

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

September 5, 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 3-201. Court commissioners • CJA 3-402. Human resources administration • CJA 3-413. Judicial library resources 	Action	Tab 2	Keisa Williams
	CJA 3-109. Ethics Advisory Committee	Action	Tab 3	Keisa Williams
	CJA 4-906. Guardian ad litem program	Action	Tab 4	Stacey Snyder
	CJA 4-202.10. Record sharing	Action	Tab 5	Stacy Haacke
	<u>Technology report/proposals:</u> <ul style="list-style-type: none"> • AI Training • AI Vision Statement and Guiding Principles • Generative AI Rules 	Action	Add.	Brody Arishita
	Old Business/New Business <ul style="list-style-type: none"> • Confirm 2026 meeting dates 	Discussion		Judge Gardner
1:30	Adjourn			

2025 Meetings:

October 3, 2025
November 7, 2025
December 5, 2025

2026 Meetings:

January 2, 2026 (close to holiday) July 3, 2026 (holiday)
February 6, 2026 August 7, 2026
March 6, 2026 September 4, 2026
April 3, 2026 (Easter weekend) October 2, 2026
May 1, 2026 November 6, 2026
June 5, 2026 December 4, 2026

TAB 1

Minutes

August 1, 2025

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

DRAFT

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.

TAB 2

Back from Public Comment:

CJA 3-201. Court commissioners

CJA 3-402. Human resources administration

CJA 3-413. Judicial library resources

Notes:

No public comments were received on rules 3-201, 3-413, and 3-402. Rules 3-201 and 3-413 are ready to go to the Judicial Council for final approval with a November 1, 2025 effective date.

Rule 3-402 was approved as final with a July 1, 2025 effective date. No further action is necessary unless substantive amendments are made.

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

To define the role of court commissioner.

To establish a term of office for court commissioners.

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

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

Applicability:

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

Statement of the Rule:

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

(2) **Qualifications.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Public comment for appointment and retention.

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

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

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

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

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

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

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

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

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

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

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

(6) Court commissioner performance review.

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

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

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

(7)(A) Corrective action.

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

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

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

(7)(B) Removal.

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

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

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

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

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

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

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

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

(8) Retention.

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

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

(9) Salaries and benefits.

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

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

(10) Support services.

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

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

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

Rule 3-402. Human resources administration.**Intent:**

To establish guidelines for the administration of a human resources system for the judiciary.

Applicability:

This rule ~~shall apply~~ applies to all non-judicial officer employees in the judicial branch.

Statement of the Rule:

(1) Department of Human Resources. A department of human resources is established within the Administrative Office to guide the human resources activities of the judiciary.

(2) Services. The department of human resources ~~shall will~~ provide the necessary human resources services to the judiciary in compliance with the state constitution, state statute, and this Code. The department of human resources ~~shall will~~ provide all state employees in the judicial branch information regarding benefits, compensation, retirement, and other human resources related matters.

(3) Human resources policies.

(3)(A) Policies generally. Human resources policies, including a code of ethics for non-judicial officer employees, will be adopted by the Council in accordance with the rulemaking provisions of this Code.

(3)(B) Non-judicial officer employees. The human resources policies for non-judicial officer employees:

(3)(B)(i) ~~shall will~~ include classification of career service exempt (at-will) and non-exempt jobs, designation of FLSA exempt and non-exempt jobs, guidelines governing recruitment, selection, classification, compensation, working conditions, grievances and other areas deemed necessary; and

(3)(B)(ii) ~~shall will~~ be based upon the following merit principles:

(3)(B)(i)(a) the recruitment, selection and promotion of employees based upon relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

(3)(B)(ii)(b) a salary schedule which provides for equitable and adequate compensation based upon current job market data gathered at least every three years including salary levels of comparable positions in both the public and private sector, local labor market information and trends, other relevant data, and available funds;

(3)(B)(iii)(c) employee retention on the basis of performance that enhances and/or advances the mission of the judiciary—where appropriate, provision will be made for correcting performance and separating employees whose performance or misconduct interferes with or fails to advance the mission of the judiciary;

(3)(B)(iv)(d) fair treatment in all aspects of human resources administration without regard to sex, gender, age, ancestry, national

origin, race, color, religious creed, mental or physical disability or medical condition, sexual orientation, gender identity or expression, marital status, military or veteran status, genetic information, or any other category protected by federal, state or applicable local law; and

(3)(B)(~~iv~~)(e) notification to employees and an explanation of their political rights and prohibited employment practices.

(4) Human resources director – court level administrators. ~~The state c~~Court level administrators ~~s~~ shall will be responsible for the day-to-day administration of the human resources system within that court level. A director of human resources, appointed by the ~~s~~State ~~c~~Court ~~a~~Administrator, shall will be responsible for effective governance of the human resources department and will assist the ~~state-court~~ level administrators, court executives, and other managers with human resources related matters.

(5) Human Resources Policy Review Committee. ~~Human resources policies, including a Code of Ethics for non-judicial officer employees, shall be adopted by the Council in accordance with the rulemaking provisions of this Code.~~

(5)(A) Duties. There is established a Human Resources Policy Review Committee responsible for making and reviewing proposals for human resources policy amendments. The committee shall will review human resource policies at least every three years.

(5)(B) Members. The committee shall will consist of the following voting members, which, where indicated, must be selected by majority vote of the entire body of the specified group:

(5)(~~BA~~)(i) the director of human resources;

(5)(~~BA~~)(ii) two trial court executives, selected by the trial court executives;

(5)(~~BA~~)(iii) three clerks of court (one juvenile, one district, and one appellate), selected by the clerks of court;

(5)(~~BA~~)(iv) a chief probation officer from the juvenile court, selected by the chief probation officers; and

(5)(~~BA~~)(v) a case manager, selected by the clerks of court.

(5)(~~CB~~) Chair. The chair of the committee shall will be designated by the state court administrator. ~~Other members of the committee shall be appointed in a manner consistent with Rule 1-205.~~

(5)(D) Support. The department of human resources shall will provide necessary support to the committee. ~~Other non-voting members may be assigned by the Policy and Planning Committee, as necessary to assist the committee.~~

(5)(~~EC~~) Policy amendment process. Pursuant to Rule 1-204, new and amended policies, or repeals, recommended by the committee shall will be reviewed by the Policy, ~~Planning, and Technology~~ ~~and Planning~~ Committee prior to being submitted ~~by the Policy and Planning Committee~~ to the ~~Judicial~~ Council.

(6) Grievance review panel.

(6)(A) **Quasi-judicial body.** A grievance review panel is established within the grievance process outlined in the judiciary's human resources policies to sit as a quasi-judicial body and review adverse employment ~~any actions~~ taken ~~under the authority of~~ in accordance with the judiciary's human resources policies.

(6)(B) **Career service employees.** ~~and which pertains to~~ Only career service employees may submit a grievance to the Grievance Review Panel, after following the procedures outlined in human resources policies.

(6)(C) **Management.** The Grievance Review Panel may not review a matter that management has not had an opportunity to address.

(6)(D) **Authority.** The Grievance Review Panel has the authority to review management decisions regarding the following adverse employment actions:

~~employee promotions;~~

(6)(D)(i) dismissals;

(6)(D)(ii) demotions;

(6)(D)(iii) suspensions;

(6)(D)(iv) reductions in force;

(6)(D)(v) disputes concerning abandonment of position;

(6)(D)(vi) wages/salary grievances if an employee is not placed within the salary range of the employee's current position; and

~~violations of human resources policies;~~ and

(6)(D)(vii) the equitable administration of insurance, retirement, or leave benefits.

(7) **Files.** An official human resources file for each employee ~~shall~~ will be maintained in the Administrative Office and ~~shall~~ will include the following records:

(7)(A) biographical information;

(7)(B) records of official human resources action;

(7)(C) standards of performance expectations;

(7)(D) corrective actions;

(7)(E) records of official disciplinary action and supporting documentation;

(7)(F) job applications; and

(7)(G) payroll and benefits information.

Effective: ~~11/1/2020~~ November July 1, 2025

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

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

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

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

Applicability:

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

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

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

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

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

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

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

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

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

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

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

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

(3) Budget Procedures.

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

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

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

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

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

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

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

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

TAB 3

CJA 3-109. Ethics Advisory Committee

Notes: The majority of the proposed amendments to rule 3-109 are non-substantive, formatting changes (i.e., headings, moving paragraphs around, grammar, style guide, etc.).

I made substantive edits to paragraphs (3)(F), (4), and (5), for clarity purposes. The rule is confusing. It uses phrases like "release," "issue," "refer," "reconsider," and "publish" with almost no explanation as to what those terms mean. As drafted, it's hard to determine the difference between "releasing" an opinion to the requester, "issuing" an opinion, "referring" something to the Council, and asking the Council for "reconsideration." It's also unclear at what point an opinion becomes "official." When do we email it to judges and when do we post it on the court webpage?

With my edits, the process would work as follows:

1. Requester sends a request for an opinion to the committee under (2)(D). The committee could decline to draft an opinion because the request isn't fact-specific or "appropriate" under (1)(A) or violates (2)(B) or (2)(C). Or the committee could accept the request and move through the committee drafting process in (3).
2. Committee "releases" informal opinion to requester in (3)(E). Alternatively, the committee could vote to "refer" the matter to the Council under (4).

Notes: I removed "motion by the Judicial Council" in (4) (line 96) because this paragraph talks about approving or modifying informal opinions or converting informal opinions to formal opinions. Leaving it in doesn't make sense. First, why would the Council motion to refer a request to itself, and second, how would the Council even know to do so unless the committee or the requester made them aware of the request ("referred" it)?

It makes more sense for the Council or a Council member to have the ability to "reconsider" an informal opinion issued by the committee that they disagree with, which is why I added "or Council member" to (5) (line 108). If it's a formal opinion, the Council already voted on it.

3. If the informal opinion is "released" to the requester in (3)(E) (i.e., emailed to the requester by the committee), the requester has 14 days to "refer" it to the Council under paragraph (4) (i.e., ask that it be amended or converted to a formal opinion).

Notes: I pulled 14 days (line 95) and 30 days (line 88) out of thin air. It doesn't matter how long, but I think we need timeframes.

4. If an informal opinion is referred to the Council under (4), the Council can approve or modify the opinion and "issue" it as informal or formal.

Note: "Issue" (informal or formal per (3)(F) or (4)), means the opinion is now "official" and its emailed out to the entire judiciary.

5. If the informal opinion is released to the requester and not referred to the Council under (4), the informal opinion is "issued" 30 days from the date of its release to the requester per (3)(F).

6. After a formal or informal opinion is "issued," a committee member, a Council member, or a Board member can ask that the opinion be "reconsidered" under (5). Committee members have 14 days to ask for reconsideration, Board and Council members have 30 days.

7. If an opinion has been "issued" (i.e., sent to the entire judiciary) and all timeframes for referral and reconsideration have passed, the opinion will be "published." (i.e., added to the court website).

Rule 3-109. Ethics Advisory Committee.**Intent:**

To establish the Ethics Advisory Committee as a resource for judges to request advice on the interpretation and application of the Code of Judicial Conduct.

To establish a process for recording and disseminating opinions on judicial ethics.

Applicability:

This rule ~~shall apply~~applies to the Judiciary, ~~all employees of the judicial branch of government who are subject to the Code of Judicial Conduct.~~

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

(1)(A) **Written opinions.** The Ethics Advisory Committee is responsible for providing opinions on the interpretation and application of the Code of Judicial Conduct to specific factual situations. The committee will, in appropriate cases, prepare and publish written opinions concerning the ethical propriety of professional or personal conduct when requested to do so by the Council, the Boards, the Judicial Conduct Commission, judicial officers, court employees, judges pro tempore, or candidates for judicial office. The committee may interpret statutes, rules, and caselaw when necessary to answer a request for an opinion.

(1)(B) **Code of Judicial Conduct.** The committee may, on its own initiate or upon the request of the Council, Boards, Judicial Conduct Commission, judicial officers, or court employees, propose amendments to the Code of Judicial Conduct and submit recommendations to the Supreme Court for consideration.

~~(2) The Administrative Office shall provide staff support through the Office of General Counsel and shall distribute opinions in accordance with this rule.~~

(2) ~~Duties of the committee~~ **Ethics advisory opinions.****(3)(A) ~~Preparation of opinions.~~**

(2)(A) **Formal and informal.** As used in these rules, the term "informal opinion" refers to an opinion that has been prepared and released by the committee. The term "formal opinion" refers to an opinion that has been approved and released by the Council. "Formal opinions" will usually be reserved for situations of substantial and general interest to the public or the Judiciary.

~~(3)(A)(i) The Ethics Advisory Committee shall, in appropriate cases, prepare and publish written opinions concerning the ethical propriety of professional or personal conduct when requested to do so by the Judicial Council, the Boards of Judges, the Judicial Conduct Commission, judicial officers and employees, judges pro tempore or candidates~~

~~for judicial office. The Committee may interpret statutes, rules, and case law as may be necessary to answer a request for an opinion.~~

~~(23)(BA)(iii)~~ **Conduct of others.** The ~~c~~Committee ~~shall~~will respond to an inquiry into the conduct of others only if:

~~(23)(BA)(ii)(a)~~ the inquiry is made by the ~~Judicial~~ Council, a Board ~~of Judges~~, or the Judicial Conduct Commission; and

~~(23)(BA)(ii)(b)~~ the inquiry is limited to matters of general interest to the judiciary or a particular court level.

~~(23)(CA)(iii)~~ **Past conduct.** The ~~c~~Committee ~~will~~shall not answer requests for legal opinions or inquiries concerning conduct that has already taken place, unless it is of an ongoing nature.

~~(3)(B) The Committee may receive proposals from the Judicial Council, the Boards of Judges, the Judicial Conduct Commission, and judicial officers and employees or initiate its own proposals for necessary or advisable changes in the Code of Judicial Conduct and shall submit appropriate recommendations to the Supreme Court for consideration.~~

~~(24)(D)~~ **Request Submission of requests.**

~~(4)(A) Requests for advisory opinions shall~~must be ~~in writing~~ addressed to the ~~Chair of the c~~Committee, ~~submitted to through the~~ General Counsel ~~in writing, and~~, and ~~shall include the following:~~

~~(24)(DA)(i)~~ ~~a~~A brief statement of the contemplated conduct;

~~(24)(DA)(ii)~~ ~~r~~References to ~~the~~ relevant section(s) of the Code of Judicial Conduct; ~~and~~

~~(24)(DA)(iii)~~ ~~c~~Citations to any relevant ethics opinions or other authority, if known.

~~(4)(B) The request for an opinion and the identity of the requesting party is confidential unless waived in writing by the requesting party.~~

~~(35)~~ **Committee review and publication of informal opinion.** ~~nsideration of requests.~~

~~(5)(A) As used in these rules, the term "informal opinion" refers to an opinion that has been prepared and released by the Committee. The term "formal opinion" refers to an opinion that has been considered and released by the Judicial Council. "Formal opinions" will usually be reserved for situations of substantial and general interest to the public or the judiciary.~~

~~(35)(AB)~~ **Preliminary recommendation.** Upon receipt of a request for an advisory opinion, ~~the~~ General Counsel ~~will~~shall research the issue and prepare a preliminary recommendation for the ~~c~~Committee's consideration. The opinion request, preliminary recommendation, and supporting authorities ~~shall~~must be distributed to ~~the c~~Committee members within 21 days of receipt of the request.

(35)(B) Committee comments. ~~The~~ Committee members ~~shall~~ will review the request and recommendation and submit comments to the General Counsel within 14 days of ~~their~~ receipt of the request and preliminary recommendation.

(35)(C) Final review. General Counsel ~~will~~ shall review the comments submitted by ~~the~~ cCommittee members and, within 14 days of receipt of the comments, prepare a responsive informal opinion in writing which ~~shall~~ will be distributed to the cCommittee ~~members~~ for approval.

(35)(D) Majority vote. A majority vote of ~~the~~ cCommittee members is required for issuance of an informal opinion and may be obtained by electronic means or, upon the request of a cCommittee member, the cChair may continue the vote until the next meeting of the cCommittee.

(35)(E) Release to requester. Informal opinions ~~shall~~ will be released to the requesting party within 60 days of receipt of the request unless the chair determines that additional time is needed for the committee members to deliberate and finalize the opinion or the matter is referred to the ~~Judicial~~ Council.

(3)(F) Issuance. Unless referred to the Council in accordance with paragraph (4), the committee will issue the informal opinion within 30 days of its release to the requester.

(35)(G) Expedited review. Upon the written request of a party and for good cause, the cCommittee may ~~issue a response~~ to a request within a shorter period of time than provided for in these rules. The requesting party ~~has the responsibility of~~ must establishing that the request is ~~of an emergency nature~~ urgent and requires an abbreviated response time.

(46) Referral of informal opinion to Judicial Council. Upon an affirmative vote of a majority of the cCommittee members ~~or~~, a motion made by ~~of~~ the requesting party within 14 days of release under paragraph (3)(E), or a motion by the Judicial Council, an opinion request, informal opinion, and cCommittee recommendation ~~shall~~ may be referred to the ~~Judicial~~ Council for consideration. Within 60 days of receipt of the referral, the Council ~~will~~ shall consider the request and recommendation and take the following action:

(46)(A) aApprove or modify the informal opinion and direct the cCommittee to ~~release~~ issue the opinion, as initially drafted or modified, ~~to the requesting party~~ as an informal opinion of the cCommittee, or

(46)(B) aApprove or modify the opinion and ~~release~~ issue the opinion as a formal opinion of the Council.

(57) Reconsideration of formal and informal opinions.

~~(7)(A)~~ Within 14 days of the issuance of an opinion, ~~the requesting party or a~~ cCommittee member may request reconsideration. Within 30 days of the issuance of ~~an~~ the opinion, a Board ~~of Judges or Council member~~ may request reconsideration if they ~~were~~ Board was not the

requesting party and the opinion addresses matters of general interest to the ~~J~~udiciary or to a particular court level.

(5)(A) Reconsideration request submission. Requests for reconsideration of informal opinions must be made in the first instance to the ~~c~~Committee and then to the ~~Judicial~~ Council. Requests for reconsideration of formal opinions ~~must~~shall be made to the ~~Judicial~~ Council. Requests for reconsideration ~~shall~~must be in writing, addressed to the ~~c~~Chair of the ~~c~~Committee or the Presiding Officer of the Council, ~~submitted to through the~~ General Counsel, and ~~shall~~ include the following:

(~~57~~)(A)(i) ~~a~~A brief statement explaining the reasons for reconsideration; ~~and~~;

(~~57~~)(A)(ii) ~~i~~Identification of any new facts or authorities not previously submitted or considered.

(~~75~~)(B) Committee or Council action. The ~~c~~Committee or Council ~~shall~~will consider the request as soon as practicable and may take the following action:

(~~57~~)(B)(i) ~~a~~Approve the request for reconsideration and modify the opinion;

(~~57~~)(B)(ii) ~~a~~Approve the request for reconsideration and approve the opinion as originally ~~published~~issued; or

(~~57~~)(B)(iii) ~~d~~Deny the request.

(~~57~~)(C) Committee notice. The ~~c~~Committee ~~shall~~will be kept advised of the status of any request to reconsider an opinion.

(~~68~~) **Recusal.** Circumstances that require recusal of a judge ~~shall~~will require recusal of a ~~c~~Committee member from participation in ~~c~~Committee action. If the chair is recused, a majority of the remaining members ~~shall~~will select a chair pro tempore. If a member is recused, the chair may appoint a lawyer or a judge of the same court level and ~~if applicable the same~~ geographic division, if applicable, ~~or a lawyer~~ to assist the ~~c~~Committee with its deliberations. Preference should be given to former members of the ~~c~~Committee.

(~~79~~) **Publication.** All opinions of the ~~c~~Committee and the ~~Judicial~~ Council ~~shall~~will be numbered upon issuance, and published in a format approved by the ~~Judicial~~ Council. ~~No published opinion rendered by the Committee or the Council shall identify the requesting party whose conduct is the subject of the opinion unless confidentiality of the requesting party is waived in writing.~~

(8) Confidentiality. The request for an opinion and the identity of the requesting party is confidential unless waived in writing by the requesting party.

(~~940~~) **Legal effect.** Compliance with an informal opinion ~~shall~~will be considered evidence of good faith compliance with the Code of Judicial Conduct. Formal opinions ~~shall~~will constitute a binding interpretation of the Code of Judicial Conduct.

(10) Staff support. The Administrative Office will provide staff support through the Office of General Counsel and will distribute opinions in accordance with this rule.

146 *Effective: November 1, 20~~25~~¹⁵*

TAB 4

CJA 4-906. Guardian ad litem program

Notes: Stacey Snyder will present proposed amendments to rule 3-906. The proposed amendments: 1) change the annual reporting from August to October in (3)(I) to allow the director and chair to report on legislative grants and requests more accurately; 2) increase the compensation for conflict guardians ad litem in (6)(D) to attract experienced attorneys to handle conflict cases; and 3) make grammatical and stylistic changes.

Rule 4-906. Guardian ad litem program.

Intent:

To establish:

(1) the responsibilities of the Guardian ad Litem Oversight Committee ("Committee") ~~established in Rule 1-205.~~

(2) ~~To establish~~ the policies and procedures for the management of the guardian ad litem ("GAL") program; ~~to establish responsibility for management of the program.~~

(3) ~~To establish~~ the policies and procedures for the selection of ~~guardians-ad litem~~ GALs; ~~and~~

(4) ~~To establish~~ the policies and procedures for payment for ~~guardian-ad litem~~ GAL services; ~~and~~

(5) ~~To establish~~ the policies and procedures for complaints regarding ~~guardians-ad litem~~ GALs and volunteers.

Applicability:

This rule ~~applies~~ ~~shall apply~~ to the management of the ~~guardian-ad litem~~ GAL program.

This rule does not affect the authority of the Utah State Bar to discipline a ~~guardian-ad litem~~ GAL.

Statement of the Rule:

(1) **Guardian ad Litem Oversight Committee.** The Committee ~~will~~ shall:

(1)(A) develop and monitor policies of the Office of Guardian ad Litem ("Office") to:

(1)(A)(i) ensure the independent and professional representation of a child-client and the child's best interest; and

(1)(A)(ii) ensure compliance with federal and state statutes, rules and case law;

(1)(B) recommend rules of administration and procedure to the ~~Judicial~~ Council and Supreme Court;

(1)(C) select the Director of the Office ~~of Guardian ad Litem~~ ("Director") in consultation with the State Court Administrator;

(1)(D) develop a performance plan for the Director;

(1)(E) monitor the Office's caseload and recommend to the ~~Judicial~~ Council adequate staffing of ~~guardians-ad litem~~ GALs and staff;

(1)(F) develop standards and procedures for hearing and deciding complaints and appeals of complaints; and

(1)(G) hear and decide complaints and appeals of complaints as provided in this rule.

(2) **Qualifications of the director.** The Director ~~will~~shall have the qualifications provided ~~in~~by the Utah Code.

(3) **Responsibilities of the director.** In addition to responsibilities under the Utah Code, the Director ~~will~~shall have the following responsibilities:-

(3)(A) Manage the Office ~~of Guardian-ad-Litem~~ to ensure that minors who have been appointed a ~~guardian-ad-litem~~GAL by the court receive qualified ~~guardian-ad-litem~~GAL services.

(3)(B) Develop the budget appropriation request to the legislature for the ~~guardian-ad-litem~~GAL program.

(3)(C) Coordinate the appointments of ~~guardians-ad-litem~~GALs among different levels of courts.

(3)(D) Monitor the services of the ~~guardians-ad-litem~~GALs, staff, and volunteers by regularly consulting with users and observers of ~~guardian-ad-litem~~GAL services, including judges, court executives and clerks, and by requiring the submission of appropriate written reports from the ~~guardians-ad-litem~~GAL.

(3)(E) ~~Determine whether the guardian ad litem caseload in Judicial Districts 1, 5, 6, 7, and 8 is best managed by full or part time employment or by contract.~~ Monitor attorney GAL caseloads to ensure compliance with standards established by the American Bar Association.

(3)(F) Select ~~guardians-ad-litem~~GALs and staff for employment as provided in this rule. ~~s~~Select volunteers, ~~and~~ ~~c~~Coordinate appointment of conflict counsel.

(3)(G) Supervise, evaluate, and discipline ~~guardians-ad-litem~~GALs and staff employed by the courts and volunteers.

(3)(H) Supervise and evaluate the quality of service provided by ~~guardians-ad-litem~~GALs under contract with the court.

(3)~~(I)~~ Monitor and report to the Committee ~~guardian-ad-litem~~GAL, staff and volunteer compliance with federal and state statutes, rules, and case law.

(3)~~(J)~~ Prepare and submit to the Committee in ~~October~~August an annual report regarding the development, policy, and management of the ~~guardian-ad-litem~~GAL program and the training and evaluation of ~~guardians-ad-litem~~GALs, staff, and volunteers. The Committee may amend the report prior to release to the Legislative Interim Human Services Committee.

(4) **Qualification and responsibilities of ~~guardian-ad-litem~~GALs.** A ~~guardian-ad-litem~~GAL ~~will~~shall be admitted to the practice of law in Utah and ~~will~~shall demonstrate experience and interest in the applicable law and procedures. The ~~guardian-ad-litem~~GAL ~~will~~shall have the responsibilities established ~~in~~by the Utah Code.

(5) **Selection of ~~guardian-ad-litem~~GAL for employment.**

(5)(A) A ~~guardian-ad-litem~~GAL employed by the Administrative Office ~~of the Courts~~ is an at-will employee subject to dismissal by the Director with or without cause.

(5)(B) A ~~guardian-ad-litem~~GAL employed by the Administrative Office ~~of the Courts~~ ~~will~~shall be selected by the Director. Prior to the Director's ~~making a~~ selection, a panel

~~will shall~~ interview applicants and make hiring recommendations to the Director. The interview panel ~~will shall~~ consist of the Director (or Director's designee) and two or more of the following persons:

- (5)(B)(i) the managing attorney of the local ~~guardian-ad-litem~~GAL office;
- (5)(B)(ii) the ~~trial-C~~ecourt ~~E~~executive of the district court or juvenile court;
- (5)(B)(iii) a member of the Committee;
- (5)(B)(iv) a member of the Utah State Bar Association selected by the Director; or
- (5)(B)(v) a member selected by the Director.

(6) Conflicts of interest and disqualification of ~~guardian-ad-litem~~GAL.

(6)(A) In cases where a ~~guardian-ad-litem~~GAL has a conflict of interest, the ~~guardian-ad-litem~~GAL ~~will shall~~ declare the conflict and request that the court appoint a conflict ~~guardian-ad-litem~~GAL in the matter. Any party who perceives a conflict of interest may file a motion with the court setting forth the nature of the conflict and a request that the ~~guardian-ad-litem~~GAL be disqualified from further service in that case. Upon a finding that a conflict of interest exists, the court ~~will shall~~ relieve the ~~guardian-ad-litem~~GAL from further duties in that case and appoint a conflict ~~guardian-ad-litem~~GAL.

(6)(B) The Administrative Office ~~of the Courts~~ may contract with attorneys to provide conflict ~~guardian-ad-litem~~GAL services.

(6)(C) If the conflict ~~guardian-ad-litem~~GAL is arranged on a case-by-case basis, the ~~c~~Court ~~will shall~~ use the order form approved by the Council. The ~~o~~Orders ~~will shall~~ include a list of the duties of a ~~guardian-ad-litem~~GAL. The court ~~will shall distribute file~~ the ~~original o~~Orders ~~as follows: original into~~ the case ~~file~~ and ~~will distribute~~ one copy each to: the appointed conflict ~~guardian-ad-litem~~GAL; the ~~guardian-ad-litem~~GAL; all parties of record; the parents, guardians or custodians of the child(ren); the ~~C~~ecourt ~~E~~executive; and the Director.

(6)(D) A conflict ~~guardian-ad-litem's~~GAL's compensation ~~will shall~~ not exceed \$~~100~~50 per hour or \$~~3,000~~1000 per case in any twelve month period, whichever is less. ~~The per case compensation limit includes incidental expenses incurred in the case.~~ Under extraordinary circumstances, the Director may ~~extend increase~~ the ~~payment compensation~~ limit upon request from the conflict ~~guardian-ad-litem~~GAL. The request ~~will shall~~ include justification showing that the case required work of much greater complexity than, or time far in excess of, that required in most ~~guardian-ad-litem~~GAL assignments. ~~Incidental expenses incurred in the case will shall be included within the limit.~~ If a case is appealed, ~~the limit shall be extended by an additional \$400~~compensation will be as set forth above.

(7) Staff and Volunteers.

(7)(A) The Director ~~will shall~~ develop a strong volunteer component to the ~~guardian-ad-litem~~GAL program and provide support for volunteer solicitation, screening, and training. Staff and volunteers ~~will shall~~ have the responsibilities established ~~in by~~ the Utah Code.

(7)(B) Training for staff and volunteers ~~will shall~~ be conducted under the supervision of the attorney ~~guardian-ad-litem~~GAL with administrative support provided by the Director. Staff and volunteers ~~will shall~~ receive training in the areas of child abuse, child

psychology, juvenile and district court procedures, and local child welfare agency procedures. Staff and volunteers ~~will~~shall be trained in the guidelines established by the National Court Appointed Special Advocate Association.

(8) Private ~~guardians ad litem~~GALs.

(8)(A) List. The Director ~~will~~shall maintain a list of private attorney ~~guardians ad litem~~GALs qualified for appointment.

(8)(B) Application. To be included on the list of eligible private attorney ~~guardians ad litem~~GALs, ~~an applicant shall must apply for eligible private attorney guardian status~~submit a written application to the ~~Utah Office of Guardian ad Litem~~ and:

(8)(B)(i) ~~show membership~~be a member in good standing in the Utah State Bar;

(8)(B)(ii) provide a Bureau of Criminal Identification criminal history report;

(8)(B)(iii) provide a Utah Division of Child and Family Services Child Abuse Data ~~Base~~ report, ~~(and like similar~~ information from any state in which the applicant has resided as an adult);

(8)(B)(iv) provide a certificate of completion for any initial or additional necessary training requirements established by the Director;

(8)(B)(v) agree to perform in a competent, professional, proficient, ethical, and appropriate manner;

~~(8)(B)(vi) -and to-~~ meet any minimum qualifications as determined by the Director; and

(8)(B)(vii) agree to be evaluated at the discretion of the Director for competent, professional, proficient, ethical, appropriate conduct, and/or performance, and minimum qualifications.

(8)(C) Appointment. Upon the appointment by the court of a private ~~guardian ad litem~~GAL, the court ~~will~~shall:

(8)(C)(i) use the following language in its order: "The Court appoints a private attorney guardian ad litem to be assigned by the Office of Guardian ad Litem, to represent the best interests of the minor child(ren) in this matter.";

(8)(C)(ii) designate in the order whether the private attorney ~~GAL~~guardian ad litem ~~will~~shall:

(8)(C)(ii)(a) be paid the set fee, as established by paragraph (8)(F), and an initial retainer;

(8)(C)(ii)(b) not be paid and serve pro bono; or

(8)(C)(ii)(c) be paid at a rate less than the set fee in paragraph (8)(F); and

(8)(C)(iii) send the order to the Director c/o the Private Attorney Guardian ad Litem Program.

(8)(D) Assignment. Upon receipt of the court's order appointing a private ~~guardian ad litem~~GAL, the Director ~~will~~shall contact and assign the case to an eligible attorney, if available.

(8)(E) **Notice of appearance and representation.** Upon accepting the court's appointment, the assigned attorney ~~will~~**shall** file a notice of appearance with the court within five business days of acceptance, and ~~will~~**shall** thereafter represent the best interests of the minor(s) until released by the court.

(8)(F) **Fees.** The hourly fee to be paid by the parties and to be ordered and apportioned by the court against the parties ~~will~~**shall** be \$150.00 per hour or ~~at a higher rate as~~ determined reasonable by the court. The retainer amount ~~will~~**shall** be \$1,000 or a different amount determined reasonable by the court. The retainer amount ~~will~~**shall** be apportioned by the court among the parties and paid by the parties.

(8)(G) **Education.** Each year, private attorneys ~~guardian-ad-litem~~**GALs must**~~shall~~ complete three hours of continuing legal education (~~CLE~~) ~~credits that are~~ relevant to the role and duties of a private attorney ~~guardian-ad-litem~~**GAL**. To meet this requirement, the Office ~~of Guardian-ad-Litem~~~~will~~**shall** provide training opportunities that are accredited by the Utah State Bar Board of Mandatory Continuing Legal Education. In order to provide access to all private attorney ~~guardians-ad-litem~~**GALs**, the Office ~~of Guardian-ad-Litem~~~~shall~~**will** provide multiple trainings at locations throughout the State or online.

(8)(H) Removal.

(8)(H)(i) A private attorney ~~guardian-ad-litem~~**GAL** who fails to complete the required number of ~~CLE~~ hours ~~will~~**shall** be notified that unless all requirements are completed and reported within 30 days, the Director may remove the private attorney ~~guardian-ad-litem~~**GAL** from the list of eligible private attorney ~~guardians~~~~ad-litem~~**GALs**.

(8)(H)(ii) The Director may remove with or without a complaint a private attorney GAL from the list of eligible private GALs for failure to perform or conduct themselves in a competent, professional, proficient, ethical or appropriate manner, or for failure to meet minimum qualifications, including the annual CLE requirement. Within a reasonable time after the removal, and in the event the private attorney GAL has not yet been released by the court in a pending case, the Director will provide written notice to the court of the Director's action, and the court may, in its discretion, determine whether the private attorney GAL should be released from the case.

(9) Complaints and appeals.

(9)(A) Complaints against Director or administrative policies. ~~(9)(A)(i) Any person may file~~ Complaints against the Director or an administrative policy or procedure must be submitted to ~~with~~ the chair of the Committee. Complaints submitted to the Director's office must be sent to the Committee chair within a reasonable period of time, but not more than 14 days after receipt. ~~a complaint regarding the Director, or regarding an administrative policy or procedure, not including complaints regarding a particular guardian-ad-litem, private guardian-ad-litem, or volunteer.~~ If deemed necessary, the Committee may ~~enter a recommendation~~ to the ~~Judicial Council, which may include discipline of that~~ the Director be disciplined.

~~(9)(A)(ii) If a complaint regarding the Director or an administrative policy or procedure is received in the Director's office, the Director shall forward the complaint to the chair of the Committee within a reasonable time, but not more than 14 days after receipt.~~

(9)(B) Complaints against GALs or volunteers.

~~(9)(B)(i) Any person may file with the Director a~~ Complaints against ~~regarding a guardian ad litem~~ GAL employed by the Office of Guardian ad Litem, a private attorney guardian ad litem GAL, or a volunteer, as defined ~~in~~ by Utah Code ~~A~~ 78A-6-902(4)(a) 207. must be submitted to the Director. The decision of the Director regarding the complaint is final and not subject to appeal.

(9)(~~B~~)(ii) If a guardian ad litem GAL and a volunteer disagree on the major decisions involved in representation of the client, either may notify the Director that the dispute cannot be resolved. The decision of the Director regarding the dispute is final and not subject to appeal.

(9)(~~B~~)(iii) The failure of the Director to satisfactorily resolve a complaint against a guardian ad litem GAL, private attorney guardian ad litem GAL, or volunteer is not grounds for a complaint against the Director.

~~(9)(E) The Director may remove with or without a complaint a private attorney guardian ad litem from the list of eligible private guardians ad litem for failure to perform or conduct themselves in a competent, professional, proficient, ethical and/or appropriate manner or for failure to meet minimum qualifications, including the annual continuing legal education requirement. Within a reasonable time after the removal, and in the event the private attorney guardian ad litem has not yet been released by the court in a pending case, the Director shall provide written notice to such court of the Director's action, and the court may, in its discretion, determine whether the private attorney guardian ad litem should be released from the case.~~

(9)(~~C~~)(i) Complaint submission. A complaint ~~shall~~ must be in writing, and include:

~~(9)(C)(i) stating~~ the name and contact information of the complainant,;

~~(9)(C)(ii) the name of the child-~~(ren) or children involved,; and

~~(9)(C)(iii) the facts upon which the complaint is based in sufficient detail to inform the Committee or the Director of the nature and date of the alleged misconduct.~~ the nature of the complaint and the facts upon which the complaint is based.

(9)(~~D~~)(ii) Investigation. In resolving a complaint, the Director or ~~the~~ Committee will ~~shall~~ conduct ~~such an~~ investigation as determined by the Director or ~~the~~ Committee ~~determines~~ to be reasonable. The Director or ~~the~~ Committee may meet separately or together with the complainant and the person against whom the complaint is filed.

(9)(~~E~~)(iii) Decision. The decision of the Director may include discipline of the person against whom the complaint is filed. If the complaint is against a private guardian ad litem GAL, the decision may include removal of the private guardian ad litem GAL from the list of private guardians ad litem GALs and the conditions for reinstatement.

(9)(~~F~~)(G) Applicability. ~~This subsection~~ Paragraph (9) does not apply to conflict guardians ad litem GALs.

Effective: ~~11/1/2014~~ May 1, 2026

TAB 5

CJA 4-202.10. Record sharing

Notes: Stacy Haacke will present proposed amendments to rule 4-202.10. Currently, the court shares nonpublic records with other government entities as provided in GRAMA and with the Judicial Conduct Commission. The proposed amendments add the [Office of Professional Conduct](#) (OPC) to the list.

The OPC's prosecutorial functions include a duty to investigate all information brought to the OPC's attention that could be grounds for discipline, transfer to disability status, or petitions for reinstatement or relicensure ([CJA Rule 11-521](#)(a)(2)).

Rule 4-202.10. Record sharing.**Intent:**

To establish the authority and limits of sharing non-public records with governmental entities.

Applicability:

This rule applies to non-public court records.

Statement of the Rule:

(1) GRAMA. The court may share court records classified as other than public as provided in the Government Records Access and Management Act.

(2) JCC and OPC. The court may share records classified as other than public with the Judicial Conduct Commission (JCC) and the Office of Professional Conduct (OPC), provided ~~if the~~ ~~Commission is~~ the requester certifies in writing that:

~~(24)~~(A) the record is necessary for investigating a complaint;

~~(2)~~(B) the need for the record outweighs the interests protected by closure;

~~(23)~~(C) the JCC ~~Commission~~ will take the steps necessary to protect the interests favoring closure if the record is sent to the Supreme Court as part of the review of the ~~Commission's~~ JCC's order; ~~and~~

(2)(D) the OPC will take the steps necessary to protect the interests favoring closure if the record is sent to a committee proceeding, screening panel, district court, the Supreme Court, or any other court or disciplinary authority as part of an investigation or review of misconduct; and

~~(254)~~(E) ~~the JCC Commission and OPC access to the record~~ will be restricted access to ~~the record~~ to the same degree as the court.

Effective: ~~11/1/2005~~ November 1, 2025

Addendum

AI Training Plan

AI Vision Statement and Guiding Principles

Judicial Council's Generative AI Rules

Notes: Brody Arishita will review and seek approval of the AI Working Groups' proposed amendments to the Council's Interim AI Rules, the new AI Training plan, and the AI Vision Statement and Guiding Principles.

Possible Training for Utah Judiciary's AI Training

Available Resources:

- [Introduction to AI and the Utah Courts](#)
- [Prompt Fundamentals of - Mastering Generative AI Communication](#)
- [The urgent risks of runaway AI - and what to do about them](#)
- [Emerging Issues - AI & Chatbots](#)
- [How to use Notebook LM](#)

Trainings in Production:

- What is Google Notebook LM and How Do You Use It?*
- How to Create a Notebook in Notebook LM*
- How to Prompt and Use Notebook LM*

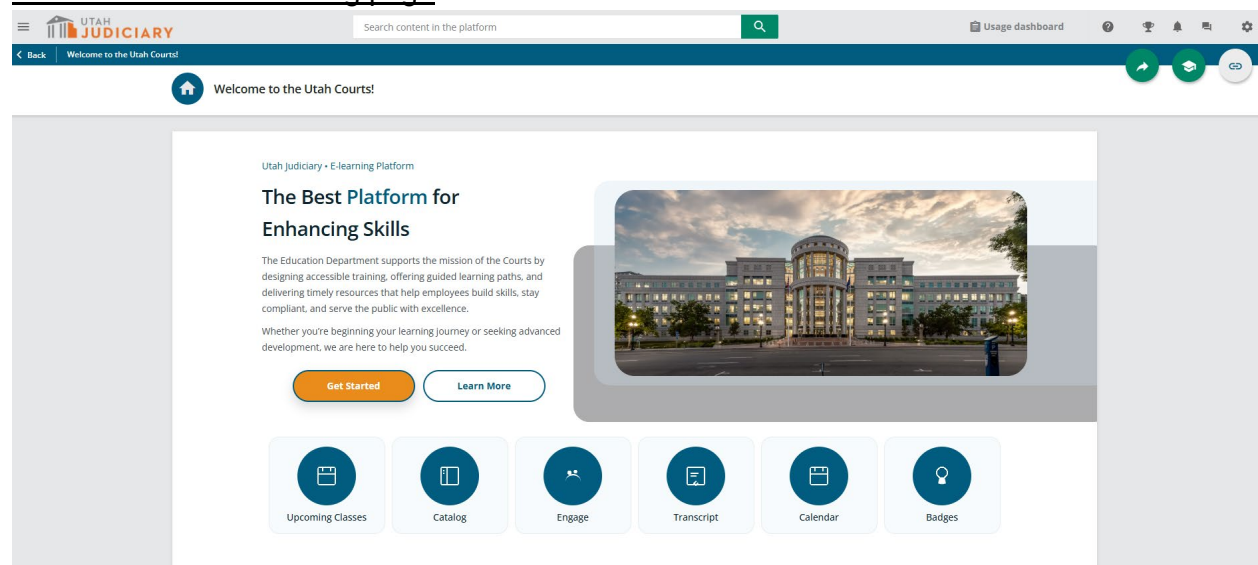
**Education plans to have these three short modules ready the week of September 8 for use during the Annual Judicial Conference.*

Future Trainings on AI in the Utah Judiciary

For Existing Employees**:

- Review AI Rules, Vision and Guiding Principles
- Bundle training on using Notebook LM and roll out in LMS and reference in 2026 Employee Conference
- Require attendance in trainings on AI Rules, Vision and Guiding Principles with the launch of the new LMS. Launch will be done by District and will begin January 2026 and complete by March 31, 2026.
- Continue to offer training on AI in response to new tools, emerging technologies or issues facing the Judiciary.

Possible New LMS landing page



Example of what a Bundle may look like:

The screenshot displays the 'CARE Training Modules' interface. At the top, there's a dark blue header with the title 'CARE Training Modules' and a 'Learning plan' link. Below this, the 'Learning plan description' section shows 'CARE Training Modules'. The 'Courses in the Learning plan' section lists three courses, each with a 'Not started' status, a 'PLAY' button, and a dropdown arrow. The courses are: 'Orientation to CARE (A)', 'Finding Case, Party, Victim', and 'My Workspace (A)'. Each course is marked as 'Mandatory', 'EN', and 'E-learning', with '0 of 1 lessons completed'. To the right, the 'Learning plan progress' section shows 'Not started' and a summary of 'Mandatory courses' (0 of 11 completed) and 'Optional courses' (0 of 0 completed). A 'Keep learning from' section shows the first course 'Orientation to CARE (A)'. At the bottom right, there is a 'START LEARNING NOW' button.

For New Employees:***

- Introduce AI Rules, Vision and Guiding Principles in New Employee Orientation modules offered online.
- Introduce Notebook LM as a Utah Judiciary supported tool and bundle courses (What is Google Notebook LM and How Do You Use It?; How to Create a Notebook in Notebook LM; How to Prompt and Use Notebook LM) in LMS.
- Continue to offer training on AI in response to new tools, emerging technologies or issues facing the Judiciary.

** Existing Employees defined as individuals who worked for the Utah Judiciary before April 1, 2026. April 1, 2026 was selected because new LMS is anticipated to be fully launched by April 1, 2026.

*** New Employees defined as individual who will start at the Court on April 1, 2026 or later. New Employees will be onboarded with an LMS launch page that requires them to learn about AI Rules, Vision and Guiding Principles as part of their onboarding process.

Vision Statement

Responsibly leverage the power of artificial intelligence to advance the mission of the Judiciary.

Definitions

AI - Artificial Intelligence Tools, Systems, Applications

Utah Judiciary - All judicial officers and employees in the judicial branch

AI Guiding Principles for the Utah Judiciary

Fairness and Impartiality

The Judiciary should use AI in a way that promotes procedural fairness and impartial decision-making.

Equal Access to Justice

The Judiciary should use AI in a way that supports equal access to justice.

Transparency

The Judiciary should remain transparent about its use of AI.

Human Oversight

The Judiciary will not replace human judgment with AI. Human oversight will identify and assist in eliminating bias. Judicial officers and staff remain responsible for all of their decisions.

Privacy and Data Protection

The Judiciary will use AI in a way that protects non-public information; complies with applicable laws, rules, and policies; and maintains confidentiality.

Efficiency and Accuracy

The judiciary should use AI to streamline court processes, reduce administrative burdens, and improve the accuracy and consistency of court operations.

Accessibility

The Judiciary will deploy AI in ways that enhance accessibility by making court services and processes easier to use and understand.

Agility

The Judiciary will remain adaptable in its approach to AI, ensuring timely and informed decisions regarding its implementation. This will allow for adjustments to strategies and practices in response to evolving technologies, budgetary constraints, risks, and the changing needs of users.

Training and Development

The Judiciary will promote the responsible adoption and use of AI in the courts by providing judicial officers, staff, and others with the necessary knowledge and skills for understanding, evaluating, and utilizing AI.

Ethics

The Judiciary's use of AI will align with the requirements outlined in the Employee Code of Ethics (HR09-1), Code of Judicial Conduct (UCJA Chapter 12), and/or other applicable ethics codes.

JUDICIAL COUNCIL RULES ON THE USE OF GENERATIVE AI September 1, 2025

These rules set forth the only authorized use of generative artificial intelligence (AI) tools for court-related work or on court-owned devices. Generative AI creates new content, such as text or images, based on existing data.

AI tools have been known to produce outputs that appear legitimate but may be false or fabricated. They may also inadvertently promote stereotypes, reinforce prejudices, or exhibit unfair biases. As a result, judicial officers and court employees should recognize the limitations of AI and may not rely solely on AI-generated content.

RULES

- 1) **You are responsible:** Judicial officers and court employees are responsible for their known use of AI in their work. This includes obtaining sufficient training and understanding the limitations and risks of using AI. AI may assist with certain tasks, but it does not replace human judgment. The person using the tool is fully responsible for the final work product and any decisions or actions taken based on AI-generated content.
- 2) **You may only use approved or provided tools:** Judicial officers and court employees may only use approved or provided tools for court-related work or on court-owned devices.
 - a) The State Court Administrator, in consultation with the Information Technology Department (IT) and the General Counsel's Office, will maintain a list of approved tools on the court's intranet.
 - b) This does not apply to commonly used AI tools that assist with routine tasks such as internet search engines, spellcheck, or grammar check.
 - c) Court-approved and provided AI tools can be found at:
<https://intranet.utcourts.gov/about/research/ai.html/>
- 3) **You must complete the required training:** Judicial officers and court employees must complete the required training courses posted on LMS or the AI Resource page. Following the initial training, Judicial officers and court employees who use AI are encouraged to complete ongoing education on AI.
- 4) **You must disclose use to judicial officers:** Employees must notify the judicial officer if they use AI to prepare work or complete a task on the judicial officer's behalf.
- 5) **Court-Approved AI Tools:** Public tools that are authorized for use but not purchased or managed by IT.
 -) Restrictions:
 - i) Do not disclose non-public information, personally-identifying information, court records, court data, or any details that could identify specific cases or involved

individuals.

ii) Do not share documents filed or submitted for filing, even if classified as public.

b) Allowed Purposes (if in compliance with restrictions under 5(a)):

- preparing educational materials;
- conducting legal research;
- drafting documents;
- creating surveys;
- testing readability and comprehension of public documents (e.g., accessibility for self-represented litigants);
- writing instructions for using new software (e.g., Adobe Captivate), devices, or applications; and
- taking administrative meeting minutes.

6) **Court-Provided AI Tools:** Non-public tools that are purchased, configured, and distributed by IT.

) Allowed Purposes:

i) purposes listed under 5(b)

ii) handling non-public or personally-identifying information, including court records, court data, case-specific information, and details identifying individuals involved in a case; and

iii) sharing documents filed or submitted for filing in cases.

b) Access Restrictions: Access is strictly limited to employees and judicial officers whose official duties require handling sensitive or non-public information.

7) **You must comply with legal and ethical obligations:** When using AI, judicial officers and court employees must comply with all relevant laws, legal standards, court policies, and ethical and professional conduct rules.