25 (1)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.

26
27 (1)(D) "Serve" means any manner of service permitted by Utah Rule of Civil Procedure 5.

28
29 (1)(E) "Protected person" means a minor or an incapacitated person for whom the court
30 appoints a guardian or an individual for whom the court appoints a conservator.

31
32 (1)(F) "Report" means the inventory, accounting, or annual report on the status of the
33 protected person under Utah Code Sections 75-5-209 and 75-5-312, and the final accounting
34 under Sections 75-5-210 and 75-5-419

35
36 (1)(G) "Respondent" means a person who is alleged to be incapacitated and for whom the
37 appointment of a guardian or conservator is sought.

38
39 **(2) Exceptions.**

40 (2)(A) Paragraph (3) does not apply to the following:

41
42 (2)(A)(i) a guardian certified under Utah Code Section 75-5-311(1)(a);

(2)(A)(ii) the Office of Public Guardian; or

(2)(A)(iii) a conservator issued a permit under Utah Code Section 7-5-2.

(2)(B) Paragraphs (6), (7), (8), (9), and (10) do not apply if the guardian or conservator is a parent of the protected person.

(2)(C) Paragraphs (6)(C) and (8)(C) do ~~Paragraph (7)(C) does~~ not apply to the guardian of a minor if the minor's estate consists of funds that are deposited in a restricted account, which requires judicial approval for withdrawal, or if there is no estate.

(2)(D) Paragraph (9) does not apply to a conservator who is appointed for the purpose of receiving a personal injury settlement for a minor if 1) no funds are to be distributed until the minor reaches the age of majority, or 2) no structured settlement payments are to be made until the minor reaches the age of majority.

(3) Examination and private information record.

(3)(A) Before the court enters an order appointing a guardian or conservator, the proposed guardian or conservator must file:

(3)(A)(i) a verified statement showing satisfactory completion of a court-approved examination on the responsibilities of a guardian or conservator; and

(3)(A)(ii) a completed and verified Private Information Record form provided by the Administrative Office of the Courts.

(3)(B) The guardian or conservator must continue to keep the court apprised of any changes to the guardian or conservator's contact information.

(4) Recordkeeping. The guardian must keep contemporaneous records of significant events in the life of the protected person and produce them if requested by the court. The conservator must keep contemporaneous receipts, vouchers or other evidence of income and expenses and produce them if requested by the court. The guardian and conservator must maintain the records until the appointment is terminated and then deliver them to the successor guardian or conservator, to the protected person if there is no successor guardian or conservator, or to the personal representative of the protected person's estate.

(5) Filing and service of required reports and proposed Order on Review

(5)(A) The guardian or conservator ~~shall~~ will file with the court the reports required by Paragraphs 6, 7, 8, 9, and/or 10 using the appropriate Council-approved form or a form that substantially conforms to the format and content of the Council form.

(5)(A)(i) A corporate fiduciary ~~shall~~will attach its internal report or accounting, if any, as an exhibit to the Council form.

(5)(A)(ii) If the protected person's estate is limited to a federal or state program requiring an annual accounting, the guardian may file a copy of that accounting instead of the Council form.

(5)(B) The annual status report and annual accounting must contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period.

(5)(C) Along with the required report, the guardian or conservator ~~shall~~will also file the Council-approved Order on Review of Guardian or Conservator Report ("Order on Review") as a proposed document.

(5)(D) The guardian or conservator must serve a copy of the required report on all interested persons in accordance with Rule 5 of the Utah Rules of Civil Procedure. The required report must include the following language at the top right corner of the first page, in bold type: **You have the right to object to this report within 28 days of service. If you do not object within that time, your objection may be waived.**

(6) Inventory.

(6)(A) Within 90 days after the appointment, the conservator must file with the appointing court the inventory required by Utah Code Section 75-5-418 in accordance with Paragraph 5. The inventory must be in substantially the same form as the inventory form approved by the Council, including the required attachments. The court may extend the time for filing the inventory for good cause.

(6)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge must approve it by signing the Order on Review.

(6)(C) If there is no conservator, the guardian must file the inventory required of a conservator under Utah Code Section 75-5-312.

(7) Annual status reports.

(7)(A) The guardian must file with the appointing court a report on the status of the protected person no later than 60 days after the anniversary of the appointment in accordance with Paragraph 5.

(7)(A)(i) The status report must be in substantially the same form as the status report form approved by the Council, including the required attachments.

(7)(A)(ii) The guardian must file the report with the court that appointed the guardian unless

that court orders a change in venue under Utah Code Section 75-5-313.

(7)(A)(iii) The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the guardian. The guardian may not file the report before the close of the reporting period. For good cause the court may extend the time for filing the report, but a late filing does not change the reporting period.

(7)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge must approve it by signing the Order on Review

(8) Annual accounting.

(8)(A) The conservator must file with the appointing court an accounting of the estate of the protected person no later than 60 days after the anniversary of the appointment in accordance with Paragraph 5.

(8)(A)(i) The accounting must be in substantially the same form as the accounting form approved by the Council, including the required attachments.

(8)(A)(ii) The conservator must file the accounting with the court that appointed the conservator unless that court orders a change in venue under Utah Code Section 75-5-403.

(8)(A)(iii) The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the conservator. The conservator may not file the accounting before the close of the reporting period. For good cause the court may extend the time for filing the accounting, but a late filing does not change the reporting period.

(8)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge must approve it by signing the Order on Review.

(8)(C) If there is no conservator, the guardian must file the accounting required of a conservator under Utah Code Section 75-5-312.

(9) Final accounting.

(9)(A) The conservator must file with the court a final accounting of the estate of the protected person with the motion to terminate the appointment in accordance with Paragraph 5.

(9)(B) The court may conduct a hearing even though no objection is filed. If the court finds that the accounting is in order, the court must approve it by signing the Order on Review.

(10) Objections.

(10)(A) If an interested person objects to a report, the person must file a written objection with

the court and serve a copy on all interested persons within 28 days from the date of service of the report. A request to submit must be included with the objection. The court may for good cause, including in order to accommodate a person with a disability, waive the requirement of a writing and document the objection and request to submit in the court record.

(10)(B) The objection must specify in writing the entries to which the person objects and state the reasons for the objection.

(10)(C) An objection to a report may not contain a request to remove or substitute the guardian or conservator. Any request for removal or substitution of the guardian or conservator must be filed as a separate petition consistent with Utah Code Section 75-5-307 or 75-5-415.

(10)(D) If an objection is filed, the court must conduct a hearing unless the court determines that a hearing is not necessary. If the court determines that a hearing is not necessary, the court must issue a minute entry or order stating why a hearing is not necessary.

(10)(E) At the hearing, the court may require the guardian or conservator to supplement or amend the report if the court determines there is good cause for the objection.

(10)(F) If the court determines that the objection is unfounded or is filed in bad faith, the court may deny the objection and approve the report.

(11) **Waiver.** If an interested person does not object to a report within 28 days of service, the interested person waives any objection unless:

(11)(A) the objection relates to matters not fairly disclosed by the report; or

(11)(B) the time for objection is extended by the court under Rule 6 of the Utah Rules of Civil Procedure. If the request for an extension is made before the time has run, the court may extend the time for good cause. If the request is made after the time has run, the court may extend for excusable neglect.

(12) **Report approval.**

(12)(A) **Approval.** The court must examine and approve the report as required by Utah Code sections 75-5-312 and 75-5-417. Approving a report means the judge has reviewed it, to the court's knowledge notice has been given to every person entitled to notice, no objection has been received, the report meets the requirements set forth by the report form, and the court has not requested additional information or scheduled a hearing. Such approval does not foreclose a valid claim permitted under paragraphs (11)(A) or (11)(B), nor does it start an appeal time.

(12)(B) **Notice to interested persons.** When a court approves a report, the court must sign and enter the Order on Review. When a court does not approve a report, the court must indicate on the Order on Review, or in another minute entry or order, the reasons for non-

215 approval, any additional actions required, and serve it on all interested persons entitled to
216 notice.

217

218 (13) **Report on a minor.** Under Utah Code Section 75-5-209, a person interested in the welfare
219 of a minor may petition the court for a report from the guardian on the minor's welfare or the
220 minor's estate. If the court orders a status report from the guardian, the status report must be in
221 substantially the same form as the status report form for guardianships of adults approved by the
222 Council, including the required attachments.

223

224 Effective ~~November 1, 2023~~ June 23, 2025

Rule 4-510.06. Cases exempt from ADR rules.**Intent:**

To identify the actions exempt from Rules 4-510.01 through 4-510.05.

Applicability:

This rule applies in the district court.

Statement of the Rule:

(1) Rules 4-510.01 through 4-510.05 do not apply to the following actions:

(1)(A) Utah Code ~~t~~Title 26B, ~~c~~Chapter 3, ~~p~~Part 10, Medical Benefits Recovery;

(1)(B) Utah Code ~~t~~Title 26B, ~~c~~Chapter 9, Recovery Services and Administration of Child Support;

(1)(C) Utah Code ~~t~~Title 78B, ~~c~~Chapter 7, ~~p~~Part 61, Cohabitant Abuse Protective Orders;

(1)(D) Utah Code ~~t~~Title 26B, ~~c~~Chapter 5, Health Care - Substance Use and Mental Health;

(1)(E) Rules 65A, 65B and 65C of the Utah Rules of Civil Procedure; and

(1)(F) uncontested matters.

(2) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but they may undergo ADR procedures under other programs:

(2)(A) Utah Code ~~t~~Title 78A, ~~c~~Chapter 8, Small Claims Court; and

(2)(B) Utah Code ~~t~~Title 78B, ~~c~~Chapter 6, ~~p~~Part 8, Forcible Entry and Detainer.

(3) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but the judge may direct that they undergo ADR procedures under these rules:

(3)(A) Utah Code ~~t~~Title 81, ~~c~~Chapter 6, Child Support;

(3)(B) Utah Code ~~t~~Title ~~84~~78B, ~~c~~Chapter ~~8~~14, Uniform Interstate Family Support Act;

(3)(C) Utah Code ~~t~~Title ~~84~~78B, ~~c~~Chapter ~~1~~5, Utah Uniform Parentage Act;

(3)(D) Utah Code ~~t~~Title ~~84~~78B, ~~c~~Chapter ~~44~~13, Utah Uniform Child Custody Jurisdiction and Enforcement Act; and

(3)(E) temporary orders requested under Utah Code ~~t~~Title 81, ~~c~~Chapter 4, Dissolution of Marriage, except temporary separation orders under ~~s~~Section 81-4-104.

Effective: ~~May 4~~June 23, 2025

Rule 4-613. Jail prisoner transportation**Intent:**

To establish a procedure for designating on the statewide warrants system offenses which require transportation of an individual arrested in a county other than the county from which the warrant was issued.

Applicability:

This rule applies to all warrants issued on or after November 1, 2011.

Statement of the Rule:

(1) Unless otherwise ordered by the court, warrants for the following offenses will require transportation from the county in which the defendant is arrested:

(1)(A) felonies;

(1)(B) class A misdemeanors; and

(1)(C) class B misdemeanors charged under Utah Code, ~~t~~Title 76, ~~c~~Chapter 5 (Offenses Against the ~~Person~~Individual), ~~t~~Title 76, ~~c~~Chapter 11, (~~Weapons~~), and ~~t~~Title 41, ~~c~~Chapter 6a, Part 5 (Driving Under the Influence and Reckless Driving).

(2) Unless otherwise ordered by the court, warrants for the following offenses will require transportation only within the county from which the warrant originates:

(2)(A) class B misdemeanors not included in paragraph (1); and

(2)(B) class C misdemeanors.

Effective: ~~May 1~~June 23, 2025

Rule 4-202.03. Records access**Intent:**

To identify who may access court records.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Public Court Records.** Any person may access a public court record.

(2) **Sealed Court Records.** No one may access a sealed court record except as authorized below or by order of the court. A judge may review a sealed record when the circumstances warrant.

(2)(A) **Adoption records.** Upon request and presentation of positive identification, adoption records may be accessed according to Utah Code, title ~~84~~78B, chapter ~~136~~, part 1, or pursuant to any court order that may have been entered.

(2)(B) **Expunged records.**

(2)(B)(i) The following may obtain certified copies of the expungement order and the case history upon request and presentation of positive identification:

(2)(B)(i)(a) the petitioner or an individual who receives an automatic expungement under Utah Code, ~~T~~title 77, ~~c~~Chapter 40a or ~~s~~Section 77-27-5.1;

(2)(B)(i)(b) a law enforcement officer involved in the case, for use solely in the officer's defense of a civil action arising out of the officer's involvement with the petitioner in that particular case;

(2)(B)(i)(c) parties to a civil action arising out of the expunged incident, if the information is kept confidential and utilized only in the action; and

(2)(B)(i)(d) an attorney who is not the attorney of record with a release from an individual authorized access under this rule that is signed and notarized not more than 90 days before the date of the request.

(2)(B)(ii) Information contained in expunged records may be accessed by qualifying individuals and agencies under Utah Code ~~s~~Section 77-40a-403 upon written request and approval by the state court administrator in accordance with Rule 4-202.05. Requests must include documentation proving that the requester

meets the conditions for access and a statement that the requester will comply with all confidentiality requirements in Rule 4-202.05 and Utah Code.

(2)(C) **Video records.** An official court transcriber may obtain a video record of a court proceeding for the purposes outlined in Rule 5-202. A court employee may obtain a video record of a court proceeding if needed to fulfill official court duties.

(3) **Private Court Records.** The following may access a private court record:

(3)(A) the subject of the record;

(3)(B) the parent or guardian of the subject of the record if the subject is an unemancipated minor or under a legal incapacity;

(3)(C) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(3)(D) an interested person to an action under the Uniform Probate Code;

(3)(E) the person who submitted the record;

(3)(F) the attorney or licensed paralegal practitioner for a person who may access the private record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(3)(G) an individual with a release from a person who may access the private record signed and notarized no more than 90 days before the date the request is made;

(3)(H) anyone by court order;

(3)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(3)(K) a governmental entity with which the record is shared under Rule 4-202.10.

(4) **Protected Court Records.** The following may access a protected court record:

(4)(A) the person or governmental entity whose interests are protected by closure;

(4)(B) the parent or guardian of the person whose interests are protected by closure if the person is an unemancipated minor or under a legal incapacity;

(4)(C) the person who submitted the record;

(4)(D) the attorney or licensed paralegal practitioner for the person who submitted the record or for the person or governmental entity whose interests are protected by closure or for the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity or an individual who has a power of attorney from such person or governmental entity;

(4)(E) an individual with a release from the person who submitted the record or from the person or governmental entity whose interests are protected by closure or from the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity signed and notarized no more than 90 days before the date the request is made;

(4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(4)(G) anyone by court order;

(4)(H) court personnel, but only to achieve the purpose for which the record was submitted;

(4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(4)(J) a governmental entity with which the record is shared under Rule 4-202.10.

(5) Juvenile Court Social Records. The following may access a juvenile court social record:

(5)(A) the subject of the record, if 18 years of age or over;

(5)(B) a parent or guardian of the subject of the record, or their attorney, if the subject is an unemancipated minor;

(5)(C) an attorney or person with power of attorney for the subject of the record;

(5)(D) a person with a notarized release from the subject of the record or the subject's legal representative dated no more than 90 days before the date the request is made;

(5)(E) the subject of the record's therapists and evaluators;

(5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(G) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and ~~Juvenile Justice Services~~ Juvenile Justice and Youth Services;

(5)(H) the ~~Department of Human Services~~ Department of Health and Human Services, school districts and vendors with whom they or the courts contract (who must not permit further access to the record), but only for court business;

(5)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(5)(J) a governmental entity with which the record is shared under Rule 4-202.10;

(5)(K) the person who submitted the record;

(5)(L) public or private individuals or agencies providing services to the subject of the record or to the subject's family, including services provided pursuant to a nonjudicial adjustment, if a probation officer determines that access is necessary to provide effective services; and

(5)(M) anyone by court order.

(5)(N) Dispositional reports on delinquency cases may be accessed by the minor's counsel, the prosecuting attorney, the guardian ad litem, and the counsel for the parent, guardian, or custodian of a child. When a minor or minor's parent, guardian, or custodian is not represented by counsel the court may limit inspection of reports by the minor or the minor's parent, guardian, or custodian if the court determines it is in the best interest of the minor.

(5)(O) Juvenile court competency evaluations, psychological evaluations, psychiatric evaluations, psychosexual evaluations, sex behavior risk assessments, and other sensitive mental health and medical records may be accessed only by:

(5)(O)(i) a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(O)(ii) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and ~~Juvenile Justice Services~~ Juvenile Justice and Youth Services;

(5)(O)(iii) court personnel, but only to achieve the purpose for which the record was submitted; and

(5)(O)(iv) anyone by court order.

(5)(P) When releasing records under (5)(O)(iv), the court should consider whether releasing the records to the subject of the record would be detrimental to the subject's mental health or the safety of any individual, or would constitute a violation of normal professional practice and medical ethics.

(5)(Q) When records may be accessed only by court order, a juvenile court judge will permit access consistent with Rule 4-202.04 as required by due process of law in a manner that serves the best interest of the child.

(6) Juvenile Court Legal Records. The following may access a juvenile court legal record:

(6)(A) all who may access the juvenile court social record;

(6)(B) a law enforcement agency;

(6)(C) a children's justice center;

(6)(D) public or private individuals or agencies providing services to the subject of the record or to the subject's family;

(6)(E) the victim of a delinquent act may access the disposition order entered against the minor; and

(6)(F) the parent or guardian of the victim of a delinquent act may access the disposition order entered against the minor if the victim is an unemancipated minor or under legal incapacity.

(7) Safeguarded Court Records. The following may access a safeguarded record:

(7)(A) the subject of the record;

(7)(B) the person who submitted the record;

(7)(C) the attorney or licensed paralegal practitioner for a person who may access the record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(7)(D) an individual with a release from a person who may access the record signed and notarized no more than 90 days before the date the request is made;

(7)(E) anyone by court order;

(7)(F) court personnel, but only to achieve the purpose for which the record was submitted;

(7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05;

(7)(H) a governmental entity with which the record is shared under Rule 4-202.10; and

(7)(I) a person given access to the record in order for juvenile probation to fulfill a probation responsibility.

(8) Juvenile court probation records. Records prepared and maintained by juvenile court probation that are not filed in a juvenile court case are not open for inspection except by order of the court.

(9) Court personnel may not permit access to court records by unauthorized persons. The court may order anyone who accesses a non-public record not to permit further access, the violation of which may be contempt of court.

(10) If a court or court employee in an official capacity is a party in a case, the records of the party and the party's attorney are subject to the rules of discovery and evidence to the same extent as any other party.

Effective: ~~May 1~~ June 23, 2025

TAB 3

Chapter 11. General Provisions

Chapter 12. Code of Judicial Conduct

Chapter 13. Rules of Professional Conduct

Chapter 14. Rules Governing the Utah State Bar

Chapter 15. Rules Governing Licensed Paralegal Practitioners

Notes: Because chapters 11-15 in the CJA are governed by the Supreme Court, the Court would like to remove the rules from the CJA and renumber them accordingly. See attached memo.



Nicholas Stiles
Appellate Court Administrator

Nicole J. Gray
Clerk of Court

Supreme Court of Utah
450 South State Street
P.O. Box 140210
Salt Lake City, Utah 84114-0210

Telephone 801-578-3900
Email: supremecourt@utcourts.gov

Matthew B. Durrant	Chief Justice
John A. Pearce	Associate Chief Justice
Paige Petersen	Justice
Diana Hagen	Justice
Jill M. Pohlman	Justice

Dear Judge Gardner and Policy, Planning, & Technology Committee Members –

The Supreme Court would like to remove the Supreme Court's Rules of Professional Practice Chapters from the Code of Judicial Administration. The chapters are listed below.

- Chapter 11. General Provisions.
- Chapter 12. Code of Judicial Conduct.
- Chapter 13. Rules of Professional Conduct.
- Chapter 14. Rules Governing the Utah State Bar.
- Chapter 15. Rules Governing Licensed Paralegal Practitioners.

Currently, these rules are listed under the Code of Judicial Administration and found on this [webpage](#). See Tab A. This has caused confusion with staff and practitioners as the authority for these chapters is separate from the Judicial Council's authority over the administration of the judiciary. The Court would like to renumber their chapters from 11-15 to 1-5. Citations for these chapters will then properly be SUP. CT. R. PRO. PRAC. X-XXX.

The Court would like to make this change but first wanted to present the idea to this Committee and solicit any objections. The Court would also like this Committee's opinion on whether this request should go before the Judicial Council.

Thank you for considering this request.

Respectfully,

Nick Stiles
Appellate Court Administrator

Tab A.

Causes confusion
and incorrect
citations.

Judicial Council Code of Judicial Administration

Utah Court Rules | View all UCJA Rules by chapter

- [Ch 1: Judicial Council Organization](#)
- [Ch 2: Judicial Council Procedure](#)
- [Ch 3: Administration of the Judiciary](#)
- [Ch 4: Operation of the Courts](#)
- [Ch 5: Appellate Court Operations](#)
- [Ch 6: District Court Operations](#)
- [Ch 7: Juvenile Court Operations](#)
- [Ch 8: Circuit Court Operations \[Repealed\]](#)
- [Ch 9: Justice Court Operations](#)
- [Ch 10: Local Supplemental Rules](#)
- [Appendices](#)

Supreme Court Rules of Professional Practice

- [Ch 11: General Provisions](#)
- [Ch 12: Code of Judicial Conduct](#)
- [Ch 13: Rules of Professional Conduct](#)
- [Ch 14: Rules Governing the Utah State Bar](#)
- [Ch 15: Rules Governing Licensed Paralegal Practitioners](#)

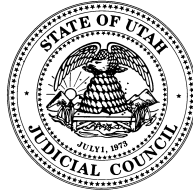
Search Utah Code of Judicial Administration

Find this exact phrase ☐ Search:

TAB 4

CJA 3-413. Judicial Library Resources

Notes: See attached memo and supporting materials.



Administrative Office of the Courts

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

May 23, 2025

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

MEMORANDUM

TO: Policy, Planning, and Technology Committee

FROM: Kaden Taylor, Utah State Courts Law Librarian

RE: Review of CJA 3-413 detailing the purchase of code and rule books for judiciary

CJA 3-413 outlines that the court administrator will provide copies of the code and court rules to each courtroom in the state and each appellate judge:

(2)(B) Print publications. Upon request, the state court administrator will provide each district and juvenile courtroom a print publication set of the Utah Code Unannotated, and one set of the Utah Court Rules Annotated, and each appellate judge a print publication set of the Utah Code Annotated, and one set of the Utah Court Rules Annotated.

Over the past two years, LexisNexis has altered the cost of these materials due to various changes in circumstances, which necessitated the Law Library asking for additional funds to cover the increased cost. The Judicial Council approved the request for additional funds with the condition that we ask the Policy, Planning, and Technology Committee to review this rule to see if changes to the policy will be of benefit.

In the past, Legislative Services has assisted the courts in placing these orders. Starting in 2023, Legislative Services notified us that they were no longer going to place an order for the entire state and requested that each agency place orders separately. Their understanding was that the price points offered to Legislative Services for these volumes by the publisher would apply to each state agency as the agency placed their order with LexisNexis, the publisher.

In the second half of 2024, LexisNexis notified the Law Library that the cost for the books was no longer under contract, and they drastically increased the price. Personnel from our General Counsel's Office and the state's Division of Purchasing and General Services concluded that the contract allows for LexisNexis to work with each agency individually to set prices for items. This allows them to hold to the current prices they are offering.

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

These new prices would place the courts \$109,000 over budget if we were to place the same order as we did in 2023. The Law Library has worked with the TCEs and staff of the appellate courts to adjust their orders for 2024. The resulting cuts to orders from each district still result in a budget deficit which this request aims to cover despite a significant decrease in demand.

We ask Policy, Planning, and Technology to review CJA 3-413 to determine if the materials listed in the rule are necessary or if the policy should be altered to provide different options for purchasing. One option is to exclude Unannotated Code purchases since this material is available online or to buy less sets for each courthouse. If the Law Library placed our order this year without including the Unannotated Code, we would fit within our current budget. This rule was changed prior to 2021 to allow for the current allowance of 1 set per courtroom in the state. Other options are to leave the rule the same and pursue better prices for the materials.

The Law Library conducted a poll of judges and justices concerning their use of print materials. The reported usage of print resources is broken down as follows:

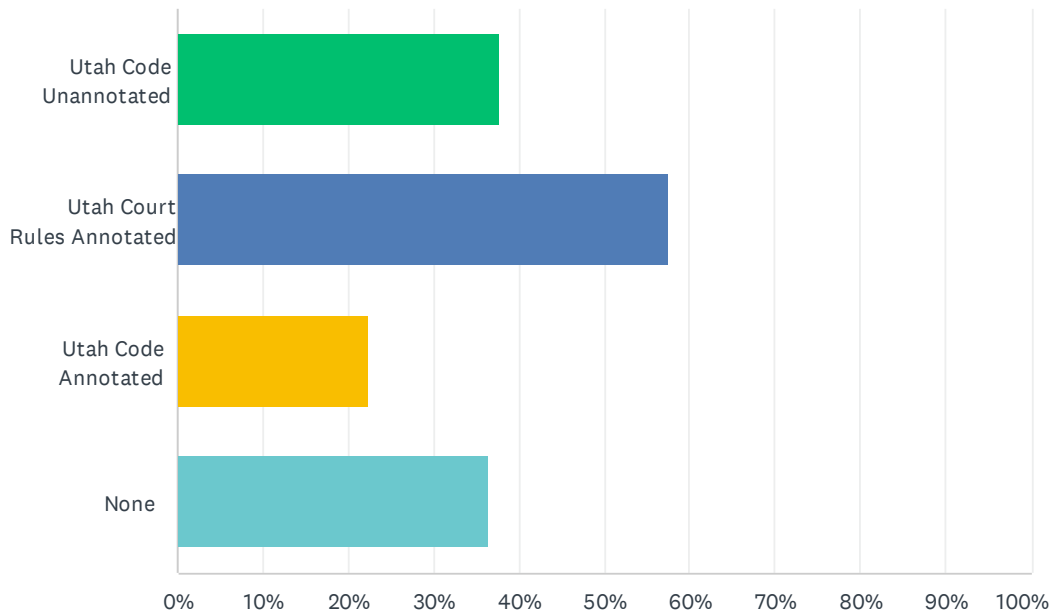
Utah Code Unannotated	37.65%
Utah Court Rules Annotated	57.65%
Utah Code Annotated	22.35%
None	36.47%

The full survey results attached include comments from judges and justices concerning their thoughts towards the needs of print code books and their use for them. Individual survey responses are also available upon request.

The State Law Library and LexisNexis, the current publisher of the code and rule books we purchase, have met to discuss possible options to decrease the cost. One potential solution is to combine our code orders with our contract for the digital library, which would provide a discount for print resources. We are renewing this contract for 1 year in June due to the state purchasing contract ending in 2025, and we will review this order again for FY 27. To proceed with this method, however, we need to provide estimated quantities of what we would purchase. To do this, we ask Policy, Planning, and Technology to review the court rule to determine what materials should be included in our policy. The state purchasing contracts that allow us to purchase print books are up at the end of 2025. Knowing what materials the court will need to order will assist the Law Library and State agents to determine what these contracts should look like.

Q1 Which of the following resources do you use in print?

Answered: 85 Skipped: 0

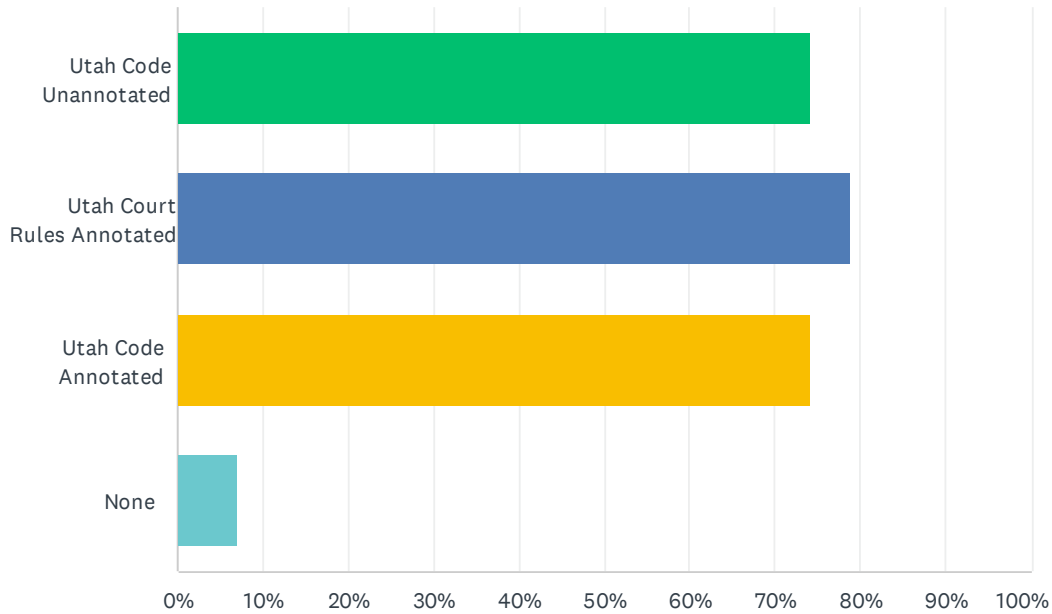


ANSWER CHOICES	RESPONSES	
Utah Code Unannotated	37.65%	32
Utah Court Rules Annotated	57.65%	49
Utah Code Annotated	22.35%	19
None	36.47%	31
Total Respondents: 85		

Q2 Which of the following resources do you use digitally (i.e. on the legislature's website, LexisNexis Digital Library, Westlaw, etc.)?

Answered: 85 Skipped: 0

Utah Code and Court Rules Print Copies

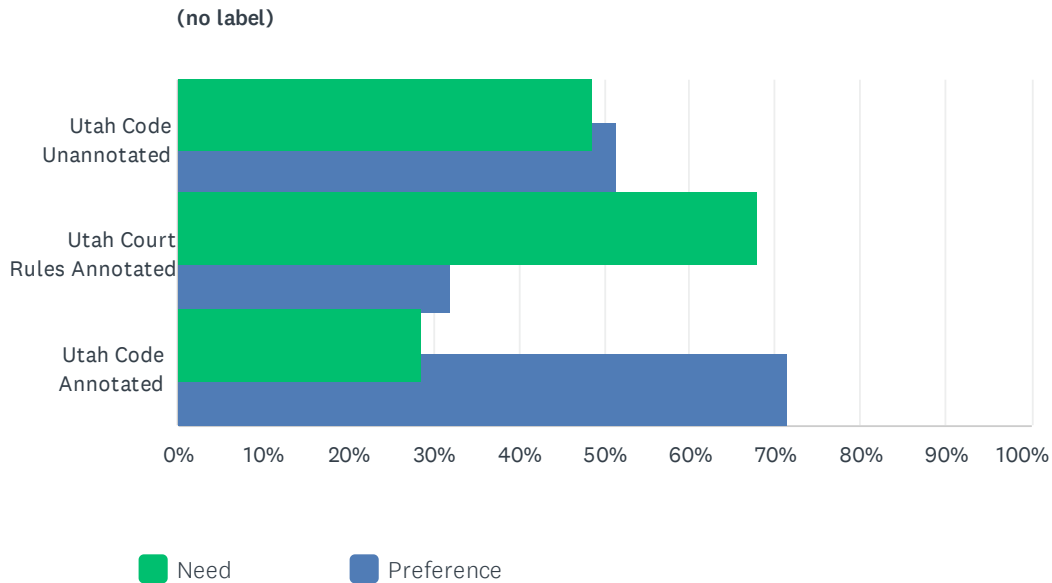


ANSWER CHOICES	RESPONSES	
Utah Code Unannotated	74.12%	63
Utah Court Rules Annotated	78.82%	67
Utah Code Annotated	74.12%	63
None	7.06%	6
Total Respondents: 85		

Q3 If you stated in Question 1 that you used any of these resources in print, would you say your use of the print edition is a need for your job or a preference?

Answered: 54 Skipped: 31

Utah Code and Court Rules Print Copies



(no label)			
	NEED	PREFERENCE	TOTAL
Utah Code Unannotated	48.57% 17	51.43% 18	35
Utah Court Rules Annotated	68.00% 34	32.00% 16	50
Utah Code Annotated	28.57% 8	71.43% 20	28

Q4 If you state that any of the resources in Question 3 are a need, please explain why they are needed in print, how these books are used, and whether or not they can be shared amongst judges.

Answered: 40 Skipped: 45

ANSWER CHOICES	RESPONSES
Utah Code Unannotated	45.00% 18
Utah Court Rules Annotated	95.00% 38
Utah Code Annotated	40.00% 16

#	UTAH CODE UNANNOTATED	DATE
1	Each judge should have their own hard copy of the Unannotated Code	4/23/2025 10:31 AM
2	I maintain a set on the bench for immediate reference, and use it regularly	4/23/2025 9:50 AM
3	Could easily switch to online so happy to not have set.	4/22/2025 10:33 AM
4	They can be shared. If the internet goes out, we have to have something.	4/22/2025 9:50 AM
5	I keep them on the bench and in my office and use them almost daily. I just don't have the ability to find and use them as seamlessly if I am limited to the online resources. I also take the hard copy books with me when needed - and review them in the car, when we at our cabin,	4/21/2025 8:31 PM

Utah Code and Court Rules Print Copies

etc. Sometimes I may not be in a place where I have digital access because I am reviewing paper motions or arguments.

6	Immediately accessible and include my notes and tabs	4/21/2025 5:23 PM
7	because it's cumbersome to use le.utah.gov and Westlaw, it would be nice to have a hard copy or two on each floor-- not needed for every judge and courtroom	4/21/2025 2:06 PM
8	I regularly review statutes that are at issue in the cases we review. There are many times where it's helpful to see the case in print so that I review the provision at issue along side other provisions in the part, chapter, or title. That's harder to do when I view them digitally. I also mark the hard copies up as I review provisions that I turn to regularly. Finally, I review them with enough regularity (usually multiple times a week) that it's helpful to have them in my office so that I can turn to them quickly.	4/21/2025 1:55 PM
9	If statutes are in question, I find it easier to read and view the statute in totality (as a single document and not as separate pages as divided by digital versions). While working on opinions we often tab and leave open the hard copies for days when making reference back and forth. It would not work to share between judges. We do not make out decisions in a day. If I am working on a case, I would expect to have exclusive access to the sections or sections I am working on. Of course, since we work on panels, at least two other judges will be working on the same exact code volume. Further, there are certain code volumes that are in play nearly every day or often enough that sharing would not work.	4/21/2025 1:53 PM
10	If computers go down, we need to reference the old fashioned way.	4/21/2025 1:51 PM
11	When construing a statute, we need to look at context, including the entire Act and related statutes. While the digital Utah Code has a helpful table of contents, it is sometimes necessary to see the entire statutory scheme rather than looking at each statute in isolation. And flipping back and forth between related statutes is far easier to do in hard copy.	4/21/2025 1:47 PM
12	I always have volumes on my desk and bench that I refer to regularly. It is much easier for me to find and review the code sections in print than to do so on line.	4/21/2025 12:55 PM
13	I like the use of the code in print on the bench, especially the criminal code	4/21/2025 12:13 PM
14	It is easier to review the entire section in print, plus often referred to or used statutes can be highlighted and tabbed for easy reference. BTW, I use digital resources too, but it is good to have both available (especially when there is a computer problem but we still need to hold a hearing.	4/21/2025 12:09 PM
15	I regularly use the code in hearings, and a printed copy is useful.	4/21/2025 12:05 PM
16	I have these on the bench and there are times I cannot access the virtual rules (system is down) and rely on print	4/21/2025 12:00 PM
17	Just need one of these. Used to highlight, write notes, etc.	4/21/2025 11:52 AM
18	Preference because I like to keep a current print set of the unannotated code in the courtroom.	4/21/2025 11:49 AM
#	UTAH COURT RULES ANNOTATED	DATE
1	Each judge should have their own hard copy of the Rules in their chambers and on the bench. I utilize my book most every day and an out-of-date book is problematic.	4/23/2025 10:31 AM
2	I use this volume daily in chambers for review and cross-referencing	4/23/2025 9:50 AM
3	I use sometimes. But not often	4/22/2025 5:12 PM
4	The annotations are very helpful and it is efficient to be able to use the book right on the bench.	4/22/2025 4:53 PM
5	I need a copy to reference the rules immediately on the bench	4/22/2025 10:42 AM
6	I need a personal copy because I tab, mark up, use every single day.	4/22/2025 10:33 AM
7	I use them during court hearings and in preparation for court, it is difficult to use digital in court because we are already using several screens for webex and judicial workspace so a print copy is needed.	4/22/2025 10:22 AM
8	They can be shared. If the internet goes out, we have to have something.	4/22/2025 9:50 AM

Utah Code and Court Rules Print Copies

9	I frequently take this home to prepare for the following day.	4/22/2025 9:27 AM
10	The Rules are reviewed multiple times a day and for every matter. Each judge should have their own copy.	4/22/2025 7:58 AM
11	Same	4/21/2025 8:31 PM
12	I primarily use and prefer digital resources but occasionally revert to print resources.	4/21/2025 5:30 PM
13	Immediately accessible and include my	4/21/2025 5:23 PM
14	It's quicker than looking up the Rule on line or on Westlaw- but I could go without.	4/21/2025 2:06 PM
15	Its just a lot easier for me to access the rules, and annotate them.	4/21/2025 2:00 PM
16	If statutes are in question, I find it easier to read and view the statute in totality (as a single document and not as separate pages as divided by digital versions). While working on opinions we often tab and leave open the hard copies for days when making reference back and forth. It would not work to share between judges. We do not make out decisions in a day. If I am working on a case, I would expect to have exclusive access to the sections or sections I am working on. Of course, since we work on panels, at least two other judges will be working on the same exact code volume. Further, there are certain code volumes that are in play nearly every day or often enough that sharing would not work.	4/21/2025 1:53 PM
17	If computers go down, we need to reference the old fashioned way.	4/21/2025 1:51 PM
18	The Supreme Court is not only responsible for applying the rules but also for enacting them. I refer to the rule book daily and have tabs and notes in them.	4/21/2025 1:47 PM
19	I use this almost every day. I prefer to have all of the rules in front of me and it is just easier than looking it up on line.	4/21/2025 1:31 PM
20	I am in the middle of a hearing, and an issue comes up concerning procedure or the rules. I reach for annotated rules and have the answer immediately.	4/21/2025 1:22 PM
21	I use the rules regularly during trials for quick reference to rules of evidence and procedure ands they come up in court.	4/21/2025 12:55 PM
22	Online you don't indent subparagraphs so it is much harder to read then the printed (indented) version.	4/21/2025 12:54 PM
23	I use this regularly and I write my notes in this	4/21/2025 12:39 PM
24	It is much easier for me to have a physical copy of the rules.	4/21/2025 12:29 PM
25	Efficiency. Quick check on. West cases impacting rules. I use it often I the courtroom when my other screens are take up with notices, pleadings, exhibits, etc.	4/21/2025 12:25 PM
26	I use this book every day in court. Being able to mark up the book with highlights, notes and tabs is critical. It could not be shared.	4/21/2025 12:15 PM
27	It is much faster to find the rule in a book when ruling on objections. I have my book marked and kind find what I need when I need it.	4/21/2025 12:13 PM
28	Easy to take into court, keep notes on and tab for quick reference, and never needs to be plugged in or charged.	4/21/2025 12:09 PM
29	Need them readily accessible for review without having to use laptop in court.	4/21/2025 12:08 PM
30	I need this for use in trial and hearings, where I need quick reference to the governing rules.	4/21/2025 12:05 PM
31	I keep a copy in chambers and on my desk, and I can look up the rules much more quickly than if I have to get online. Plus, I can get the rules even if there's a power or network outage.	4/21/2025 11:59 AM
32	I feel like having annotated rules in print form on the bench is crucial to being able to give quick and legally correct rulings during hearings and trials. The other resources I can get by with having them in digital format. Sharing them amongst judges isn't a great solution, we need them in our courtrooms. Taking the time to walk down to another courtroom to make a quick rule reference isn't a viable solution. Thank you!	4/21/2025 11:59 AM
33	I need two of these. One at work and one at home. Used to highlight, write notes, etc.	4/21/2025 11:52 AM

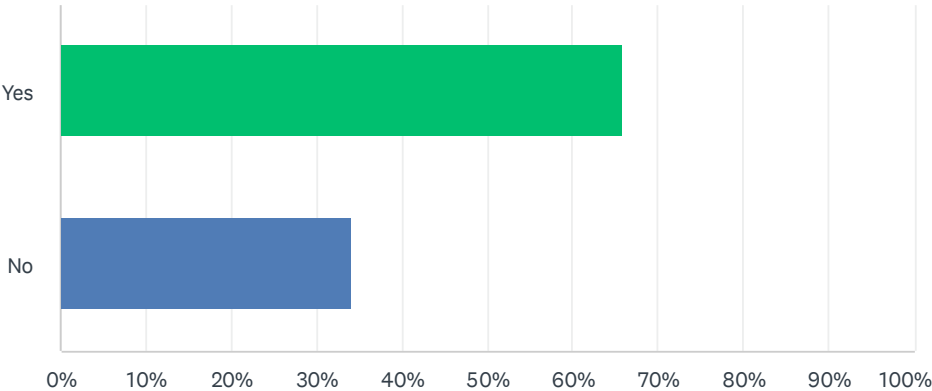
Utah Code and Court Rules Print Copies

34	Appellate judges need these on a daily basis, especially those of us who came up relying on printed material, which we can underline, take home, take into the courtroom, etc. They are especially helpful when copyworking opinions and being able to state, with a citation, the definitiv version of the code. Having relied on this resource in this way for 35+ years, I'd like to think I'm grandfathered in on this--with apologies for use of that term.	4/21/2025 11:51 AM
35	Absolute need not just for me but for everyone I think. No question. This book sits on my desk (I need it that close to me at all times) and I look at it almost every day. So handy to have all of the rules etc right there at hand.	4/21/2025 11:49 AM
36	I need it in print when I am in court and need to figure things out quickly.	4/21/2025 11:46 AM
37	I like my own. I sometimes highlight things.	4/21/2025 11:40 AM
38	I use the West Rules of Court hard copy - these are not annotated and are used daily	4/21/2025 11:34 AM
#	UTAH CODE ANNOTATED	DATE
1	Judges could share hard a hard copy of the Annotated Code as long as it updated regularly	4/23/2025 10:31 AM
2	I use these volumes at least weekly in chambers for review and cross referencing	4/23/2025 9:50 AM
3	Never use and don't need.	4/22/2025 10:33 AM
4	I use them during court hearings and in preparation for court, it is difficult to use digital in court because we are already using several screens for webex and judicial workspace so a print copy is needed.	4/22/2025 10:22 AM
5	I primarily use and prefer digital resources but occasionally revert to print resources.	4/21/2025 5:30 PM
6	I never use it.	4/21/2025 2:06 PM
7	If statutes are in question, I find it easier to read and view the statute in totality (as a single document and not as separate pages as divided by digital versions). While working on opinions we often tab and leave open the hard copies for days when making reference back and forth. It would not work to share between judges. We do not make out decisions in a day. If I am working on a case, I would expect to have exclusive access to the sections or sections I am working on. Of course, since we work on panels, at least two other judges will be working on the same exact code volume. Further, there are certain code volumes that are in play nearly every day or often enough that sharing would not work.	4/21/2025 1:53 PM
8	I have a set; I use it regularly. I prefer paper. I am also happy to share the books with other judges as well.	4/21/2025 1:31 PM
9	Online you don't indent subparagraphs so it is much harder to read then the printed (indented) version.	4/21/2025 12:54 PM
10	I use this regularly and I write my notes in this	4/21/2025 12:39 PM
11	Not needed in print	4/21/2025 12:13 PM
12	Need them readily accessible for review without having to use laptop in court.	4/21/2025 12:08 PM
13	I have these on the bench and there are times I cannot access the virtual rules (system is down) and rely on print	4/21/2025 12:00 PM
14	Appellate judges need these on a daily basis, especially those of us who came up relying on printed material, which we can underline, take home, take into the courtroom, etc. They are especially helpful when copyworking opinions and being able to state, with a citation, the definitiv version of the code. Having relied on this resource in this way for 35+ years, I'd like to think I'm grandfathered in on this--with apologies for use of that term.	4/21/2025 11:51 AM
15	Absolute need for me. There's no substitute online for looking at a set of statutes holistically and in order. It is theoretically possible for 2-3 judges to share one of these sets though.	4/21/2025 11:49 AM
16	Can be share.	4/21/2025 11:40 AM

Q5 Would you feel comfortable in your job duties using digital editions of the code and court rule resources currently being provided to the courts in

print? (The Law Library can provide training on access to these resources).

Answered: 85 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		65.88%	56
No		34.12%	29
TOTAL			85

Rule 3-413. Judicial ~~Library~~ Resources.**Intent:**

To establish minimum standards for legal reference materials to be provided to judicial and quasi-judicial officers and court employees.

To establish acquisition, distribution, and budgetary responsibilities for the legal reference materials identified in this rule for the state law librarian.

To realize financial advantages through the use of high volume purchases of regularly used legal reference materials.

Applicability:

This rule ~~shall apply~~applies to the state law library, all judges and commissioners of courts of record and not of record, and all court employees.

Statement of the Rule:**(1) State law library.**

(1)(A) The state law library ~~shall~~will be supervised and administered by the state law librarian under the general supervision of the state court administrator.

(1)(B) The state law librarian ~~shall~~will facilitate the purchase of the electronic research resources and print publications authorized by this rule and arrange to have them distributed in accordance with this rule.

(2) Responsibility for providing judicial library resources.**(2)(A) Electronic research resources.**

(2)(A)(i) The state court administrator ~~shall~~will provide access to approved electronic research resources, including commercial legal databases.

(2)(A)(ii) All judges of courts of record, judges of courts not of record, court commissioners, and staff attorneys ~~shall~~will have access to these electronic research resources. Other employees may receive access to these resources based upon a demonstrated need and supervisor authorization.

(2)(B) **Print publications.** Upon request, the state court administrator will provide each district and juvenile courtroom a print publication set of ~~the Utah Code Unannotated, and one set of~~ the Utah Court Rules Annotated, and each appellate judge a print publication set of the Utah Code Annotated, and one set of the Utah Court Rules Annotated.

Altenerative language: (2)(B) Print publications. Upon request, the state court administrator will provide each courthouse (or floor of a courthouse) a print publication set of the Utah Court Rules Annotated, and each appellate judge a print publication set of the Utah Code Annotated, and one set of the Utah Court Rules Annotated.

(2)(C) **Publisher's complimentary copies.** The publisher of the Pacific Reporter currently provides complimentary volumes to appellate judges as of the date of the judge's appointment to the appellate court. The state law librarian ~~shall~~will coordinate the distribution of these materials with the judges and the publisher.

(2)(D) **Counties.** Each county ~~shall~~will provide a current copy of either the Utah Code Annotated with annual updates or the softbound Utah Code Unannotated to each county justice court judge serving within that county. Each county operating a court of record under contract with the administrative office of the courts ~~shall~~will provide the judge with access to the local law library pursuant to Utah Code ~~s~~Section 78A-5-111.

(2)(E) **Municipalities.** Each municipality ~~shall~~will provide a current copy of either the Utah Code Annotated with annual updates or the softbound Utah Code Unannotated to each municipal justice court judge serving within that municipality. Each municipality operating a court of record under contract with the administrative office of the courts ~~shall~~will provide the judge with access to the local law library pursuant to Utah Code ~~s~~Section 78A-5-111.

(2)(F) **Administrative ~~O~~office of the courts.** The ~~A~~administrative ~~O~~office ~~of the courts~~ ~~shall~~will provide a Justice Court Manual, updated biannually, to each judge of a court not of record.

(3) **Budget Procedures.**

(3)(A) The state law librarian ~~shall~~will separately account for:

(3)(A)(i) the operating budget for the state law library;

(3)(A)(ii) the costs associated with access to electronic research resources in subsection (2)(A); and

(3)(A)(iii) the costs associated with the purchase of print publications in subsection (2)(B).

(3)(B) Funds appropriated or allocated for purchasing in accordance with subsections (2)(A) and (2)(B) ~~shall~~will not be used to supplement the appropriation to the state law library.

(3)(C) The purchase of electronic research resources and print publications to fully implement the provisions of this rule ~~shall~~will be limited by the availability of funds.

(3)(D) Any publication purchased with public funds ~~shall~~will be the property of the court and not the property of any official. Publications provided to an official without charge to the state ~~shall~~will be the personal property of the official.

Effective: ~~August 21, 2020~~ November 1, 2025

TAB 5

CJA 3-201. Court commissioners

Notes: Rule 3-201(3)(J) requires new court commissioner appointments to be submitted to the Judicial Council and approved by a 2/3 vote. These appointments are always time-sensitive and court staff usually end up asking the Management Committee to approve the appointments on behalf of the Council, allowing the presiding judge to formalize the job offer and move forward with the hiring process.

Appointments made by the Management Committee are placed on the Judicial Council's agenda for ratification to ensure we have the 2/3 vote on record. The Management Committee would like PP&T to consider whether a 2/3 vote of the Judicial Council is necessary or whether some other approval process, such as approval by the Management Committee, would suffice.

Amending the rule as requested does not appear to violate the Code or CJA rule 1-204:

[78A-5-107](#) (2)(a): The **Judicial Council shall appoint** court commissioners with the concurrence of a majority of the judges of trial courts in the district the court commissioner primarily serves.

[CJA Rule 1-204\(2\)](#): ... When at least three members concur, **the Management Committee is authorized to act on behalf of the entire Council** when the Council is not in session and to act **on any matter specifically delegated to the Management Committee by the Council** ...

Rule 3-201. Court Commissioners**Intent:**

To define the role of court commissioner.

To establish a term of office for court commissioners.

To establish uniform administrative policies governing the qualifications, appointment, supervision, discipline and removal of court commissioners.

To establish uniform administrative policies governing the salaries, benefits and privileges of the office of court commissioner.

Applicability:

This rule ~~shall apply~~applies to all trial courts of record.

Statement of the Rule:

(1) **Definition.** Court commissioners are quasi judicial officers established by the Utah Code.

(2) **Qualifications.**

(2)(A) Court commissioners must be at least 25 years of age, United States citizens, Utah residents for three years preceding appointment and residents of Utah while serving as commissioners. A court commissioner ~~shall~~will reside in a judicial district the commissioner serves.

(2)(B) Court commissioners must be admitted to practice law in Utah and exhibit good character. Court commissioners must possess ability and experience in the areas of law in which the court commissioner serves.

(2)(C) Court commissioners ~~shall~~will serve full time and ~~shall~~will comply with Utah Code Section 78A 2 221.

(3) **Appointment - Oath of office.**

(3)(A) Selection of court commissioners ~~shall~~will be based solely upon consideration of fitness for office.

(3)(B) When a vacancy occurs or is about to occur in the office of a court commissioner, the Council ~~shall~~will determine whether to fill the vacancy. The Council may determine that the court commissioner will serve more than one judicial district.

(3)(C) After the determination required by paragraph (3)(B), the presiding judge(s) of the district(s) the commissioner will serve, will form a committee for the purpose of nominating candidates. The committee will consist of the presiding judge(s) or designee(s) from each court level and judicial district that the commissioner will serve, three lawyers, and two members of the public. Committee members ~~shall~~will be appointed by the presiding judge(s) of the district court of each judicial district. The

52 presiding judge(s) ~~shall~~will designate a chair of the committee. All members of the
53 committee ~~shall~~will reside in the judicial district(s). All members of the committee ~~shall~~
54 will be voting members. A quorum of one half the committee members is necessary for
55 the committee to act. The committee ~~shall~~will act by the concurrence of a majority of the
56 members voting. When voting upon the qualifications of a candidate, the committee ~~shall~~
57 will follow the procedures established in the commissioner nominating manual.

58
59 (3)(D) No member of the committee may vote upon the qualifications of any candidate
60 who is the spouse of that committee member or is related to that committee member
61 within the third degree of relationship. No member of the committee may vote upon the
62 qualifications of a candidate who is associated with that committee member in the
63 practice of law. The committee member ~~shall~~will declare to the committee any other
64 potential conflict of interest between that member and any candidate as soon as the
65 member becomes aware of the potential conflict of interest. The committee ~~shall~~will
66 determine whether the potential conflict of interest will preclude the member from voting
67 upon the qualifications of any candidate. The committee ~~shall~~will record all declarations
68 of potential conflicts of interest and the decision of the committee upon the issue.

69
70 (3)(E) The administrative office of the courts ~~shall~~will advertise for qualified applicants
71 and ~~shall~~will remove from consideration those applicants who do not meet minimum
72 qualifications of age, citizenship, residency, and admission to the practice of law. The
73 administrative office of the courts ~~shall~~will develop uniform guidelines for the application
74 process for court commissioners.

75
76 (3)(F) The nominating committee ~~shall~~will review the applications of qualified applicants
77 and may investigate the qualifications of applicants to its satisfaction. The committee
78 ~~shall~~will interview selected applicants and select the three best qualified candidates. All
79 voting ~~shall~~will be by confidential ballot. The committee ~~shall~~will receive public
80 comment on those candidates as provided in paragraph (4). Any candidate may be
81 reconsidered upon motion by a committee member and upon agreement by a majority of
82 nominating committee members.

83
84 (3)(G) When the public comment period as provided in paragraph (4) has closed, the
85 comments ~~shall~~will be given to the nominating committee. If any comments would
86 negatively affect the committee's decision on whether to recommend a candidate, the
87 candidate ~~shall~~will be given all comments with the commenters' names redacted and an
88 opportunity to respond to the comments. If the committee decides not to recommend a
89 candidate based on the comments, the committee ~~shall~~will select another candidate
90 from the interviewed applicants and again receive public comment on the candidates as
91 provided in paragraph (4).

92
93 (3)(H) The chair of the nominating committee ~~shall~~will present the names, applications,
94 and the results of background investigations of the nominees to the judges of the courts
95 the court commissioner will serve. The committee may indicate its order of preference.

96
97 (3)(I) The judges of each court level the court commissioner will serve ~~shall~~will together
98 select one of the nominees by a concurrence of a majority of judges voting. If the
99 commissioner will serve more than one judicial district, the concurrence of a majority of
100 judges in each district is necessary for selection.
101

(3)(J) The presiding judge of the district the court commissioner will primarily serve ~~shall~~will present the name of the selected candidate to the ~~Council~~Management Committee. The selection ~~shall~~will be final upon the concurrence of two-thirds of the members of the ~~Council~~Management Committee. The ~~Council~~Management Committee ~~shall~~will vote upon the selection within 45 days of the selection or the concurrence of the ~~Council~~Management Committee ~~shall~~will be deemed granted.

(3)(K) If the ~~Council~~Management Committee does not concur in the selection, the judges of the district may select another of the nominees or a new nominating process will be commenced.

(3)(L) The appointment ~~shall~~will be effective upon the court commissioner taking and subscribing to the oath of office required by the Utah Constitution and taking any other steps necessary to qualify for office. The court commissioner ~~shall~~will qualify for office within 45 days after the concurrence by the ~~Council~~Management Committee.

(4) Public comment for appointment and retention.

(4)(A) Final candidates for appointment and court commissioners who are up for retention ~~shall~~will be subject to public comment.

(4)(B) For final candidates, the nominating committee ~~shall~~will be responsible for giving notice of the public comment period.

(4)(C) For court commissioners, the district in which the commissioner serves ~~shall~~will be responsible for giving notice of the public comment period.

(4)(D) The nominating committee or district in which the commissioner serves ~~shall~~will:

(4)(D)(i) email notice to each active member of the Utah State Bar including the names of the nominees or court commissioner with instructions on how to submit comments;

(4)(D)(ii) issue a press release and other public notices listing the names of the nominees or court commissioner with instructions on how to submit comments; and

(4)(D)(iii) allow at least 10 days for public comment.

(4)(E) Individuals who comment on the nominees or commissioners should be encouraged, but not required, to provide their names and contact information.

(4)(F) The comments are classified as protected court records and ~~shall~~will not be made available to the public.

(5) Term of office. The court commissioner ~~shall~~will be appointed until December 31 of the third year following concurrence by the Council. At the conclusion of the first term of office and each subsequent term, the court commissioner ~~shall~~will be retained for a term of four years unless the judges of the courts the commissioner serves vote not to retain the commissioner in accordance with paragraph (8)(B) or unless the Judicial Council does not certify the commissioner for retention under rule 3-111. The term of office of court commissioners holding

office on April 1, 2011 ~~shall~~will end December 31 of the year in which their term would have ended under the former rule.

(6) Court commissioner performance review.

(6)(A) **Performance evaluations and performance plans.** The presiding judge of each district and court level the commissioner serves ~~shall~~will prepare an evaluation of the commissioner's performance and a performance plan in accordance with Rule 3-111. Court commissioners ~~shall~~will comply with the program for judicial performance evaluation, including expectations set forth in a performance plan.

(6)(B) **Public comment period results.** When the public comment period for a commissioner provided in paragraph (4) closes, the comments ~~shall~~will be given to and reviewed by the presiding judge of each district and court level the commissioner serves. If there are any negative comments, the negative comments ~~shall~~will be provided to the commissioner with the commenters' names redacted and the commissioner ~~shall~~will be given an opportunity to respond to the comments.

(7) Corrective action or removal during a commissioner's term.

(7)(A) Corrective action.

(7)(A)(i) The Council may take corrective actions as the result of a complaint filed under rule 3-201.02.

(7)(A)(ii) If the commissioner's performance is not satisfactory, corrective actions may be taken in accordance with paragraph (7)(A)(iii) by the presiding judge, or presiding judges if the commissioner serves multiple districts or court levels, with the concurrence of a majority of the judges in either district or court level the commissioner serves.

(7)(A)(iii) Corrective actions may include but are not limited to private or public censure, restrictions in case assignments with corresponding reduction in salary, mandatory remedial education, suspension without pay for a period not to exceed 60 days, and removal under (7)(B)(i)(c).

(7)(B) Removal.

(7)(B)(i) **Removal by Judicial Council.** During a commissioner's term, the court commissioner may be removed by the Council:

(7)(B)(i)(a) as part of a reduction in force;

(7)(B)(i)(b) for failure to meet the evaluation requirements; or

(7)(B)(i)(c) as the result of a complaint filed under rule 3-201.02 upon the concurrence of two-thirds of the Council.

(7)(B)(ii) **Removal by District or Court Level.**

(7)(B)(ii)(a) During a commissioner's term, if the commissioner's performance is not satisfactory, the commissioner may be removed by the presiding judge, or presiding judges if the commissioner serves multiple districts or court levels, only with the concurrence of a majority of the judges in each district or court level the commissioner serves.

(7)(B)(ii)(b) If the commissioner serves multiple districts or court levels and one district or court level contests a commissioner removal decision made by the other district or court level, the Management Committee will review the decision, with final determination by the Judicial Council.

(7)(C) **Review of District or Court Level Decisions.** If the commissioner disagrees with a district or court level's decision to remove the commissioner or take corrective actions, the commissioner may request a review of the decision by the Management Committee of the Council.

(8) Retention.

(8)(A) The Council shall review materials on the commissioner's performance prior to the end of the commissioner's term of office and the Council ~~shall~~will vote on whether the commissioner is eligible to be retained for another term in accordance with rule 3-111.

(8)(B) At the end of a commissioner's term, the judges of each district and court level the commissioner serves may vote not to retain the commissioner for another term of office. The decision not to retain is without cause and ~~shall~~will be by the concurrence of a majority of the judges in each district and court level the commissioner serves. A decision not to retain a commissioner under this paragraph ~~shall~~will be communicated to the commissioner within a reasonable time after the decision is made, and not less than 60 days prior to the end of the commissioner's term.

(9) Salaries and benefits.

(9)(A) The Council ~~shall~~will annually establish the salary of court commissioners. In determining the salary of the court commissioners, the Council ~~shall~~will consider the effect of any salary increase for judges authorized by the Legislature and other relevant factors. Except as provided in paragraph (6), the salary of a commissioner ~~shall~~will not be reduced during the commissioner's tenure.

(9)(B) Court commissioners ~~shall~~will receive annual leave of 20 days per calendar year and the same sick leave benefits as judges of the courts of record. Annual leave not used at the end of the calendar year ~~shall~~will not accrue to the following year. A commissioner hired part way through the year ~~shall~~will receive annual leave on a prorated basis. Court commissioners ~~shall~~will receive the same retirement benefits as non-judicial officers employed in the judicial branch.

(10) Support services.

(10)(A) Court commissioners ~~shall~~will be provided with support personnel, equipment, and supplies necessary to carry out the duties of the office as determined by the presiding judge.

254 (10)(B) Court commissioners are responsible for requesting necessary support services
255 from the presiding judge.

256
257 Effective: ~~May 1, 2024~~November 1, 2025