

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

July 11, 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 3-117. Committee on Court Forms • CJA 3-403. Judicial branch education <u>Approved on expedited basis:</u> <ul style="list-style-type: none"> • CJA Appendix A. Justice Court Nominating Commissions Procedure Manual (5/1/25) 	Action	Tab 2	Keisa Williams
	CJA 3-116. Pretrial Release and Supervision Committee (REPEAL)	Action	Tab 3	Keisa Williams
	CJA 3-407. Accounting	Action	Tab 4	Karl Sweeney
1:00	Technology report/proposals	Discussion		Brody Arishita
1:50	Old Business/New Business	Discussion		Judge Gardner
2:00	Adjourn			

2025 Meetings:

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

TAB 1

Minutes

June 6, 2025

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

DRAFT

Webex video conferencing
June 6, 2025 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Keri Sargent
Tracy Walker
Michael Samantha Starks
Kaden Taylor
Nick Stiles
Jace Willard

STAFF:

Keisa Williams
Todd Eaton
Brody Arishita
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee meeting (PP&T). PP&T considered the minutes from the April 18, 2025 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Rules 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**

No public comments were received on rules 4-403 and 4-111. Two public comments were received on rule 4-206, both recommending non-substantive, clerical changes. Rule 4-206 was approved by the Council on an expedited basis with a March 14, 2025 effective date. Because the new changes to rule 4-206 are non-substantive, PP&T determined that those revisions could be added to the list of rules on the consent calendar.

Judge Carpenter moved to recommend to the Judicial Council that rules 4-206, 4-403, and 4-111 be approved as final with a July 1, 2025 effective date. Justice Petersen seconded the motion. The motion passed unanimously.

(3) 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**

Recently, the Council approved amendments to 4-202.02, 4-202.03, 4-510.06, and 4-613, updating statutory references in response to legislative recodifications. Unfortunately, the recodifications do not take effect until September 1, 2025. The proposed amendments revert back to the statutory references currently in effect. Other amendments allow for clerical, non-substantive changes based on clerical or formatting errors.

Judge Carpenter moved to send rules 1-205, 4-202.02, 6-501, 4-510.06, 4-613, and 4-202.03 to the Judicial Council with a recommendation that they be approved as final with a July 1, 2025 effective date. Justice Petersen seconded the motion. The motion passed unanimously.

(3) Removing Supreme Court Chapters from the CJA:

- **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**

The Supreme Court would like to remove the Supreme Court's Rules of Professional Practice (Chapters 11—15) from the Code of Judicial Administration (CJA). Current placement under the CJA has caused confusion with staff and practitioners, as those rules are governed by the Supreme Court. The Court would like to renumber chapters 11-15 to 1-5. Citations for these chapters will then properly be SUP. CT. R. PRO. PRAC. X-XXX.

PP&T agreed that the current placement under the CJA causes confusion and moving the chapters makes sense. PP&T discussed whether this change needed formal Council approval or could be implemented administratively, ultimately determining that a Council vote wasn't necessary. Justice Petersen will draw it to the attention of the Council during PP&T's report at the next Council meeting.

Following discussion, PP&T directed Justice Petersen to highlight the removal of the Supreme Court's Rules of Professional Practice from the Code of Judicial Administration in PP&T's report to the Judicial Council.

(4) 3-413. Judicial Library Resources

Over the past two years, Lexis Nexis has increased the cost of print publications, requiring the Law Library to seek additional funds from the Council. The Council approved the recent request for funds on the condition that the Law Library ask PP&T to review rule 3-413 and consider whether the print publications outlined in the rule are still necessary.

Prior to 2023, Legislative Services ordered print publications for the entire state, which helped keep our costs low. In 2023, they told us they would no longer do so and every agency is now required to place orders separately. In the second half of 2024, LexisNexis notified the Law Library that printed books were no longer covered under the existing contract and drastically increased the price. If the court were to order as usual, the new prices would put the Law Library \$109,000 over budget. The Law Library worked with the TCEs and appellate courts to reduce 2024 orders by \$30,000.

The Law Library polled judges and justices about their use of print publications. The results, included in the meeting materials, showed judges were primarily concerned with having annotated rule sets. PP&T discussed budget solutions, including not ordering the unannotated code, which would put the Law Library at or slightly under budget. Brody Arishita discussed digital alternatives for the unannotated code, which could be stored locally on computers or tablets. The primary challenge with digital copies is keeping them up to date.

After further discussion, PP&T agreed that eliminating the unannotated code for district and juvenile courts is a necessary budgetary decision, as the judiciary's budget is unlikely to increase.

Judge Gardner moved to send rule 3-413 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(5) CJA 3-201. Court Commissioners

Rule 3-201(3)(J) requires new court commissioner appointments to be submitted to the 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 Council's agenda for ratification to ensure the 2/3 vote is on record. The Management Committee asked PP&T to consider whether a 2/3 vote of the Council was necessary.

The proposed amendments delegate the authority to approve court commissioner selections directly to the Management Committee, removing the need for Council approval. The Management Committee has greater flexibility to approve hires more quickly than the Council.

PP&T discussed whether approval by the Management Committee should require a 2/3 vote. The Management Committee has five members, requiring four of the five to vote in favor. After further discussion, PP&T determined that a 2/3 vote would ensure a strong consensus. If there were significant concerns, the Management Committee would likely refer the matter to the Council.

Following further discussion, Judge Carpenter moved to send rule 3-201 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Justice Petersen seconded the motion. The motion passed unanimously.

Technology report/proposals:

Brody Arishita provided an update on ongoing technology initiatives, particularly those related to Artificial Intelligence (AI). The AI staff workgroup finalized vision statements and guiding principles which were reviewed and refined by the legal workgroup. Work is currently underway to amend the Council's

interim rules on the use of generative AI. A key aspect of this work involves carving out clear distinctions between approved AI tools (court-purchased, closed models like Gemini Pro or Chat GPT) and generic web-based AI tools.

The Technology Advisory Committee (TAC) will meet on June 19, 2025 and Mr. Arishita will report back.

Old Business/New Business: The artwork policy is expected to be on PP&T's agenda after it is reviewed by the boards of judges.

Adjourn: With no further items for discussion, the meeting adjourned at 1:00 p.m. The next meeting will be held on July 11, 2025, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

CJA 3-117. Committee on Court Forms

CJA 3-403. Judicial branch education

**Appendix A. Justice Court Nominating Commissions Procedure
Manual**

Notes:

No public comments were received on rules 3-117 or 3-403. Both are ready to go to the Council for final approval.

Appendix A was approved on an expedited basis with a May 1, 2025 effective date. No public comments were received. No further action is needed unless the committee makes substantive amendments.

Rule 3-117. Committee on Court Forms**Intent:**

To establish a committee to determine the need for forms and to create forms for use by litigants in all court levels.

Applicability:

This rule ~~shall apply~~ applies to the judiciary.

Statement of the Rule:

(1) **Scope of Committee Work.** The committee ~~shall~~ will have exclusive responsibility within the judiciary over all forms that require written input or are commonplace and require action from litigants. Pretrial orders, checklists, and documents generated by decision-makers that do not require written input from litigants are beyond the scope of the committee. The committee may also draft legal forms that do not contemplate litigation yet expand access to justice. The committee may delegate its responsibility for certain groups of forms as it deems appropriate. ~~review current court forms and assess the need for new court forms to assist parties and practitioners in all court levels.~~

(2) **Current and new forms.** The committee ~~shall create forms as it deems necessary for use by parties and practitioners, including forms for the Online Court Assistance Program.~~ will review current forms, assess the need for new court forms, and create and revise forms as it deems necessary for use by parties and practitioners at all court levels, including forms for the court document assembly program. The committee will also adopt procedures for the recommendation of translation of forms into other languages.

(3) **Approval and use of forms.** Unless directed otherwise, the Council delegates final approval authority to the committee for all forms, except those used by LPPs. Objections to approved forms may be raised with the Council by the committee or Boards. Courts must accept committee-approved forms, unless a judge or commissioner makes a determination that the form is not legally sufficient.

~~(5) Process for form creation.~~ **Format and content.** Forms should be:

~~(3)(a) The committee shall adopt procedures for creating new forms or making substantive amendments to existing forms, procedures for eliminating obsolete and outdated forms, procedures for recommending which forms should be translated into other languages, and procedures for expediting technical or non-substantive amendments to forms.~~

~~(3)(b) Forms should be:~~

~~(35)(A)(i)~~ written in plain language and reference the statutes and rules to which the forms apply; drafted to center the needs of self-represented litigants and promote and expand access to justice;

~~(35)(B)(ii)~~ reviewed for legal correctness; written in plain language;

~~(35)(Cb)(iii) standardized across the state where practicable;~~ grounded in legal authority,
reviewed for legal correctness, and reference applicable statutes and rules;

~~(35)(Db)(iv) developed to promote and expand access to justice;~~ standardized across
the state where practicable;

~~(35)(Eb)(v)~~ structured to eliminate redundancy and unnecessary steps; and

~~(35)(Eb)(vi)~~ user-tested when practicable.

~~(3)(c) The committee shall solicit input from other interested groups as it deems appropriate.
The committee may establish subcommittees using non-committee members to facilitate its
work.~~

~~(3)(d) The committee may recommend to the Judicial Council mandatory use of particular forms.
However, the Judicial Council's designation of a form as mandatory is not binding on a decision-
maker asked to review the legal correctness of the form.~~

~~(46)~~ Organizing forms. The State Law Librarian will be responsible for maintaining and
~~archiving~~ organizing the forms.

Effective: ~~November 1, 2023~~ November 1, 2025

Rule 3-403. Judicial branch education.**Intent:**

To establish the Judicial Branch Education Committee's ("Committee") responsibility to develop and evaluate a comprehensive education program for all judicial officers and court staff.

To establish education standards for judicial officers and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule ~~shall apply~~ applies to all judicial officers and court staff, except ~~seasonal employees and law clerks~~ employees classified as time-limited pursuant to human resource policies.

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

(1)(A) **Judicial branch education committee.** The Committee ~~shall~~ will submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It ~~shall~~ will evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members ~~shall~~ will propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) Committee meetings.

(1)(C)(i) The Committee ~~shall~~ will meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) Administration.

Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, ~~shall~~will serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) Education standards for judicial officers.

(3)(A) Requirements for judicial officers (judges, court commissioners, active senior judges and active senior justice court judges).

(3)(A)(i) All new judicial officers ~~shall~~will participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

All judicial officers ~~shall~~will complete 30 hours of pre-approved education each fiscal year, to be implemented on a schedule coordinated by the Committee. To satisfy annual program requirements judicial officers will complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

Judicial officers may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual judicial conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(A)(ii) **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge ~~shall~~will demonstrate that:

(3)(A)(ii)(a) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(ii)(b) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B) **Program components.** Education programs for judicial officers ~~shall~~will include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judicial officers.

(3)(C) **Annual conferences.** Justice court judges and active senior justice court judges ~~shall~~will attend the annual justice court conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, judicial officers are strongly encouraged to attend that conference.

(4) Standards for court staff.

(4)(A) State employees.

(4)(A)(i) **Program requirements.** All court staff employed by the state ~~shall~~will complete 20 hours of approved coursework ~~annually~~during the performance year, as defined by human resource policies. To satisfy ~~annual~~program performance year requirements state employees must complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

(4)(A)(ii) **Program components.** Education programs for court staff employed by the state ~~shall~~will include: onboarding for new employees as well as new employee orientation; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) Local government employees.

(4)(B)(i) **Program requirements.** All court staff employed by the justice courts ~~shall~~will complete 10 hours of approved coursework annually.

(4)(B)(ii) **Program components.** Education programs for court staff employed by local government ~~shall~~will include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth. Professional and personal development programs may include training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

(5) Reporting.

(5)(A) Judicial officers and court staff governed by these standards ~~shall~~will report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards ~~shall~~will be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

(6) Credit. Judicial education procedures ~~shall~~will include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) Funding.

(7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council ~~shall~~will receive and consider recommendations from the Committee. The Committee's

annual education plan ~~shall~~will be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial education ~~shall~~will first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs.** To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan ~~shall~~will include out-of-state education opportunities. The Committee ~~shall~~will approve national education providers and ~~shall~~will include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria ~~shall~~will include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel.** The Committee ~~shall~~will develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

(8) **Mentoring.**

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge ~~shall~~will appoint a mentor to the new judge.

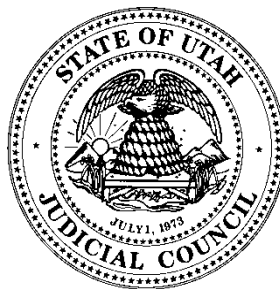
(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge ~~shall~~will meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, ~~shall~~will provide the completed Mentor's Checklist to the Judicial Education Officer.

Effective: ~~5/30/2024~~November 1, 2025



Utah State Courts

Manual of Procedures
for
Justice Court Nominating Commissions



202546

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.

Manual of Procedures
for
Justice Court Nominating Commissions
20~~25~~¹⁶

Prepared by
Administrative Office of the Courts
POB 140241
450 S State St
Salt Lake City, UT 84114-0241
www.utcourts.gov

Table of Contents

(1) List of Utah Judicial Nominating Commissions.....	5
(2) Introduction	5
(3) Merit Selection of Judges.....	6
(4) Composition of Utah Judicial Nominating Commissions	7
(5) The Application Process	8
(a) Notice of Vacancy	8
(b) Applications	8
(i) Adverse References.....	9
(ii) Additional References	9
(iii) Reference Letters	9
(iv) Deadline	9
(c) Recruitment	9
(d) Pre-screening by Staff	10
(e) Distribution of Application Materials.....	10
(6) Organizational Meeting	10
(a) Introduction	10
(b) Conduct of Meetings.....	11
(c) Ethical and Legal Obligations	11
(d) Administrative Issues.....	12
(e) Timetable	13
(f) Public Testimony	14
(g) Initial Screening by Commission.....	14
(7) Investigation of Screened Applicants; Further Screening.....	15
(a) Summary Staff Investigation of Applicants.....	15
(b) Further Investigation by Staff and Commission	16
(c) Report of Investigation Results	16
(d) Further Screening and Selection of Interviewees	16
(8) Evaluation Criteria.....	17
(a) Constitutional and Statutory Minimum Requirements.....	17
(b) Qualities of Judges.....	17
(i) American Bar Association Guidelines.....	18

(ii) Other Considerations for Qualification	22
(9) The Interview	22
(a) Scheduling Interviews.....	22
(b) Preparation for Interviews.....	23
(c) Suggested Questions	23
(10) Selection of Nominees	24
(a) Order of Debate and Voting	24
(b) Public Comment Regarding Nominees; Removal of Nominee.....	25
(c) Submitting Nominees.....	25
(d) Nominee Selection and Certification	26

(1) List of Utah Judicial Nominating Commissions by Counties

Counties Served	District
Box Elder, Cache, Rich	1
Davis, Morgan, Weber	2
Salt Lake, Summit, Tooele	3
Juab, Millard, Utah, Wasatch	4
Beaver, Iron, Washington	5
Garfield, Kane, Piute, Sanpete, Sevier, Wayne	6
Carbon, Emery, Grand, San Juan	7
Daggett, Duchesne, Uintah	8

Nominating ~~committees~~ commissions are formed ~~in a county~~ as needed by county to fill ~~a~~ judicial vacancies in justice courts. Individuals appointed to these ~~committees~~ commissions serve a four ~~-~~ year term and may be asked to participate any time a new vacancy occurs within that county during their term. Two additional commission members selected by the local government which has posted the vacancy (see Composition of Utah Judicial Nominating Commissions) are not subject to the four ~~-~~ year term.

(2) Introduction

Utah judicial ~~n~~ominating ~~e~~ommissions serve a critical function. The work of a commission marks the beginning of a process that culminates in the appointment ~~by the local government executive~~ of a new member of the judiciary by the local government executive. Service on a judicial nominating commission is, ~~therefore,~~ a serious undertaking. It requires a willingness to devote the time and energy to nominate the candidates who will most effectively enhance the quality of the bench. It requires the discipline to work in a group and within the confines of a strict timetable. It requires the commitment to proceed through the various steps of the judicial nomination process with care and integrity. While the work of a judicial nominating commission is both concentrated and time consuming, participants will find satisfaction in the knowledge that their work directly improves the quality of Utah's judiciary ~~l~~ system.

Throughout their thoughtful and impartial deliberations, the commissioners must hold the public interest foremost in the decision ~~-~~ making process. The quality of Utah's judiciary rests initially in the nomination of qualified candidates by the commissioners. The commissioners have many applicants from which to choose. Consequently, only extreme diligence by the nominating commission assures that all of the nominees submitted to the local government executive will strengthen ~~the state's~~ Utah's judiciary.

This manual was developed to assist Utah's judicial ~~n~~ominating ~~e~~ommissions by providing a common background of information and by establishing guidelines both for commission procedures and applicant evaluation. Its goal is to enhance the efficiency of the nominating process by resolving procedural issues and preserving the time of the commissioners for a more thorough investigation and evaluation of applicants. It also

Seeks to articulate the qualifications and some of the more important qualities necessary for judicial office, thus providing practical guidelines for applicant evaluation.

(3) Merit Selection of Judges

The office of judge is unique in our society. A judge is a public servant holding an office of high public trust and as such, ~~so~~ should answer to the public. However, the obligation of a judge is to resolve disputes impartially and base decisions solely upon the facts of the case and the law. A judge, therefore, should be insulated from public pressure.

The federal government and the states balance the competing interests of judicial accountability and judicial independence in a variety of ways. A federal judge, for example, is almost completely insulated from public pressure by serving a life term. There are two basic approaches to judicial selection and retention at the state level. Judges of many states face periodic partisan or nonpartisan elections which force them to act as politicians as well as jurists. Other states, including Utah, have decided to choose their judges by merit selection.

Merit selection was developed as an alternative to the federal system and to state systems requiring that judges run in contested elections, both of which have been criticized as unduly politicizing the judiciary and undermining the integrity of the law. Merit selection plans have been in the process of development in many states since 1913 under the auspices of the American Judicature Society, a non-profit, non-partisan organization formed to improve the judicial selection process. Utah initially developed its merit selection system by statute in 1967 to govern gubernatorial appointments and combined it with nonpartisan, contested elections for retention. The revised Judicial Article of the Utah Constitution, effective July 1, 1985, established merit selection as the exclusive method of choosing a state court judge. Legislation passed in 1994 changed the composition of the nominating commissions and the method of selecting commission members. Legislation passed since has resulted in additional changes. However, despite the changes in the commission composition and selection, the over-arching goal of the system -- the nomination and appointment of the best qualified candidates on a nonpartisan basis -- remains unchanged. As stated in the Utah Constitution: "Selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration."

There are five steps in the Utah merit selection plan: nomination, appointment, confirmation, certification and retention. The nomination of judges includes several steps preceding the selection of nominees. A commission has 45 days from its first meeting to complete this process. The steps of the nomination process include:

- the application process;
- screening of applicants by commission staff to determine minimum constitutional qualifications for office;
- the organizational meeting, including an opportunity for the public to provide input~~testimony~~;
- the review~~screening~~ of applicants by the commission based only on the application materials;
- the summary investigation of applicants by staff;
- investigation of the applicants as directed~~determined~~ by the commissioners;
- ~~the screening of applicants prior to interviews;~~

- preparation for the interviews;
- personal interviews of the candidates;
- selection of a preliminary list of nominees;
- public dissemination of the names of the proposed nominees and public comment upon their qualification for office;
- further investigation of the proposed nominees as determined by the commissioners;
- final selection of the nominees; and
- submitting the nominees to the local government executive.

The local government executive must appoint one of the nominees within ~~thirty~~ 30 days of receiving the nominations. That appointment must then be ratified by the local legislative body and certified by the Utah Judicial Council.

After certification by the Judicial Council, the new judge assumes the duties of the bench for at least three years before facing the first unopposed retention election. Judicial retention elections are held in even-numbered years as part of the state's general elections. In the unopposed retention election, the electorate is asked whether the judge should be retained in office. Thereafter, the term of office of a judge is six years. At the end of each term of office, the judge faces another unopposed retention election.

(4) Composition of Utah Judicial Nominating Commissions

~~The j~~Justice court nominating commissions and their composition are established by statute, ~~and their composition is determined by statute.~~ A county justice court nominating commission will be created when there is a vacant justice court judge position or when a new position is created. Membership of the county justice court nominating commission ~~shall~~ must include:

1. One member appointed by the county commission if the county has a commission form of government

OR

The county executive if the county has an executive-council form of government

2. One member appointed by the municipalities in the counties as follows:

-If the county has only one municipality, appointment ~~shall~~ will be made by the governing body of that municipality; or

-If the county has more than one municipality, appointment ~~shall~~ will be made by a municipal selection committee composed of the mayors of each municipality in the county

3. One member appointed by the county bar association

-If there is no county bar association, the member ~~shall~~ will be appointed by the regional bar association. If no regional bar association exists, the state bar association ~~shall~~ will make the appointment

4. Two members appointed by the governing authority of the jurisdiction where the judicial office is located

Reference Table:

Number of appointees	Appointing Authority	Can Appointee be an Elected Official?	Term of Appointment
1	County commission/executive	No	4 years
1	Municipality/Municipal selection committee comprised of mayors of each municipality	No	4 years
1	County Bar Association	No	4 years
2	Governing authority of the jurisdiction where judicial vacancy is locate	No	No term – varies by vacancy

[Certain](#) ~~N~~ominating commission members may not be elected officials of the county or municipality. Members of the commission are not eligible to apply for judicial vacancies within the appointing county during their term and may not be closely related to an applicant (see 6c). Commissioners are not paid for their work, but they may receive reimbursement for any necessary expenses incurred in the performance of their duties.

(5) The Application Process

(a) Notice of Vacancy

The notice of vacancy is in the form of a press release. The notice includes the jurisdiction of the court, the ~~constitutional~~ minimum requirements for judicial office (see Section 7, Evaluation Criteria), a brief description of the work of the court, ~~the method for obtaining application forms,~~ [a link to the application portal](#), the application deadline, the names and cities of residence of commission members, when available (if appointments are pending, this will also be indicated), and the method for submitting oral or written testimony at the organizational meeting.

The notice is prepared by the Administrative Office of the Courts, ~~and it is~~ [then posted to the Public Notice Website, emailed to members of](#) ~~released to the Salt Lake Tribune, the Deseret News,~~ the Utah State Bar, ~~and released to newspapers~~ [major media outlets that cover](#) ~~with circulation within~~ the geographic venue of the court. ~~Press releases are also provided to the network-affiliated television stations in Salt Lake City.~~

(b) Applications

Application [for judicial vacancies in a justice court must be made online at www.justicecourtvacancies.utah.gov](#). ~~At this portal, the applicant must complete forms and the required waivers are available from and should be submitted to the Administrative Office of the Courts, Attention: Judicial Nominations, P.O. Box 140241, Salt Lake City, Utah 84114-0241 or at Scott M. Matheson Courthouse, 450 South State Street, Suite N31. Application and waiver forms are available on preprinted forms and in an electronic format.~~
~~The application package consists of the following:~~

~~An original and six copies of the application form.~~ upload a
~~An original and six copies of the applicant's resume.~~ waive
~~A check or money order payable to the Administrative Office of the Courts for \$8.70 to cover the cost of a credit check.~~
~~A waiver of the right to review the records of the commission.~~ and the
~~A waiver of confidentiality of records.~~ and provide a ~~A one-~~ paragraph summary of professional qualifications that will be made available to the public if the applicant is selected to be the new judge's name is released for public comment prior to nomination.

The waiver of confidentiality pertains to records which are the subject of investigation by the commission.

~~If the applicant has applied for another judicial position within the prior year, the applicant may submit copies of the application package from the previous vacancy with a letter of interest that includes a summary of any changes to the previous application package and a check or money order for the credit check.~~

(i) Adverse References

The application provides space for listing references. However, letters of recommendation are not submitted by the applicant. The judicial nominating commission selects from among the references listed, and the commission or its staff contacts the references.

(ii) Reference Letters

The judicial nominating commission or its staff contacts ~~a minimum of three~~ up to five of the references listed on the application form and requests the references to complete and submit a standard reference letter approved by the Judicial Council. The commission may designate other references to be contacted either by the standard reference letter or by other means.

(iii) Deadline

The deadline for filing applications is established by the published notice. The minimum application period is ~~15~~ 30 days, but the notice of vacancy may provide for an extended application period. ~~If fewer than nine applications are received the vacancy must be announced for an additional 15 days. If, in counties of the first and second class, there are not at least three qualified applicants~~ If there are not at least two applicants for a justice court judge position who have a degree from a law school that makes one eligible to apply for admission to a bar in any state, the justice court nominating commission may re-advertise the position and accept applications from individuals who do not have a law degree. ~~the position shall be re-advertised and applications may be accepted from persons who are not residents of the county or an adjacent county in which the court is located. Also in such circumstances applicants would only be required to have, at the minimum, a high school diploma or GED.~~ See U.C.A. §78A-7-201.

~~The application is considered submitted upon receipt by the Administrative Office of the Courts with inclusion of all required application materials listed above. The Administrative Office of the Courts is not responsible for applications mailed but not delivered.~~

A notice of receipt is sent to the email address provided by the applicant. ~~If the~~

~~application is incomplete, the applicant is notified of the deficiency. The application may not be considered timely filed unless the deficiency is corrected before the application period closes.~~

(c) Recruitment

If commissioners wish to solicit individuals to apply for judicial vacancies they may do so directly or request that staff from the Administrative Office of the Courts solicit applications of specific individuals by writing a letter indicating that the individual's name has been referred as a potential judicial applicant and inviting the individual to submit an application. If a third party presents the name of a potential applicant to a commissioner, the same procedure should be followed. ~~Staff members should not personally solicit applications without a request by a commissioner.~~

(d) Pre-screening by Staff

After the expiration of the filing deadline, the staff person assigned to a nominating commission reviews the applications to screen out those applicants not meeting the minimum ~~constitutional~~ qualifications for office. A list of any applicants identified as not meeting the minimum qualifications and the deficiency is provided to all commissioners. Staff will notify ~~those applicants not successfully passing the pre-screening~~ ~~are advised~~ by letter-email ~~from the staff.~~

(e) Distribution of Application Materials

After the close of the application process, the staff to the commission provides access ~~to delivers a copy of~~ each application and resume and a list of all applicants in alphabetical order to the commissioners. Access to All application materials will be revoked ~~are returned to the staff of the commission~~ at the close of the nomination process in accordance with the section governing records.

(6) Organizational Meeting

(a) Introduction

The date, time, and place of the organizational meeting are published as a part of the notice of the vacancy or in a separate public notice. If possible, Commissioners are notified individually of the commission's first meeting ~~prior to before~~ the public notice ~~if possible~~. The organizational meeting should be held as soon as practicable after the close of the application deadline.

The importance of this initial meeting cannot be overstated. If the commission is not well organized, it likely will face problems later. The least of these problems is the inefficient use of limited time. More serious problems such as breaches of ethics and confidentiality or disputes over voting procedures may develop. The organizational meeting is used to anticipate these problems before they occur.

The commission ~~should~~ must accomplish five things during the organizational meeting. During the public portion of the meeting:

1. The commission ~~should~~ must discuss issues of ethics and legal obligations (6c).
2. The commission ~~should~~ must consider any administrative or procedural questions (6d).

3. The commission ~~should~~must develop a realistic time table in which to accomplish its many tasks (6e).
4. The commission ~~should~~must, upon request, receive oral and written testimony from the public about community needs, the qualifications for the judicial office, and the nominating process, but not about individual applicants (6f).

After the public portion of the meeting, the commission ~~shall~~will go into executive session to discuss the qualifications of applicants and make an initial screening of the applicants. This initial screening of applicants by the commission is based upon the information contained in the application materials (6g).

(b) Conduct of Meetings

The chair of each nominating commission presides at all meetings and ensures that each commissioner has the opportunity to be a full participant in the commission process. For the purpose of organizing the first meeting, the chair of each nominating commission will be the appointed representative from the Bar. During the nominating commission's first meeting, the commission will select a chair. All commission members ~~shall~~will have the opportunity to question applicants and to discuss the qualifications of applicants. In questioning applicants and discussing the qualifications of applicants, the chair ~~shall~~will speak last.

(c) Ethical and Legal Obligations

The organizational meeting is the appropriate time and place to address any issues regarding commission ethics that may be of concern. It is far better ~~to try~~ to anticipate problems and avoid them rather than ~~to try~~ing to solve them once they occur. The goal of commissioners should be to avoid not only impropriety itself, but also the appearance of impropriety.

Failure to Follow Law or Procedures. If a commissioner fails or refuses to follow statutes, rules, or this manual regulating the nomination of candidates, the commissioner is disqualified from the commission, and the local government executive ~~shall~~will appoint a replacement as provided by statute.

Confidentiality. The names of the nominees are released to the public for the purpose of comment prior to submission to the local government executive, and the application materials and investigation reports for the nominees are forwarded to the local government executive. Otherwise, the policy in Utah is to maintain the confidentiality of all applicants and of all investigation sources. Subject only to the responsibility to report violations of the law and breaches of professional ethics, information provided by the applicant and information gathered as a result of the investigation are not disclosed. However, if an applicant is selected as a nominee, the application package of the nominee and the results of any investigation, including information from investigation sources, are forwarded to the local government executive. The application and investigation results are not otherwise disclosed by the commission.

Relationship to the Applicant. Perhaps one of the most common problems faced by nominating commissions is that some commissioners have a business, professional, or personal relationship to one or more of the applicants. Commissioners are required to disclose to the commission the existence and nature of such relationships, including any

adverse relationship. These declarations should be made prior to screening the applicants. If an applicant is a commissioner's spouse or a person within the third degree of relationship to a commissioner, (grandparents; parents or parents-in-law; aunts or uncles; children, nieces and nephews and their spouses) that commissioner must disqualify him/herself from the nominating commission process. If a commissioner declares some other type of relationship with an applicant, the other commission members must decide if that relationship constitutes a conflict of interest. If they so decide, the commissioner disclosing the relationship must ~~disqualify~~ recuse him/herself from voting on that applicant ~~the nominating commission process~~. If the other commission members decide, by a majority vote, that the relationship does not constitute a conflict of interest, the commissioner disclosing the relationship may ~~participate in the process~~ vote on that applicant. Only declarations which are determined by the commission to pose a conflict of interest are recorded in the minutes of the meeting. ~~If a commissioner is recused for a conflict of interest or is otherwise unable to serve, the vacant position is filled by the appropriate appointing authority. The commissioner may continue to serve until a successor is appointed, but the commissioner may not vote for so long as the grounds for recusal continue. If the grounds for recusal are eliminated, the commissioner shall participate fully in the nomination process.~~

Solicited Information. Commission members should inquire on their own regarding the qualifications of judicial applicants. Commissioners should seek information from any source likely to provide insight into the qualifications and ability of individual applicants to serve in the judiciary, including but not limited to attorneys, judges, members of the executive and legislative branches of government, business associates, neighbors, and acquaintances. The commission should not solicit information from clients of lawyer applicants, unless the applicant has approved the solicitation. The names of applicants are formally confidential during this phase so inquiries should be discreet. However, it obviously will be necessary to reveal the name of an applicant when inquiring of others about the applicant. Information so gathered will be helpful to the commission in the process of its deliberations.

Unsolicited Information. The commission may receive unsolicited information or statements from third parties supporting or opposing an applicant. These should be received, considered, and, if appropriate, investigated. The response to the writer or caller should be uniform. The commission member or its staff should explain the impartial procedures that all applicants must complete and thank the individual for the information.

Contact with an Applicant. Commissioners should refrain from discussion with an applicant about his/her application. Feedback on interview performance should not be provided by commission or staff members to applicants.

Commissioner Bias. All people have particular philosophies and viewpoints. Commissioners can only realize that these biases exist and make every effort to ensure that they do not cloud the decision making process.

Legal Requirements. Sections of the Utah Constitution and Code applicable to the nomination and election of judges are provided to commission members.

(d) Administrative Issues

The organizational meeting should be used to answer any questions or concerns of the commissioners. A few issues are outlined here.

Reimbursement of Expenses. Commissioners are entitled to be reimbursed for all actual and necessary expenses incurred in the course of their duties as commissioners. Mileage records and expense receipts should be submitted to the staff person assigned to the commission at, or soon after, the final meeting of the commission. Note, however, that if the work of the commission begins in one fiscal year and continues into the next fiscal year, expenses must be reimbursed with funds from the year in which the expenses were incurred. Requests for reimbursement of expenses incurred during one fiscal year must be submitted no later than July 20 of the next fiscal year. The fiscal year ends June 30.

Records. By statute, the Administrative Office of the Courts serves as staff to each of the nominating commissions. ~~Forms are available from and a~~All records of the commissions are maintained in that office. The notes of the commissioners are their own and are not filed with the Administrative Office of the Courts.

Summary minutes only, and not verbatim minutes, are maintained of all commission meetings including interview meetings and voting meetings. The minutes include:

- a) The date, time, and place of the meeting.
- b) A list of the commissioners present and a list of those absent or excused.
- c) A list of staff members present.
- d) A general description of the nature of the business to be conducted.
- e) A general description of the decisions made.
- f) Any declarations by commissioners of a relationship, interest, or bias concerning any applicant.
- g) A record of the total tally of all votes, but not the vote of individual commissioners.
- h) Written statements submitted to the commission regarding issues facing the judiciary.
- i) Any other matter desired by the commission to be recorded.

All records of the commission are maintained by the staff member assigned to the nominating commission by the Administrative Office of the Courts, but are not subject to public disclosure. The records are maintained until the appointee of the local government executive takes the oath of office. The records are then destroyed.

Quorum. Three commissioners must be present to conduct any business. Commissioners may be present through electronic means such as telephone or video conferencing. If a written ballot is required of a commissioner present through electronic means, the commission may submit the vote by ~~fax,~~ electronic mail, or other electronic means. The commission should take steps to secure the confidentiality of debate and votes made by electronic means.

(e) Timetable

The commission should develop a timetable of specific dates for the completion of the various steps in the nomination process. The commission should establish a deadline for each interim step in the process. Including the organizational meeting, commissioners will usually meet formally two to three times.

384 **(f) Public Testimony**

385 The public portion of the organizational meeting is used to ~~develop~~receive oral and
386 written testimony about issues of local concern, the general qualifications of judges, and
387 constructive recommendations to the Judiciary. Statements concerning particular
388 applicants or cases are prohibited. It is important at the initial meeting to develop a good
389 sense of the interests of the communities served by a court. ~~This is especially difficult in~~
390 ~~Utah where the jurisdiction of a court usually covers several counties.~~

391 The procedure for submitting written statements or a request for time to deliver an oral
392 statement at the organizational meeting is as follows. Any interested person or
393 organization may submit written statements to the Administrative Office of the Courts. A
394 written statement may be accompanied by a request for time to present the statement
395 orally to the commission. Requests for time to present an oral statement are not preferred
396 unless accompanied by the written statement. The chair of the commission may permit a
397 person to present an oral statement without submitting a written statement. A maximum
398 time limit for oral statements is ~~five~~three minutes. A judge appointed by the Board of
399 Justice Court Judges is invited to speak to the commission to address the importance of
400 justice court judge selection without submitting a written statement.

401 The chair of the commission retains the discretion to deny a written request for oral
402 testimony only to ensure the orderly conduct and timely completion of the public portion
403 of the organizational meeting. If permission to provide oral testimony is granted, the
404 person requesting permission is notified by staff in the Administrative Office of the Courts.
405 All written statements become a part of the record of the commission. The substance of
406 the statement and identification of the author are publicly disclosed at the organizational
407 meeting. The statement may be read verbatim.

408
409 **(g) Initial Screening by Commission**

410 A screening process may be needed to reduce the number of applicants to a
411 manageable number for purposes of further investigation and selecting candidates for
412 interview. The initial screening should occur at the organizational meeting and is based
413 upon the applicants' application and resume, and other application materials.

414 The objective of the commission in screening applicants is not to retain all applicants
415 who may conceivably be qualified for further investigation and interviews ~~all applicants~~
416 ~~who may conceivably be qualified~~ but to retain enough applicants so as to be reasonably
417 certain that the best qualified applicants are among them, given the information available
418 to the commission at the time, the number of vacancies to be filled, and the overall quality
419 of the applicant pool. The commission members review the application materials
420 available, discuss the qualifications of the applicants, compare the information with the
421 evaluation criteria, and vote to retain or eliminate an applicant. Depending upon the size
422 and relative qualifications of the applicant pool, the commission may complete the
423 screening at the organizational meeting, or the commission may complete the screening
424 at a subsequent meeting at which the results of the investigation are made available.

425 During the initial screening, unrestricted voting is acceptable. However, when voting
426 for final nominees, voting is conducted by confidential ballot. Each commissioner is
427 provided a ballot with the names of all applicants to be voted upon in alphabetical order.

Next to each applicant's name is a space designated "yes" and a space designated "no." The commissioner casts an affirmative or a negative vote for each applicant. The votes are tallied by the staff person and chair of the commission. All applicants receiving at least three affirmative votes ~~shall~~will be retained for further consideration. If, after voting, the commission determines there are too many applicants remaining given the number of vacancies and the overall quality of the applicant pool, the commission may further discuss the qualifications of applicants and conduct another round of voting. For each applicant retained after ~~screening~~the review is concluded, the commission identifies ~~the~~which five references listed by the applicant are to be contacted by staff.

The total vote tally, but not the vote of individual commissioners, is recorded in the minutes of the commission. After the total vote tally is verified and recorded, the voting ballots are destroyed.

Those applicants not selected for investigation and a possible interview ~~shall~~will be notified by the commission staff.

(7) Investigation of Screened Applicants; Further Screening

(a) Summary Staff Investigation of Applicants

After screening out those applicants not meeting the minimum ~~constitutional~~ requirements, and after initial screening by the commission, the Administrative Office of the Courts conducts a summary investigation of all remaining applicants. The commission may conduct a further investigation, or may direct staff to do so, of any applicant remaining after screening.

As a part of the summary investigation, the staff person ~~shall~~will:

~~a) *Order a summary credit check of the applicant.~~

~~b)a)~~ Contact a ~~minimum of three~~maximum of five references listed by the applicant and designated by the commission for a recommendation.

~~c)b)~~ Contact the disciplinary committee of any state bar of which the applicant is or was a member to determine the existence of any disciplinary action.

~~d)c)~~ Contact the judicial disciplinary agency of any jurisdiction where the applicant was a judge to determine the existence of any disciplinary action.

~~e)d)~~ *Contact the Bureau of Criminal Identification (BCI) to determine whether the applicant has any criminal record.

~~*May be completed during pre-screening process depending upon the size of the applicant pool.~~

An applicant's personal physician may be contacted and asked to disclose the particulars of an applicant's medical history only if the sound mental health of an otherwise qualified applicant becomes an issue of concern to the commission. Any inquiry will be limited to information necessary to resolve the particular concern.

Because an applicant may be screened from further consideration based on the results of the investigation, the applicant may have no opportunity to rebut claims made during the investigation. Therefore, it is essential that the investigation be thorough and without errors.

(b) Further Investigation by Staff and Commission

The commission may direct that a more in-depth background investigation be conducted by the staff of the Administrative Office of the Courts on any applicant remaining after screening. In addition to coordinating a background check with law enforcement agencies to determine if the applicant has been or is the subject of a criminal investigation or has any record of past criminal activity, ~~Staff~~ conducting the investigation ~~should accomplish the following~~ might also:

~~Coordinate a background check with law enforcement agencies to determine if the applicant has been or is the subject of a criminal investigation or has any record of past criminal activity.~~

- a) Contact current or former employers, partners, or associates.
- b) Contact any listed professional and civic organizations to determine the level of the applicant's activity.
- c) Contact any references listed by the applicant.
- d) Follow up on any areas of concern raised by any member of the nominating commission or otherwise revealed during the screening process.

In addition to any investigation conducted by staff, commission members should inquire on their own regarding the qualifications of judicial applicants. Commissioners should seek information from any source likely to provide insight into the qualifications and ability of individual applicants to serve in the judiciary, including but not limited to attorneys, judges, members of the executive and legislative branches of government, business associates, neighbors, and acquaintances. The commission should not solicit information from clients of applicants, unless the applicant has approved the solicitation. The names of applicants are formally confidential during this phase so inquiries should be discreet. However, it ~~obviously~~ will be necessary to reveal the name of an applicant when inquiring of others about the applicant.

(c) Report of Investigation Results

Prior to the meeting for the further screening of applicants and the selection of candidates for interview; or, if no subsequent screening is needed to reduce the applicant pool further; prior to the meeting for interviews, each commissioner receives access to the following for each applicant:

- a) A copy of the application form and resume.
- b) A summary report of information contained in the application and information gathered as a result of the staff investigation. ~~Credit check and~~ BCI information is summarized orally with the nominating commission. This information may be shared with the commission during the initial meeting and screening of applicants if the size of the applicant pool warrants only one meeting prior to interviews. The summary report is intended only as a tool for the commissioners in organizing the often voluminous information. The report contains neither recommendations nor evaluations concerning the applicant.
- c) Copies of reference letters received.

(d) Further Screening and Selection of Interviewees

If there is a second screening of applicants before interviews, the commission screens the applicants based upon the results of investigations. The commission should

conduct the voting for this subsequent screening of applicants in the same manner as the initial screening.

(8) Evaluation Criteria

(a) Constitutional and Statutory Minimum Requirements

U.C.A. Section 78A-7-201 requires that a justice court judge be:

Citizenship. A citizen of the United States.

Age. ~~U.C.A. Section 78A-7-201 requires that a justice court judge must be~~ 25 years old or older.

Residency. ~~Justice court judges must be a resident of the county in which the court is located or an adjacent county for at least six months~~ Utah for at least three years immediately preceding appointment and be a qualified voter of the county in which the judge resides. and

Education Requirements. ~~In counties of the first and second class, a justice court judge shall have a degree from a law school that makes one eligible to apply for admission to the bar in any state. In counties of the third, fourth, fifth and sixth class, a justice court judge shall have at the minimum a high school diploma or GED.~~

Restricted Activities. Section 78A-7-206 of the Utah Code establishes further restrictions on the activity of judges.

(1) A justice court judge may not appear as an attorney in any criminal matter in a federal, state, or justice court or appear as an attorney in any justice court or in any juvenile court case involving conduct which would be criminal if committed by an adult.

(2) A justice court judge may not hold any office or employment including contracting for services in any justice agency of state government or any political subdivision of the state including law enforcement, prosecution, criminal defense, corrections, or court employment.

(3) A justice court judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in state government or any political subdivision of the state.

(4) A justice court judge may not own or be employed by any business entity which regularly litigates in small claims court.

(b) Qualities of Judges

The following criteria for evaluating applicants are derived from the American Bar Association's Guidelines for Reviewing Qualifications of Applicants for State Judicial Office, which offer some guidance for determining "fitness for office." Following the ABA guidelines are some additional considerations. ~~Although not all justice court judges are required to be attorneys, these modified guidelines provide useful suggestions and standards for all applicants.~~

(i) American Bar Association Guidelines

Introduction

Below is a section of the American Bar Association Guidelines that are applicable to the justice court judge. These guidelines are intended for use by bar association committees and judicial nominating commissions which are evaluating applicants for state and local judicial office. It is assumed that the evaluators desire to recommend to the electorate or to the appointing authority the applicants who are most qualified by virtue of merit.

The guidelines attempt to identify those characteristics ~~to be sought after of~~ highly qualified in the judicial applicants. They attempt to establish criteria for the prediction of successful judicial performance. The identified traits are not mutually exclusive and cannot be wholly separated one from another. The outlined areas have been selected as essential for inquiry in considering all applicants for judicial office. With the exception of integrity, which is always indispensable, the degree to which the characteristics should be present in any particular applicant may vary in relation to the responsibility of the office.

These guidelines are not intended to deal with methods or procedures for judicial selection; nor are they intended to provide specific operating rules for the commissions and committees. The guidelines are not intended as a definitive review of the qualifications of sitting judges when being considered for retention or evaluation, since judicial experience will ~~then~~ provide important additional criteria which are treated elsewhere.

It is hoped that the use of these guidelines, if made known to the public and the press, will enhance the understanding and respect to which the judiciary is entitled in the community being served. The ultimate responsibility for selecting the judiciary is in the appointing power of any given judicial system. The function of these guidelines is to present minimum criteria for appointment; the more rigorous the criteria the better the quality of the judiciary.

1. Integrity. An applicant should be of undisputed integrity.

The integrity of the judge is, in the final analysis, the keystone of the judicial system; for it is integrity which enables ~~a judge~~ to disregard personalities and partisan political influences and enables ~~him or her~~ them to base decisions solely on the facts and the law applicable to those facts. It is, therefore, imperative that a judicial applicant's integrity and character with regard to honesty and truthfulness be above reproach. An individual with the integrity necessary to qualify must be one who is able, among other things, to speak the truth without exaggeration, admit responsibility for mistakes and put aside self-aggrandizement. Other elements demonstrating integrity are intellectual honesty, fairness, impartiality, ability to disregard prejudices, obedience to the law and moral courage.

An applicant's past personal and professional conduct should demonstrate consistent adherence to high ethical standards. If applicable, the evaluator should make inquiries iesy of judges before whom m the applicant has appeared, and among other members of the bar, a as to whether or not an applicant's representations can be relied upon. An applicant's disciplinary record, if any, should be considered. Hence, an applicant should

waive any privilege of confidentiality, so that the appropriate disciplinary body may make available to the evaluator the record of disciplinary sanctions imposed and the existence of serious pending grievances. The reputation of the applicant for truthfulness and fair dealing in extra-legal contexts should also be considered. Inquiry into an applicant's prejudices that tend to disable or demean others is relevant. However, since no human being is completely free of bias, the important consideration is that of whether or not the applicant can recognize his or her own biases and set them aside.

2. Legal Knowledge and Ability. An applicant should possess a high degree of knowledge of established legal principles and procedures and have a high degree of ability to interpret and apply them to specific factual situations.

Legal knowledge may be defined as familiarity with established legal principles and evidentiary and procedural rules. Legal ability is the intellectual capacity to interpret and apply established legal principles to specific factual situations and to communicate, both orally and in writing, the reasoning leading to the legal conclusion. Legal ability also connotes ~~also~~ certain kinds of behavior by the judge, such as the ability to reach concise decisions rapidly once ~~he or she is~~ apprised of sufficient facts, the ability to respond to issues in a reasonably unequivocal manner and to quickly grasp the essence of questions presented.

Legal knowledge and ability are not static qualities, but are acquired and enhanced by experience and the continual learning process involved in keeping abreast of changing concepts through education and study. More important is the demonstration of ~~an attitude reflective of a~~ willingness to learn the new skills and knowledge which will from time to time become essential to a judge's performance and ~~of a~~ willingness to improve judicial procedure and administration.

A review of an applicant's academic distinctions and professional colleagues who have had first-hand dealings with the applicant will be helpful in evaluating knowledge and ability.

3. Professional Experience. Professional experience should be long enough to provide a basis for the evaluation of the applicant's demonstrated performance and long enough to ensure that the applicant has had substantial experience that would allow them to successfully analyze legal problems and the judicial process.

The extent and variety of an applicant's experience should be considered in light of the nature of the judicial vacancy that is being filled. A successful applicant will have a broad range of professional and life experiences that will add depth to the judicial office they hold.

4. Judicial Temperament. An applicant should possess a judicial temperament, which includes common sense, compassion, decisiveness, firmness, humility, open-mindedness, patience, tact and understanding.

Judicial temperament is universally regarded as a valid and important criterion in the evaluation of an applicant. There are several indicia of judicial temperament which, while premised upon subjective judgment, are sufficiently understood by lawyers and non-lawyers alike to afford workable guidelines for the evaluator.

~~Among the qualities which comprise judicial temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility.~~ Because the judicial function is essentially one of facilitating conflict resolution, judicial temperament requires an ability to deal with counsel, jurors, witnesses, and parties calmly and courteously, and the willingness to hear and consider the views of all sides. It requires the ability to be even-tempered, yet firm; open-minded, yet willing and able to reach a decision; confident, yet not egocentric. Because of the range of topics and issues with which a judge may be required to deal, judicial temperament requires a willingness and ability to assimilate data outside the judge's own experience. It requires, moreover, an even disposition, buttressed by a keen sense of justice which creates an intellectual serenity in the approach to complex decisions, and forbearance under provocation. Judicial temperament also implies a mature sense of proportion; reverence for the law, but appreciation that the role of law is not static and unchanging; and understanding of the judge's important role in the judicial process, yet recognition that the administration of justice and the rights of the parties transcend the judge's personal desires. Judicial temperament ~~is typified by recognition that there must be~~ requires compassion as the judge deals with matters ~~put before~~ presented to him or her.

Factors which indicate a lack of judicial temperament are also identifiable and understandable. Judicial temperament thus implies an absence of arrogance, impatience, pomposity, loquacity, irascibility, arbitrariness, ~~or~~ and tyranny. The absence of judicial temperament ~~is a quality which is not easily identifiable, but which does not wholly evade discovery. Its absence~~ can usually be fairly ascertained.

Wide-ranging interviews should be undertaken to provide insight into the temperament of a judicial applicant.

5. Diligence. An applicant should be diligent and punctual.

Diligence is defined as a constant and earnest effort to accomplish that which has been undertaken. ~~While diligence~~ although it is not necessarily the same as industriousness, ~~it does imply~~ Diligence implies the elements of constancy, attentiveness, perseverance, and assiduousness, in addition to. ~~It does imply~~ the possession of good work habits and the ability to set priorities in relation to the importance of the tasks to be accomplished.

Punctuality should be recognized as a complement of diligence. An applicant should be known to meet procedural deadlines in trial work and to keep appointments and commitments. An applicant should be known to respect the time of other lawyers, clients, and judges.

6. Health. A candidate should be in good health.

Good health embraces a condition of being sound in body and mind relative to the extraordinary decision-making power vested in judges. Physical disabilities and diseases which do not prevent a person from fully performing judicial duties will not be a cause for rejection of a candidate. However, any serious condition which would affect the candidate's ability to perform the duties of a judge may be further investigated by the evaluator. The evaluator may require a candidate to provide a physician's written report of a recent thorough medical examination addressing the condition of concern.

Good health includes the absence of erratic or bizarre behavior which would significantly affect the candidate's functioning as a fair and impartial judge. Addiction to alcohol or other drugs is of such an insidious nature that the evaluator should affirmatively determine that a candidate does not presently suffer from any such disability.

The ability to handle stress effectively is a component of good mental health. A candidate should have ~~developed~~ the ability to refresh himself or herself occasionally with non-work-related activities and recreations. A candidate should have a positive ~~perception of his or her own~~ self-worth, in order to be able to withstand the psychological pressures inherent in the task of judging.

The evaluator should give consideration to the age of a candidate as it bears upon health and upon the number of years of service that the candidate may be able to perform.

7. Financial Responsibility. An applicant should be financially responsible.

The demonstrated financial responsibility of an applicant is one of the factors to be considered in predicting the applicant's ability to serve properly. Whether there have been any unsatisfied judgments or bankruptcy proceedings against an applicant and whether the applicant has promptly and properly filed all required tax returns are pertinent to financial responsibility. Financial responsibility demonstrates self-discipline and the ability to withstand pressures that might compromise independence and impartiality.

8. Public Service. Consideration should be given to an applicant's previous public service activities.

The rich diversity of backgrounds of ~~American~~ judges is one of the strengths of the American ~~j~~udiciary, experience which provides an awareness of a and a sensitivity to u people and their problems may be just as helpful in ~~a~~the decision-making process as a knowledge of the law. There is, then, no one career path to the judiciary. A broad, non-legal academic background, supported by varied and extensive non-academic achievements are important parts of an applicant's qualifications. Examples of such non-legal experience are involvement in community affairs and participation in political activities, including election to public office. The most desirable applicant will have had broad life experiences.

There should be no issue-oriented litmus test for selection of an applicant. No applicant should be precluded from consideration because of his or her opinions or activities in regard to controversial public issues. No applicant should be excluded from consideration because of race, creed, sex or marital status.

While interviews of applicants may touch on a wide range of subjects in order to test an applicant's breadth of interests and thoughtfulness, ~~the~~ sapplicant should not be required to indicate how they ~~or she~~ would decide particular issues that may arise on litigated cases. However, an applicant's judicial philosophy and ideas concerning the role of the judicial system in our scheme of government are relevant subjects of inquiry.

(ii) Other Considerations for Qualification

In addition to the ABA guidelines, the commissioners may wish to consider the following in analyzing the qualifications of an applicant for judicial office:-

Impartiality. A judge must be able to determine the law (and ~~some~~often times the facts) of a dispute objectively and impartially. Applicants should be challenged on their ability to make the transition from advocate to arbiter, on their ability to hear and consider all sides of an issue, and on their ability to put aside prejudice and bias.

Industry. Applicants must demonstrate a willingness to dedicate themselves to diligent, efficient, and thorough work. Work habits differ; work techniques vary; but rising court caseloads demand industry of judges. This means the ability to manage time efficiently, to persevere against obstacles, to prepare thoroughly and punctually, and to resolve issues concisely and decisively.

Age. ~~A justice of the Supreme Court must be at least 30 years old.~~ A justice court judge of any other court must be at least 25 years old. In addition, justice court judges may only serve until they turn 75 years old. Otherwise, there are no restrictions on the age of nominees to judicial office. Applicants should not be judged by their age alone. But they may be judged by the qualifications that may wax or wane with age: maturity, stability, legal skills, health, and vitality.

The Unique Role of Justice Court Judges. Justice court judges are in contact with the public more than any other judge. Justice courts are established by counties and municipalities and have the authority to hear class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice court judges serve the citizens of the city or county who appoint them and are often the first or only interaction many citizens will have with the court.

Diversity on the Bench. When deciding among applicants whose qualifications appear in all other respects to be equal, it is relevant to consider the background and experience of the applicants in relation to the current composition of the bench for which the appointment is being made. The idea is to promote a judiciary of sufficient diversity that it can most effectively serve the needs of the community.

(9) The Interview

(a) Scheduling Interviews

After the candidates are selected for interview, the commission develops an interview schedule and should prepare questions for the interviews. This may be done at the same meeting in which the candidates for interview are selected or at an intervening meeting before the interviews begin.

Depending on the number of candidates, interviews ~~sh~~could be completed in one day or on successive days. The number of intervening days between interviews should be kept to a minimum. It may be necessary for the commission to conduct some interviews in the evening. The interviews should be scheduled to include about ten minutes between interviews to review the qualifications of the candidate, if desired. Interviews should last about 20 to 30 minutes per candidate. This means that at least one-half hour per candidate should be scheduled.

Each interview is conducted in a similar fashion. The chair briefly introduces the candidate to the commissioners. The candidate is given several minutes to make an opening statement, if desired, which should include a statement of reasons for seeking the office. The commissioners then conduct the questioning. At the end of the questioning the candidate is given several minutes to make a closing statement.

Candidates are selected for time slots by the staff on a random basis. This avoids any accusation that a particular candidate was given a favored time slot.

Once set, the interview schedule is firmly fixed. Changes in the interview schedule lead only to scheduling difficulties and confusion. Rarely will any interview schedule satisfy all of the candidates, so the initial random schedule should not be changed except in extreme circumstances. The Administrative Office of the Courts is responsible for notifying the candidates of the date, time, location, and format of the interview.

(b) Preparation for Interviews

Interviews are more productive if the commissioners are well-prepared. Prepare the questions beforehand. Some questions are asked of all candidates for all judgeships. Some questions might be asked only for a particular candidate or vacancy. The investigation of candidates likely will lead to questions designed for a particular candidate.

Determine the order of questions beforehand. Every commissioner should have the opportunity to ask questions. Generally, the questioning should rotate through commissioners. The chair should ask questions last.

Determining the questions and their order does not mean that the commissioners are prohibited from following up an answer with a more particularized question. The format of the interviews should be flexible enough to pursue an unanticipated line of questioning. Preparing the questions and their order beforehand helps in returning the interview to its original course.

(c) Suggested Questions

Candidates must be treated fairly, but commissioners are encouraged to conduct aggressive questioning of the potential judges. Judges must frequently face the stress of decisions affecting the lives and property of other people. The commissioners have the responsibility to assess the ability of the candidate to resolve close questions under stress.

Phrasing of the questions is important. The commissioners may closely question the candidates concerning social issues, but the questions should be phrased to avoid opinion shopping or reducing the interview to a political interrogation. The questions should be phrased to elicit an applicant's knowledge and understanding of important issues.

Commissioners also should not hesitate to inquire about a candidate's qualifications for a position on the bench, including the applicant's health.

Each commission is responsible for developing its own set of questions suitable to the particular court and candidate. A few examples of possible questions follow. ~~Not all questions may be applicable to every level of court.~~

Candidate's Skills, Experience, and Personal Traits

- How would you deal with an attorney who is:
 - unprepared?
 - argumentative?
 - late?
- What would be your most important contribution to the court?
- What do you anticipate will be your frustrations on the bench?
- What aspects of the judicial profession do you anticipate will be boring?
- What are your most important interests outside of your present work?
- Will you have to forgo any of these interests to keep up with the court's caseload?

Candidate's General Judicial Philosophy

- Why do you want to be a judge?
- What characteristics and qualities do you think are important for a judge to possess?
- Do you have a particular philosophy of law?
- What is your view of the role of the Judiciary in society?
- To what extent should a judge consider political, social, and economic consequences in decisions?

Candidate's View of the Court System

- What do you see as the strengths and weaknesses of Utah's criminal justice system?

(10) Selection of Nominees

(a) Order of Debate and Voting

After the interviews are completed, the commissioners should devote sufficient time to discuss the qualifications of the candidates. This deliberation may help the commission to form a consensus and facilitate the selection of nominees. Every commissioner should have the opportunity to participate in the debate. Generally, the debate should rotate through commissioners. The chair should participate in the debate last. The commission may conduct its debate, or further debate, before every round of voting.

Voting for the selection of nominees must be conducted by confidential ballot, but otherwise is the same as voting during the screening process. Any candidate receiving a majority of votes of voting commissioners present is selected as a nominee. The commission should thoroughly debate the qualifications of candidates prior to voting. The commission can reconsider its action on any candidate upon a majority vote to do so.

The nominating commission must submit at least 3 ~~and no more than 5~~ names to the appointing authority. See U.C.A. §78A-7-202(2)(~~ef~~). If, after full deliberation, the commission is unable to agree upon the number of nominees permitted or required, the commission should further debate the qualifications of the candidates and conduct additional rounds of voting until commissioners agree upon the permitted or required number of nominees.

A nominating commission may not decline to nominate a candidate merely because that commission or another declined to nominate the candidate to a previous vacancy; or because that commission or another nominated the candidate to a previous vacancy and the local hiring executive selected someone else.

The total vote tally, but not the vote of individual commissioners, is recorded in the minutes. After the vote tallies are verified and recorded, the ballots are destroyed.

(b) Public Comment Regarding Nominees; Removal of Nominee

Candidates are notified individually of their nomination. Candidates interviewed but not selected as nominees are notified of that fact ~~by letter in writing~~ from the staff of the commission. The names of the nominees are made public by the commission. The public release of the names of the nominees includes a statement that persons having comments to make regarding the nominees should provide a written statement addressed to the commission ~~chair~~ through the Administrative Office of the Courts. Statements must be received by the Administrative Office of the Courts within 10 days of the public release of names. A copy of the public release is sent to the local government executive.

The commission may meet to review any public comments not sooner than ten days after the public release of the names of the nominees. The commission ~~shall~~ will provide a nominee with a copy of any written negative comment received and ~~shall~~ will provide a nominee the opportunity to respond ~~in person or~~ in writing. The commission may conduct further interviews of any nominee. The commission may request further investigation of any nominee.

After consideration of any comments and the response of the nominee, the commission may remove a candidate from the list of nominees upon the vote of four members of the commission. The commission ~~shall~~ will select another nominee from among interviewed candidates in the manner described in paragraph 10(a) of this section for voting upon nominees. The nomination process is not final until the commission submits the nominees to the city/county executive.

(c) Submitting Nominees

Nominees are submitted to the local government executive by letter from the ~~chair of the nominating~~ commission. A copy of the letter is sent to each commission member. The letter should encourage the local government executive to conduct further review of the nominees and to encourage public comments which could provide valuable insight to ensure that the best nominee is appointed. The application package, including investigation reports, reference letters, and public comments, of each nominee is forwarded to the local government executive.

Nominees are listed in alphabetical order without any indication of rank or preference and without any indication of the vote of the commission. Because the authority of the nominating commission ends with the nomination of candidates, it is important that there be no effort to influence or persuade the local government executive in the appointment. Minority reports and expressions of personal feelings regarding nominees are inappropriate. The appointment authority belongs to the local government, not to the commission. The local government executive has the means to conduct an independent investigation of the nominees and will select the nominee best qualified for the position. While commission members should not contact the local government executive, they should feel free to respond to inquiries initiated by the local government executive's office regarding the nominees.

If a nominee withdraws before the local government executive has made an appointment, the commission may, at the request of the local government executive, nominate a replacement. Unless time permits, the Commission does not need to publish the nominee's name for public comment.

(d) Nominee Selection and Certification

The appointment of a new judge is a three step process:

- Selection
- Confirmation
- Certification

After the local government executive has made a selection, the local legislative body is required to confirm the appointment. Once confirmed, a press release is issued naming the judicial appointee. This public notice provides the name of the appointee in addition to a brief summary of the appointee's education and work history.

The appointee is then required to successfully complete the Justice Court New Judge Orientation program provided by the Administrative Office of the Courts. ~~This is a one week training program conducted in Salt Lake City.~~ Upon completion of the orientation process, the Justice Court Administrator makes a recommendation to the Utah Judicial Council respecting certification. Certification is based on ~~attendance~~ successful completion of all parts of the orientation and on achieving a passing score on the exam administered ~~at the end of~~ in connection with the orientation. The Council issues final certification of the appointment.

TAB 3

CJA 3-116. Pretrial Release and Supervision Committee (REPEAL)

Notes: The pretrial release and supervision committee was dissolved and removed from CJA 1-205 in November, but the associated committee rule was not repealed.

~~Rule 3-116. Pretrial Release and Supervision Committee.~~**~~Intent:~~**

~~To study and make recommendations to the Judicial Council concerning pretrial release and supervision practices.~~

~~Applicability:~~

~~This rule shall apply to the judiciary.~~

~~Statement of the Rule:~~

~~The committee shall study pretrial release and supervision practices, and make regular reports and recommendations concerning those practices to the Judicial Council.~~

~~(1) Duties of the committee. The committee shall:~~

~~(1)(A) work to implement the recommendations of the Report to the Utah Judicial Council on Pretrial Release and Supervision Practices;~~

~~(1)(B) study and make recommendations regarding pretrial release and supervision generally, including the following:~~

~~(1)(B)(i) studying current pretrial release and supervision practices, the efficacy of such practices, and making recommendations for changes to those practices as necessary;~~

~~(1)(B)(ii) developing and recommending written guidelines to the Judicial Council to be used for setting financial and non-financial conditions of pretrial release;~~

~~(1)(B)(iii) assisting and advising counties on implementing a statewide pretrial risk assessment tool and developing procedures for distributing the assessment results to judges;~~

~~(1)(B)(iv) assisting and advising counties to develop pretrial supervision programs;~~

~~(1)(B)(v) determining what pretrial release and supervision data are necessary to accurately assess pretrial release and supervision practices, and making recommendations on how pretrial release and supervision data collection practices can be improved including which organizations should collect the data and how it should be collected;~~

~~(1)(B)(vi) recommending training for judges, lawyers, and other stakeholders on pretrial release and supervision practices;~~

~~(1)(B)(vii) recommending, if necessary, appropriate statutory and rule changes; and~~

~~(1)(B)(viii) providing ongoing monitoring and assessment of Utah's pretrial release and supervision practices; and~~

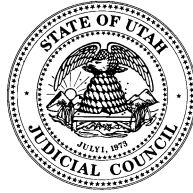
~~(1)(C) on an annual basis, the committee shall report its progress to the Judicial Council.~~

~~Effective: 12/14/2015~~

TAB 4

CJA 3-407. Accounting

Notes: See memo



Administrative Office of the Courts

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

June 4, 2025

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

TO: Keisa Williams

FROM: Karl Sweeney

CC: Sheri Knighton

RE: Request for PP&T Committee – Rule 3-407 Accounting

The Board of Justice Court Judges recently approved the adoption of the Court's Accounting Manual as the standard to be followed by all Justice Courts.

CJA Rule 3-407 needs revisions to reflect this change including having Justice Courts be represented on the Accounting Manual Committee going forward. We have made proposed changes to incorporate the broadening of the scope of the Court's Accounting Manual to become the Utah Judiciary Accounting Manual.

Please put this request in the queue to be considered in an upcoming PP&T meeting.

Thanks!

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

Rule 3-407. Accounting.**Intent:**

To establish uniform procedures for the processing, tracking, and reporting of accounts receivable and trust accounts.

Applicability:

This rule applies to the judiciary.

Statement of the Rule:**(1) Manual of procedures.**

(1)(A) **Manual of procedures.** The ~~a~~Administrative ~~e~~Office ~~shall~~will develop a manual of procedures ("Utah Judiciary Accounting Manual") to govern all accounting matters, including accounts receivable, accounts payable, trust accounts, cash receipts, the audit thereof, and disbursements, separation ~~the audit of~~ duties, and all relevant ~~administrative~~ procedures ~~needed to comply~~generally. The procedures shall be in conformity with generally accepted accounting principles (GAAP) and generally accepted auditing standards (GAAS). ~~of budgeting and accounting and shall, at a minimum, conform to the requirements of this Code and state law. The Utah Judiciary Accounting Manual will provide policies that are applicable~~apply to personnel in courts of record and not of record, and will, at a minimum, conform to the requirements of this Code and state law. ~~Appellate, District, Juvenile, and Justice Courts personnel.~~ Unless otherwise directed by the Judicial Council, the Utah Judiciary Accounting Manual ~~and amendments to it shall will~~ be approved by ~~the a~~ majority vote of the Budget and Fiscal Management Committee (~~"BFMC"~~) ~~following the procedures in (1)(D).~~

(1)(B) Utah Judiciary Accounting Manual Review Committee. There is established a Utah Judiciary ~~an A~~ Accounting M ~~annual R~~ review C ~~ommittee~~ (Accounting Committee) responsible for making and reviewing proposals to promulgate, for repeal, and amending accounting policies and procedures ~~and proposals for promulgating new and amended accounting policies and procedures.~~ The Accounting C ~~ommittee~~ ~~shall~~will consist of the following ~~minimum membership~~:

(1)(B)(i) the finance ~~director of the AOC finance department,~~ who ~~shall~~will serve as chair ~~and shall vote only in the event of a tie;~~

(1)(B)(ii) four support services coordinators ~~who will serve a three-year term, and may repeat;~~

(1)(B)(iii) two accountants or clerks with accounting responsibilities from each trial court of record ~~who will serve a three-year term, and may repeat;~~

(1)(B)(iv) a ~~trial C~~ourt Executive ~~who will serve a three-year term;~~

(1)(B)(v) a court clerk ~~of court who will serve a three-year term;~~

(1)(B)(vi) a clerk with accounting responsibilities from an appellate court ~~who will serve a three-year term, and may repeat;~~

(1)(B)(vii) two members of the Justice Court Education Committee (JCEC);

(1)(B)(viii) the audit director or designee, ~~who shall not vote;~~ and

(1)(B)(~~ix~~viii) the director of the ~~state~~ Utah ~~D~~ivision of Finance or designee, ~~who shall not vote.~~

(1)(C) **Member appointments.** The JCEC members will be appointed by the Board of Justice Court Judges. Unless designated by office, all other members of the Accounting Committee ~~shall will~~ be appointed by the state court administrator, or designee. The ~~AOC department of finance~~ department ~~shall will~~ provide necessary support to the committee.

(1)(D) Terms and voting. Accounting Committee members will serve three-year terms. Members listed in paragraphs (1)(B)(ii), (iii), and (vi) may serve additional terms. The finance director will vote only in the event of a tie. The audit director and the director of the Utah Division of Finance are nonvoting members.

(1)(~~E~~D) ~~Trial Court executives and court clerks of Court Review.~~ New and amended policies and procedures recommended by a ~~the~~ majority vote of the Utah Judiciary Accounting manual review ~~e~~Committee ~~shall will~~ be reviewed and approved by the trial Court Executives and court clerks of court of all courts of record and the JCEC. The ~~trial e~~Court Executives, ~~and court clerks of court,~~ and JCEC may endorse or amend the draft policies and procedures or return the ~~m draft policies and procedures~~ to the Accounting eCommittee for further consideration.

Once approved by the ~~trial e~~Court Executives, ~~and~~ court clerks, and the JCEC, the new and amended policies and procedures will be submitted to the Budget and Fiscal Management Committee for approval ~~as noted in (1)(A).~~

(2) Revenue accounts.

(2)(A) **Deposits, transfers, and withdrawals.** All courts ~~shall will make~~ deposits with a depository ~~determined deemed~~ qualified by the Aadministrative Office, ~~or make deposits directly~~ with the Utah State Treasurer, or with the treasurer of the appropriate local government entity. The Supreme Court, Court of Appeals, State Law Library, Aadministrative Office, district court primary locations, and juvenile courts ~~shall will~~ make deposits daily every business day, whenever practicable, ~~but at least but not less than~~ once every three business days. The deposits ~~shall will~~ consist of all court

collections ~~of state money~~. District court contract sites and justice courts having funds due to the state or any political subdivision of the state ~~shall~~ will, on or before the 10th day of each month, ~~remit deposit~~ all funds received in the preceding month ~~to in a~~ qualified depository with the appropriate public treasurer. The courts ~~shall~~ will make no withdrawals from depository accounts.

(2)(B) **Periodic revenue report.** Under the supervision of the ~~C~~ourt ~~E~~xecutive, the ~~court clerk of the court or designee~~ shall will prepare and submit a revenue report that identifies the amount and source of the funds received during the reporting period and the state or local government entity entitled to the funds.

(2)(B)(i) Juvenile courts and primary locations of the district courts ~~shall~~ will submit the report weekly to the ~~A~~administrative ~~O~~ffice.

(2)(B)(ii) District court contract sites ~~shall~~ will submit the report at least monthly, together with a check for the state portion of revenue, to the ~~a~~Aadministrative ~~O~~ffice.

(2)(B)(iii) Justice courts ~~shall~~ will submit the report monthly, together with a check for the state revenue collected, to the Utah State Treasurer.

(2)(C) **Monthly reconciliation of bank statements.** The ~~A~~administrative ~~O~~ffice ~~shall~~ will reconcile the revenue account upon receipt of the monthly bank statements and weekly revenue reports from the district and juvenile courts. ~~and the monthly bank statements~~ The Justice Court Administrator or designee will reconcile the monthly bank statements for justice courts with a revenue bank account. For all other justice courts, the local government will reconcile the bank statements to the general ledger.

(3) Trust accounts.

(3)(A) **Definition.** Trust accounts are accounts established by the courts for the benefit of third parties. Examples of funds which are held in trust accounts include restitution, attorney fees, and monetary bail amounts.

(3)(B) **Accounts required; duties of a fiduciary.** District court primary locations and juvenile courts ~~shall~~ will maintain a trust account in which to deposit monies held in trust for the benefit of the trustor or some other beneficiary. Under the supervision of the ~~C~~ourt ~~E~~xecutive, the ~~court clerk of the court shall~~ will be the custodian of the account and ~~shall~~ will have the duties of a trustee as established by law. All ~~other courts of record~~ and not of record may maintain a trust account in accordance with the provisions of this rule. Justice courts may deposit trust funds through the local government into a revenue or trust bank account. Justice courts may also deposit trust funds directly into a trust bank account maintained by the court.

(3)(C) **Monthly reconciliation of bank statements.** Each court ~~shall~~will reconcile its ledgers upon receipt of the monthly bank statement ~~and submit the reconciliation to the administrative office.~~

(3)(C)(i) Courts of record. Courts of record will submit reconciliations to the Administrative Office.

(3)(C)(ii) Courts not of record. Justice courts that deposit trust funds into a court trust bank account will submit reconciliations to a person in the local jurisdiction who is independent of court operations. For justice courts depositing trust funds with the local government treasurer, the local government will reconcile monthly bank statements to the general ledger and CORIS trust account reports.

(3)(D) **Accounting to trustor.** ~~The courts~~ shall~~will~~ establish a method of accounting that will trace the debits and credits attributable to each trustor.

(3)(E) **Monetary ~~b~~Bail forfeitures ~~and~~; other withdrawals.** Transfers from trust accounts to a revenue account may be made upon an order of forfeiture of monetary bail or other order of the court. Other withdrawals from trust accounts ~~shall~~will be made upon the order of the court after a finding of entitlement.

(3)(F) **Interest bearing.** All trust accounts ~~shall~~will be interest bearing. The disposition of interest ~~shall be~~is governed by Rule 4-301.

(4) **Compliance.** The ~~A~~administrative ~~O~~office and the courts ~~shall~~will comply with state law and the Utah Judiciary Accounting Manual.

Effective: ~~3/11/2022~~November 1, 2025

Commented [KW1]: The CORIS Trust Account Summary, the CORIS Trust Check Register, and the CORIS Transaction Detail are the CORIS Trust account reports.

Commented [KW2]: Do we need to say this?