

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

Webex video conferencing
August 1, 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
Daniel Meza-Ríncon
Michael Samantha Starks
Shane Bahr

STAFF:

Keisa Williams
Todd Eaton
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the July 11, 2025 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Non-substantive changes:

- **CJA 4-202.02. Records classification**
- **CJA 4-202.03. Records access**
- **CJA 4-510.06. Cases exempt from ADR rules**

The proposed changes amend the statutory references once again to coincide with the September 1, 2025 recodification effective date for S.B. 119.

Judge Carpenter moved to recommend to the Judicial Council that rules 4-202.02, 4-202.03, and 4-510.06 be approved as final with a September 1, 2025 effective date. The rules will be placed on the Council's consent calendar. Justice Petersen seconded the motion. The motion passed unanimously.

(3) CJA 4-202.08. Fees for records, information, and services

The committee discussed three separate issues with respect to rule 4-202.08. The first involved the increase in Xchange fees in paragraph (7). In May 2025, the Judicial Council approved an increase in Xchange fees on an expedited basis with a July 1, 2025 effective date. The proposed amendments were simultaneously sent out for public comment. The committee received several comments objecting to the fee increase. Following a discussion, the committee determined that no additional amendments are necessary in response to the public comments.

The second issue related to FTR audio fees in paragraph (3)(D) and the \$10.00 or less fee waiver in (10)(A)(i). The proposed amendments to (3)(D) and (10)(A)(i) began with a memo included in the meeting materials that Daniel Meza Rincon and Keri Sargent presented to the Judicial Council in September 2024. The amendments regarding FTR and fee waivers were posted for public comment in November 2024. The comment period ended in January 2025 and two comments were received.

One comment was from the Salt Lake District Attorney's Office (SLDA) asking to waive fees for certified and exemplified copies. SLDA attended a PP&T meeting to discuss their concerns. PP&T determined that the court lacks the authority to waive fees for certified and exemplified copies under 78A-2-301(1)(ff). During the 2025 legislative session, SLDA ran S.B. 148, which would have waived all fees listed under 78A-2-301 and 78A-2-301.05 for the state, the state's agencies, or political subdivisions filing or defending any action. Unfortunately, that bill did not pass.

The second comment was a question about the definition of "transaction." Mr. Meza Rincon and Ms. Sargent discussed that issue with the clerks of court. The definition the clerks came up with is "same person, same request, single case." Clarifying language in (10)(A)(i) was added to capture that definition.

The third issue was whether Xchange fees and personnel fees must be listed in the rule or can be posted on the court website. Individual personnel fees were removed from paragraph (6) in January 2024 and posted on the court's webpage. The reason behind removing those fees was that the rates are tied to employee positions (i.e., clerk, JA, data analyst, service desk technician, programmer, etc.) and hourly rates change over time. Rather than having to amend the rule each time an hourly rate increased, the state court administrator was granted the authority to set personnel rates and post them on the court website.

The committee considered whether personnel fees should be put back into the rule in light of language in the following statutes:

78A-2-301: (1)(bb): "The Judicial Council shall, by rule, establish a schedule of fees for copies of documents and forms and for the search and retrieval of records under [GRAMA] ..." (1)(cc): "The Judicial Council may, by rule, establish a reasonable fee to allow members of the public to conduct a limited amount of searches on the Xchange database without having to pay a monthly subscription fee."

63G-2-203(3)(d): "The judiciary shall establish fees by rules of the judicial council."

63G-2-702(4): "Substantially consistent with the provisions of [GRAMA], the Judicial Council shall: (a) make rules governing requests for access, fees, classification, designation ..."

Following discussion, the committee determined that granting the state court administrator the authority "by rule" to set personnel rates complies with the Utah Code. Language was added to paragraph (6)(B) to make it clear that personnel rates must be posted on the court's website.

Judge Gardner moved to recommend to the Judicial Council that the increased Xchange fees remain in effect and that all other additional amendments to rule 4-202.08 be adopted as final with a November 1, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

Technology report/proposals:

The changes made by the committee to the draft rules on the use of generative AI at the last meeting were incorporated and reviewed by the legal subcommittee. Additional changes were made and presented to the staff subcommittee. A joint meeting is planned for August to finalize all AI rules before they are brought back to PP&T.

Old Business/New Business: The artwork policy is still working its way through the boards of judges.

Adjourn: With no further items for discussion, the meeting adjourned at 12:33 p.m. The next meeting will be held on September 5, 2025, at noon via Webex video conferencing.