

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

Webex video conferencing  
September 5, 2025 – 12 p.m. to 1:30 p.m.

**MEMBERS:**

**PRESENT**

**EXCUSED**

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

**GUESTS:**

Keri Sargent  
Stacy Snyder  
Stacy Haacke

**STAFF:**

Keisa Williams  
Brody Arishita  
Cindy Schut

**(1) Welcome and approval of minutes:**

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T) meeting. PP&T considered the minutes from the August 1, 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 3-201. Court commissioners**
- **CJA 3-402. Human resources administration**
- **CJA 3-413. Judicial library resources**

The proposed amendments to rules 3-201, 3-402, and 3-413 are back from a 45-day public comment period. No public comments were received. Rule 3-402 was approved as final on an expedited basis with a July 1, 2025 effective date. No additional amendments were made.

***Following discussion, Judge Carpenter moved to recommend to the Judicial Council that rules 3-201 and 3-413 be approved as final with a November 1, 2025 effective date. Judge Fonnesbeck seconded the motion. The motion passed unanimously.***

**(3) CJA 4-906. Guardian ad litem (GAL) program:**

Stacy Snyder presented proposed changes 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 GALs in (6)(D) to attract experienced attorneys to handle conflict cases; and 3) make grammatical and stylistic changes.

Ms. Snyder explained that the current pay for Private Conflict Guardians ad Litem (PGALs) is sourced from her office budget and is set by rule at an extremely low rate (\$50 an hour), with a cap of \$1,000.

Those amounts make it challenging to recruit and retain conflict GALs. Ms. Snyder proposed increasing the hourly rate to \$100 an hour and the cap to \$3,000, with existing procedures for requesting additional funding in complex cases. Additionally, she proposed amending payment provisions for appeals, noting the current \$400 fee is extremely low, to align with the recommended payment structure.

Ms. Snyder reviewed the proposal to move the reporting month from August to October. The August date makes it difficult for oversight committee members to attend summer meetings and staff needs more time to prepare legislative requests and appropriation proposals for the Judicial Council.

The committee discussed the revisions in (3)(E) which were established at the office's inception and did not account for full-time GALs in rural districts, as they were not utilized then. Given the significant growth of the GAL Office, with at least one full-time attorney in each judicial district, amendments are needed based on caseload monitoring recommendations.

Following a discussion, the committee made the following changes:

- Line 29 – “State Court Administrator” changed to “Administrative Office”
- Lines 36, 38 – capitalize director in the titles;
- Line 122 – add quotation marks around “PGALs”
- Lines 130-131 – convert child abuse database to lowercase

***Judge Gardner moved to recommend to the Judicial Council that rule 4-906 be approved on an expedited basis with a November 1, 2025 effective date followed by a 45 public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.***

#### **(4) CJA 4-202.10. Record sharing:**

Stacy Haacke presented 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) as an entity with which the court can share nonpublic records. The OPC’s prosecutorial functions include a duty to investigate all information brought to the OPC’s attention which could be grounds for attorney discipline, transfer to disability status, or petitions for reinstatement or re-licensure. Adding OPC to the rule would facilitate sharing. OPC must agree to restrictions listed in the rule. Following a discussion, the committee made the following changes:

- Line 10 – added quotation marks around “JCC” and “OPC”

***Judge Fannesbeck moved to send CJA 4-202.10 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.***

#### **(5) AI Vision Statement and Guiding Principles, AI Training, and Generative AI Rules:**

Brody Arishita presented the updated AI Vision Statement and Guiding Principles, AI Training, and Generative AI Rules. The updates were routed through the AI staff and legal committees and PP&T’s prior feedback was incorporated.

The committee discussed the difference between “court approved AI tools” and “court provided AI tools” and made the following changes:

#### Generative AI Rules

- Section (6)(i) – added “without the restrictions in paragraph 5(a)”;
- Section (6) – removed subparagraphs (ii) and (iii) because they were duplicative;
- Section (4) – title changed to “You must get approval from the judicial officer”;
- Section (4) – changed to: “Employees must notify and get approval from the judicial officer if they use AI to prepare work or complete a task at the direction of the judicial officer”.

Judge Gardner suggested that Mr. Arishita be prepared at the Judicial Council meeting to discuss details about AI training and the purpose of the vision statement and guiding principles.

***After further discussion, the committee recommended that the AI Vision Statement and Guiding Principles, AI Training, and Generative AI Rules be placed on the Judicial Council’s October agenda.***

#### **(6) 3-109. Ethics Advisory Committee (EAC):**

The majority of proposed changes to rule 3-109 are minor formatting and style guide revisions. However, substantive edits were made to paragraphs (3)(F), (4), and (5) to clarify the process for requesting, issuing, and publishing opinions. As drafted, the terms “release,” “issue,” “refer,” and “publish” are confusing.

#### The revisions clarify the terms as follows:

- **“release”**: when EAC sends an informal opinion to the requester in response to a request
- **“refer”**: when EAC sends a request to the Council without drafting an opinion, or a requester sends an informal opinion to the Council asking the Council to modify the opinion or convert it to a formal opinion
- **“reconsideration”**: when an EAC member, Board member, or Council member ask the Council to modify an opinion
- **“issued”**: when an informal opinion becomes ‘official’
- **“published”**: when the opinion is posted on the court’s website

Following discussion, the committee made the following changes to the rule draft:

- Line 94 – added “The Council must consider a referral of an informal opinion made: (1) upon a majority vote from the committee, or (2)”
- Line 95 – removed “Upon an affirmative vote of a majority of the Committee members”
- Lines 97-98 – added “informal opinion”
- Line 99 – changed “the request and recommendation” to “referral”
- Line 3 – defined Ethics Advisory Committee as “Committee”
- Line 80 – added “Alternatively, the Committee may by majority vote refer the request to the Council without issuing an informal opinion.”
- Line 88 – removed “in accordance with paragraph (4)”
- Line 53 – added “the Office” to General Counsel and made it a defined term, “General Counsel”

***Judge Carpenter moved to send CJA 3-109 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Fannesbeck seconded the motion. The motion passed unanimously.***

**Technology report/proposals:** None

**Old Business/New Business:** The committee reviewed 2026 meeting dates and made adjustments as needed. The November 2025 meeting is scheduled for Monday, November 3<sup>rd</sup>; the January 2026 meeting is scheduled for January 9<sup>th</sup>; the April 2026 meeting is scheduled for April 10<sup>th</sup>; and the July 2026 meeting is scheduled for July 10<sup>th</sup>.

The committee discussed amending CJA 3-104 to establish a process for case and calendar assignments when judges retire, resign, or recuse. One option is to give each district the discretion to create their own processes (i.e., PJs must establish a local supplemental rule to assign calendars, etc.). Judge Gardner and Ms. Williams will prepare amendments for review by the committee. Once approved by the committee, the proposed drafts will be sent to the boards of judges for feedback.

**Adjourn:** With no further items for discussion, the meeting adjourned at 1:21 p.m. The next meeting will be held on October 3, 2025, at noon via Webex video conferencing.