

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

October 3, 2025 – 12:00 p.m. to 1:30 p.m.

**Webex**

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	<u>Rule back from public comment:</u> • <b>CJA 3-407.</b> Accounting	Action	Tab 2	Keisa Williams
	<b>CJA 4-102.</b> Case and calendar assignments (NEW) <b>CJA 3-104.</b> Presiding Judges	Action	Tab 3	Keisa Williams
	Technology report/proposals	Discussion		Brody Arishita
	Old Business/New Business • Annual chair election	Discussion		Judge Gardner
1:30	Adjourn			

**2025 Meetings:**

November 3, 2025

December 5, 2025

**2026 Meetings:**

January 9, 2026

February 6, 2026

March 6, 2026

April 10, 2026

May 1, 2026

June 5, 2026

July 10, 2026

August 7, 2026

September 4, 2026

October 2, 2026

November 6, 2026

December 4, 2026

# TAB 1

## Minutes

September 5, 2025

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

**DRAFT**

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 Fennesbeck 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.

# TAB 2

Back from Public Comment:

**CJA 3-407. Accounting**

**Public comments:**

Rule 3-407 is back from a 45-day public comment period. No public comments were received.

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

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

**Applicability:**

This rule applies to the judiciary.

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

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

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

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

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

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

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



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

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

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

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

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

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

(1)(D) Terms and voting. Accounting Committee members not designated by office will serve three-year terms. Additional terms must be approved by the state court administrator, or designee. The finance director will vote only in the event of a tie. The audit director and the director of the Utah Division of Finance are nonvoting members.

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

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

## (2) Revenue accounts.

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

or any political subdivision of the state ~~shall~~will, on or before the 10th day of each month, ~~remit deposit~~ all funds received ~~by them~~ in the preceding month ~~to in a qualified depository with~~ the appropriate public treasurer. The courts ~~shall~~will make no withdrawals from depository accounts.

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

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

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

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

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

### (3) Trust accounts.

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

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

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

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

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

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

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

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

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

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

# TAB 3

## **CJA 4-102.** Case and calendar assignments (NEW)

## **CJA 3-104.** Presiding Judges

**Notes:** At the last meeting, the committee requested that I create or amend a CJA rule establishing a process for case and calendar assignments when judges retire, resign, or recuse. The preference was to give each district the discretion to establish their own procedures. Once approved by PP&T, we would seek feedback from the boards of judges.

A new rule made the most sense to me, as did putting it under [Chapter 4](#), Article 1, “Calendar Management.” I kept it as general as possible, giving districts the ability to establish their own processes by local supplemental rule. In 3-104(3)(F)(ii), we can cover the new rule and supplemental rules by referencing “this Code.”

Local supplemental rules are found in [Chapter 10](#). There aren’t many. 1<sup>st</sup>, 2<sup>nd</sup>, and 5<sup>th</sup> districts don’t have any. The 7<sup>th</sup> district has a rule on judicial assignments ([10-1-701](#)), but that’s about granting juvenile and district court judges the authority to handle cases in both court levels. The 4<sup>th</sup> district has two rules related to case and calendar management, but those establish filing deadlines for criminal ([10-1-401](#)) and civil ([10-1-402](#)) law and motion calendars.

Most case and calendar assignment processes are outlined in local policies or standing orders. It makes sense to me that we have very few local rules because we endeavor to ensure policies and practices are applied consistently across the state. However, one could argue that we are relying too heavily on standing orders, some of which may be more substantive than they should be.

Addressing this particular issue by rule creates transparency about our assignment processes, improving public trust and confidence in the judiciary’s integrity.

**Rule 4-102. Case and calendar assignments****Intent:**

The intent of this rule is to establish a uniform procedure for the initial assignment and subsequent reassignment of cases in a manner that ensures the fair, impartial, and equitable distribution of judicial workloads.

**Applicability:**

This rule applies to district and juvenile courts.

**Statement of the Rule:**

(1) Initial case assignments. All newly filed cases will be assigned to judges on a random basis using an automated system approved by the Council. The system should, to the greatest extent possible, ensure that case assignments cannot be predicted by court staff or judges.

(2) Reassignments. Cases must be promptly reassigned when the judge initially assigned to the case:

(2)(A) recuses or is disqualified under the Utah Rules of Procedure, the Utah Code of Judicial Conduct, or the Utah Code;

(2)(B) is temporarily unable to preside over the case due to illness, judicial leave, or special assignment;

(2)(C) retires, resigns, or permanently vacates the bench; or

(2)(D) is otherwise unable to preside over the case.

(3) Method of reassignment. Each district must establish reassignment procedures in a local supplemental rule approved by the Council. Reassignments must be made in a fair and impartial manner, and to the extent possible, involve a randomized process.

(4) Exceptions. Assignments and reassignments for district court water cases and district court tax cases are governed by Rules 6-103 and 6-104.

(5) Compliance. All case assignments and reassignments must comply with this Code, the Utah Rules of Procedure, the Utah Code of Judicial Conduct, and the Utah Code.

Effective: May 1, 2025

**Commented [KW1]:** I think we need a catchall here, but I wasn't sure how to phrase it.

# 1 Rule 3-104. Presiding judges.

## 2 Intent:

3 To establish the procedure for election, term of office, role, responsibilities and authority of  
4 presiding judges and associate presiding judges.

## 5 Applicability:

6 This rule ~~shall apply~~ applies to presiding judges and associate presiding judges in the ~~d~~ District  
7 and ~~j~~ Juvenile ~~c~~ Courts. Each court level has a presiding judge in every judicial district.

## 8 Definitions:

9 "Court" refers to each respective court level in a judicial district.

## 10 Statement of the Rule:

### 11 (1) Election and term of office.

12 (1)(A) **Presiding judge.** The presiding judge in multi-judge courts ~~shall~~ must be elected  
13 by a majority vote of the judges of the court. The presiding judge's term of office ~~shall~~ will  
14 be at least two years. A district, by majority vote of the judges of the court, may re-elect a  
15 judge to serve successive terms of office as presiding judge. ~~In the event that~~ If a  
16 majority vote cannot be obtained, the presiding judge ~~shall~~ will be appointed by the  
17 ~~P~~residing ~~O~~fficer ~~of the Council~~ to serve for two years.

### 18 (1)(B) Associate presiding judge.

19 (1)(B)(i) In a court having more than two judges, the judges may elect one judge  
20 of the court to the office of associate presiding judge. An associate presiding  
21 judge ~~shall~~ must be elected in the same manner and serve the same term as the  
22 presiding judge in paragraph (1)(A).

23 (1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge  
24 ~~shall~~ will assume the responsibilities of the presiding judge. The associate  
25 presiding judge ~~shall~~ will perform other duties assigned by the presiding judge or  
26 by the court.

27 (1)(C) **Removal.** A presiding judge or associate presiding judge may be removed as the  
28 presiding judge or associate presiding judge by a two-thirds vote of all judges in the  
29 district. A successor presiding judge or associate presiding judge ~~shall~~ will then be  
30 selected as provided in this rule.

### 31 (2) Court organization.

#### 32 (2)(A) Court en banc.

33 (2)(A)(i) Multi-judge courts ~~shall~~ must hold ~~have~~ regular court en banc meetings,  
34 including all judges of the court and the court executive, to discuss and decide  
35 court business. The presiding judge has the discretion to excuse the ~~attendance~~

**Commented [KW1]:** If we amend this rule, should we clarify that when we say "court" or "district," we aren't referring to the juvenile court and the district court in a particular judicial district.

I think "of the court" is intended to make that distinction, but it's not used consistently and rule 1-101 defines "Court" as "an entire jurisdictional system and not any geographic division thereof."

We could use "court level" throughout, but would it be cleaner to make that distinction up front, rather than repeating it over and over? Defining "court" might be an option, but I don't love it.

~~of the~~ court executive from court en banc meetings called for the purpose of discussing the performance of the court executive. In single-judge courts, the presiding judge ~~shall~~ will meet with the court executive to discuss and decide court business.

(2)(A)(ii) The presiding judge ~~shall~~ will call and preside over court meetings. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee ~~shall~~ will preside.

(2)(A)(iii) Each court ~~shall~~ must ~~have~~ hold a minimum of four meetings each year.

(2)(A)(iv) An agenda ~~shall~~ must be circulated among the judges in advance of the meeting with a known method on how matters may be placed on the agenda.

(2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges may call additional meetings as necessary.

(2)(A)(vi) Minutes of each meeting ~~shall~~ must be taken and preserved.

(2)(A)(vii) Other than judges and court executives, those attending the meeting ~~will~~ shall be by court invitation only.

(2)(A)(viii) The issues on which judges should vote will ~~shall~~ be left to the sound discretion and judgment of each court and the applicable sections of the Utah Constitution, statutes, and this Code.

(2)(B) **Absence of presiding judge.** When the presiding judge and the associate presiding judge, if any, are absent from the court, an acting presiding judge ~~shall~~ will be appointed. The method of designating an acting presiding judge ~~shall~~ is ~~be~~ at the discretion of the presiding judge. All judges of the court and the court executive must ~~parties that must necessarily be informed shall~~ be notified ~~of the~~ that an acting judge ~~acting as~~ presiding judge has been appointed.

### (3) Administrative responsibilities and authority of presiding judge.

#### (3)(A) General—Caseload—Appeals

(3)(A)(i) **Generally.** The presiding judge is ~~charged with the~~ responsible ~~responsibility~~ for the effective operation of the court. ~~He or she is~~ responsible for, including the implementation and enforcement of statutes, rules, policies, and directives of the Council as they pertain to the administration of the courts, orders of the court en banc, and supplementary rules. The presiding judge ~~has the authority to~~ may ~~delegate the performance of~~ non-judicial duties to the court executive. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(A)(ii) **Caseload.** Unless the presiding judge determines it to be impractical, there is a presumption that the judicial caseload of the presiding judge will ~~shall~~ be adjusted to provide the presiding judge sufficient time to devote to the

management and administrative duties of the office. The extent of the caseload reduction ~~shall~~will be determined by each district.

(3)(A)(iii) **Appeals.** Any judge of the judicial district may ask the ~~Chief Justice~~Presiding Officer or ~~Judicial~~ Council to review any administrative decision made by the presiding judge of that district.

(3)(B) **Coordination of judicial schedules.**

(3)(B)(i) The presiding judge ~~shall~~must be aware of the vacation and education schedules of judges and ~~is~~be responsible for an orderly plan of judicial absences from court duties.

(3)(B)(ii) Each judge ~~shall~~must give reasonable advance notice of his or her absence to the presiding judge consistent with Rule 3-103~~(4)~~.

(3)(C) **Authority to appoint senior judges.** The presiding judge is authorized to assign a senior judge for judicial assistance consistent with Rule 3-108.

(3)(D) **Court committees.** The presiding judge ~~shall~~will, where appropriate, make use of court committees composed of other judges and court personnel to investigate problem areas, handle court business, and report to the presiding judge and/or the court en banc.

(3)(E) **Outside agencies and the media.**

(3)(E)(i) The presiding judge or court executive ~~shall~~must be available to meet with outside agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar association leaders, probation and parole officers, county governmental officials, civic organizations and other state agencies. The presiding judge will~~shall~~ be the primary representative of the court.

(3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the court executive will~~shall~~ represent the court and make statements to the media on matters pertaining to the ~~district~~total court and provide general information about the court and the law, and about court procedures, practices and rulings where ethics permit.

(3)(F) **Docket management and case and judge assignments.**

(3)(F)(i) The presiding judge ~~shall~~must monitor the status of the dockets in the court and implement improved methods and systems of managing dockets.

(3)(F)(ii) The presiding judge ~~shall~~must assign cases and judges in accordance with ~~this Code~~supplemental court rules to provide for an equitable distribution of the workload and the prompt disposition of cases.

(3)(F)(iii) Individual judges of the court ~~shall~~must convey needs for assistance to the presiding judge. The presiding judge ~~shall~~will, through the ~~State Court Administrator~~Administrative Office, request ~~the~~ assistance of visiting judges or other appropriate resources when needed to handle the workload of the court.



(3)(F)(iv) The presiding judge ~~shall~~must discuss problems of delay with other judges and offer necessary assistance to expedite the disposition of cases.

(3)(G) **Court executives.**

(3)(G)(i) The presiding judge ~~shall~~will review the proposed appointment of the court executive made by the ~~State Court Administrator~~Administrative Office and must concur in the appointment before it ~~will be~~is effective. The presiding judge ~~shall~~must obtain the approval of a majority of the judges in that jurisdiction prior to concurring in the appointment of a court executive.

(3)(G)(ii) The presiding judge for the respective court level and the ~~state court~~ level administrator ~~shall~~will jointly develop an annual performance plan for the court executive.

(3)(G)(iii) Annually, the ~~state court~~ level administrator ~~will~~shall consult with the presiding judge ~~in the preparation of~~to prepare an evaluation of the court executive's performance for the previous year, ~~also~~ taking into account input from all judges in the district.

(3)(G)(iv) The presiding judge ~~shall~~should be aware of the day-to-day activities of the court executive, including coordination of annual leave.

(3)(G)(v) Pursuant to Council policy and the direction of the ~~state court~~ level administrator, the court executive ~~has the responsibility~~is responsible for the day-to-day supervision of ~~the~~ non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, ~~shall~~will coordinate with the court executive on matters concerning the support staff and the general administration of the court, including budget, facility planning, long-range planning, administrative projects, intergovernmental relations, and other administrative responsibilities as determined by the presiding judge and ~~the state court~~ level administrator.

(3)(H) **Courtrooms and facilities.** The presiding judge ~~will~~shall direct the assignment of courtrooms and facilities.

(3)(I) **Recordkeeping.** Consistent~~ly~~ with Council policies, the court executive, in consultation with the presiding judge, ~~shall~~will:

(3)(I)(i) coordinate the compilation of management and statistical information necessary for the administration of the court;

(3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of these policies; and

(3)(I)(iii) approve proposals for automation within the court in compliance with administrative rules.

(3)(J) **Budgets.** The court executive, in consultation with the presiding judge, ~~shall~~will oversee the development of the budget for the court. In contract sites, the court executive ~~shall~~will supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

(3)(K) **Judicial officers.**

~~(3)(K)(i) In the event that~~If another judge or commissioner of the court fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment, or violates the Code of Judicial Conduct, the presiding judge may:

(3)(K)(i)~~(a) m~~(a) mMeet with and explain to the judge or commissioner the reasons for the directive given or the position taken and consult with the judge or commissioner~~:-~~.

(3)(K)(ii)~~(b) d~~(b) dDiscuss the position with other judges and reevaluate the position~~:-~~.

(3)(K)(iii)~~(c) p~~(c) pPresent the problem to the court en banc or a committee of judges for input~~:-~~.

(3)(K)(iv)~~(d) r~~(d) rRequire the judge or commissioner to participate in appropriate counseling, therapy, education, or treatment~~:-~~.

(3)(K)(v)~~(e) r~~(e) rReassign the judge or commissioner to a different location within the district or to a different case assignment~~:- or~~.

(3)(K)(vi)~~(f) r~~(f) rRefer the problem to the ~~Judicial~~ Council or to the ~~Chief Justice~~Presiding Officer~~:-~~.

(3)(K)(vii) ~~In the event that~~If the options listed ~~above~~ in subparagraph (3)(K)(i) sections (i) through (vi) do not resolve the problem, ~~and where~~ the refusal or conduct is willful ~~and~~and continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge ~~shall~~must refer the problem to the Council or the Judicial Conduct Commission.

(3)(L) **Cases under advisement.**

(3)(L)(i) A case is considered to be under advisement if it meets the criteria outlined in Rule 3-101.

(3)(L)(ii) Once a month, each judge ~~shall~~must submit a statement on a form ~~to be~~ provided by the Administrative Office, State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge ~~shall~~must submit a list of the cases or issues held under advisement for more than two months to the appropriate ~~state-court~~ level administrator and indicate the reasons why the case or issue continues to be held under advisement.

(3)(L)(iv) If a judge fails to submit a statement required under paragraph (3)(L)(ii), the presiding judge ~~must~~shall notify the appropriate ~~state-court~~ level administrator. If the ~~state-court~~ level administrator determines that a judge has willfully failed to submit a statement, the ~~state-court~~ level administrator ~~shall~~must notify the Management Committee.

(3)(M) **Board of judges.** The presiding judge ~~shall~~will serve as a liaison between the court and the Board for the respective court level.

(3)(N) **Supervision and evaluation of court commissioners.** The presiding judge is responsible for the development of a performance plan for the Court Commissioner(s) serving in that court and ~~shall~~must prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and evaluation ~~shall~~must be maintained in the Commissioner's official personnel file in the Administrative Office.

(3)(O) **Magistrate availability.** The presiding judge in a district court ~~shall~~will consult with the justice court administrator to develop a rotation of magistrates that ensures regular availability of magistrates within the district. The rotation ~~shall~~must take into account each magistrate's caseload, location, and willingness to serve.

Effective: May ~~130~~, 202~~5~~<sup>4</sup>