

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

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

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	CJA 3-101. Judicial performance standards	Action	Tab 2	Nick Stiles
	CJA 3-111. Performance Evaluation of Court Commissioners	Action	Tab 3	Shane Bahr
	CJA 4-410. Courthouse closure	Action	Tab 4	Stacy Haacke
	CJA 1-205. Standing and ad hoc committees	Action	Tab 5	Michael Drechsel
	Technology report/proposals	Discussion		Brody Arishita
	Old Business/New Business	Discussion		Judge Gardner
1:30	Adjourn			

2025 Meetings:

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

October 3, 2025

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

DRAFT

Webex video conferencing
September 5, 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
Michael Samantha Sparks
Todd Eaton

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 September 5, 2025 meeting. With no changes, Judge Fonnesbeck moved to approve the minutes as presented. Judge Carpenter seconded the motion. The motion passed unanimously.

(2) Rule back from public comment:

- **CJA 3-407. Accounting**

The proposed amendments to rule 3-407 are back from a 45-day public comment period. No public comments were received.

Following discussion, Judge Gardner moved to recommend to the Judicial Council that rule 3-407 be approved as final with a November 1, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

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

CJA 3-104. Presiding Judges:

At the last committee meeting, the committee asked Judge Gardner and Ms. Williams to create or amend a CJA rule establishing a process for case and calendar assignments when judges retire, resign, or recuse. Ms. Williams presented proposed amendments to rule 3-104 and a new rule, 4-102, which gives districts the ability to establish their own case reassignment processes by local supplemental rule.

Currently, most case assignment methods rely on informal local policies or standing orders. The purpose of the new rule is to be more transparent about how those processes work. The committee noted that

each district may have its own unique challenges, and CARE does not have an automated initial case assignment process. Juvenile court assignments and reassignment are very different from other trial courts, primarily because juvenile courts adhere to the one judge, one family principle.

Following discussion, the committee made the following amendments to rule 4-102:

- removed “case” from the heading in paragraph (1) for consistency;
- split paragraph (1) into two subsections to clearly delineate between district and juvenile courts;
- included business and chancery courts in paragraph (1);
- removed “and to the extent possible, involve a randomized process” (lines 22) with respect to reassignment methods in (3);
- modified paragraph (3) (lines 23-25) to read, “Each district must establish a reassignment procedure that is fair and impartial. Procedures must be in a local supplemental rule approved by the Council. Reassignments must be made in accordance with that procedure.”;
- removed paragraphs (2)(A) – (2)(D); and
- removed “the Utah Code” from paragraph (5) (line 26).

Following discussion, the committee made the following amendments to rule 3-104:

- Kept the language “to provide for an equitable distribution of the workload and the prompt disposition of cases” in (3)(F)(ii) (lines 105-106); and
- Added “Business and Chancery court” under Applicability (line 7).

Following further discussion, the committee decided to send rule 4-102 to the District, Juvenile, and Justice Court Boards for review and table amendments to rule 3-104 until after rule 4-102 has been circulated.

Technology report/proposals:

Mr. Arishita reported that the Generative AI rules, guiding principles, and training information are being taken to the next Judicial Council meeting. Mr. Arishita also confirmed that the AI staff group approved all recommendations made by PP&T and noted that they are working on altering the rules to pull the “allowed purposes” list off the main rule sheet. This change would list those purposes on the website, similar to approved tools, allowing for updates without requiring repeated approvals through the committee and Council.

Old Business/New Business: The committee discussed the annual chair election. Judge Gardner has been the chair since October 2024.

Judge Carpenter moved to elect Judge Gardner as Chair for another year and to hold a new election in October 2026. Judge Fannesbeck seconded the motion. The motion passed unanimously.

Adjourn: With no further items for discussion, the meeting adjourned at 12:48 p.m. The next meeting will be held on November 3, 2025, at noon via Webex video conferencing.

TAB 2

CJA 3-101. Judicial performance standards

Notes: Nick Stiles will present proposed amendments to rule 3-101. The proposed amendments revise the appellate courts' case under advisement standards.

Rule 3-101. Judicial performance standards.**Intent:**

To establish performance standards upon which the ~~Judicial~~ Council will certify judicial compliance to the Judicial Performance Evaluation Commission ("JPEC").

Applicability:

This rule applies to all justices and judges of the courts of record and not of record.

Statement of the Rule:

(1) **Performance standards.** The ~~Judicial~~ Council will certify to JPEC judicial compliance with the following performance standards: cases under advisement, education, and physical and mental competence.

(2) Definition of case under advisement.

(2)(A) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination. For purposes of this rule, "submitted to the judge" or "submission" is the last of the following:

(2)(A)(i) When a matter requiring attention is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent;

(2)(A)(ii) If a hearing or oral argument is set, at the conclusion of all hearings or oral argument held on the specific motion or matter; or

(2)(A)(iii) If further briefing is required after a hearing or oral argument, when all permitted briefing is completed, a request to submit is filed, if required, and the matter is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent.

(2)(B) A case is no longer under advisement when the trial court judge makes a decision on the issue that is under advisement or on the entire case. The final determination occurs when the trial court judge resolves the pending issue by announcing the decision on the record or by issuing a written decision, regardless of whether the parties are required to subsequently submit a final order memorializing the decision for the judge's signature.

(3) Case under advisement performance standards.

(3)(A) **Supreme Court justice.** A justice of the Supreme Court demonstrates satisfactory performance by circulating not more than 25% ~~three of their~~ principal opinions per calendar year more than ~~six months~~ 150 days after submission, not more than 10% of their principle opinions per calendar year more than 210 days after submission, and by circulating all principal opinions within one year of submission.

(3)(B) **Court of Appeals judge.** A judge of the Court of Appeals demonstrates satisfactory performance by:

~~(3)(B)(i) circulating not more than 25% of their principal opinions per calendar year more than 120 days after submission, circulating not more than 10% of their principal opinions per calendar year more than 180 days after submission, and by circulating all principal opinions within 270 days after submission. circulating not more than three principal opinions per calendar year more than six months after submission; and~~

~~(3)(B)(ii) achieving a final average time to circulation of a principal opinion of not more than 120 days after submission.~~

(3)(C) **Trial court judge.** A trial court judge demonstrates satisfactory performance by holding:

(3)(C)(i) not more than three cases per calendar year under advisement more than two months after submission; and

(3)(C)(ii) no case under advisement more than six months after submission.

(4) **Case under advisement performance standards—compliance.** A judge or justice ~~shall~~ must decide all matters submitted for decision within the applicable time periods in paragraph (3), unless circumstances causing a delayed decision are beyond the judge's or justice's personal control.

(5) **Judicial education performance standard.**

(5)(A) **Education hour standard.** Satisfactory performance is established if the judge or justice annually obtains 30 hours of judicial education subject to the availability of in-state education programs.

(5)(B) **Education hour standard—compliance.** A judge or justice ~~shall~~ must obtain the number of education hours prescribed by this rule, unless circumstances preventing the judge from doing so are beyond the judge's or justice's personal control.

(6) **Physical and mental competence performance standard.** Satisfactory performance is established if the response of the judge or justice demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(7) **Reporting requirements.**

(7)(A) **Reporting term.** For purposes of this rule, the reporting term for new justices and judges begins on the date the Utah Senate confirms their appointment. The reporting term for retained justices and judges begins the day after they submit the report in (7)(B). The reporting term for all justices and judges ends on August 1st of the year preceding the next general election in which the judge or justice is standing for retention.

(7)(B) **Reporting requirement.** Within 14 calendar days following the end of a reporting term, justices and judges ~~shall~~ must report to the ~~Judicial~~ Council their compliance or non-compliance with the performance standards in this rule during that reporting term. Reports ~~shall~~ will be submitted in accordance with policies established by the ~~Judicial~~

Council. If non-compliance is due to circumstances beyond the justice's or judge's personal control, the judge or justice must provide an explanation of the circumstances and may submit supporting documentation.

(8) Judicial Council certification.

(8)(A) As to the performance standards in this Rule, the ~~Judicial~~ Council ~~shall~~ will certify to JPEC that each judge or justice standing for retention is:

(8)(A)(i) Compliant;

(8)(A)(ii) Compliant with explanation, meaning that the ~~Judicial~~ Council has received credible information that non-compliance was due to circumstances beyond the personal control of the judge or justice; or

(8)(A)(iii) Non-compliant, which may include a judge or justice who has certified his or her own compliance but the ~~Judicial~~ Council has received credible information inconsistent with that certification.

(8)(B) The ~~Judicial~~ Council will transmit its certification to JPEC by the deadline established in the Utah Administrative Code.

(8)(C) All material relied upon by the ~~Judicial~~ Council in making a certification decision or explanation ~~shall~~ will be forwarded to JPEC and ~~shall~~ will be made public to the extent that the information is not confidential personal health information.

Effective: ~~5/1/2024~~ May 1, 2026

TAB 3

CJA 3-111. Performance Evaluation of Court Commissioners

Notes: Shane Bahr will present proposed amendments to Rule 3-111. The proposed amendments remove (3)(A)(iv)(b) which allows court commissioners to exclude an attorney from the certification performance survey with approval from the Management Committee. The language is a carryover from a past rule that applied to judges and commissioners several years ago. The provision no longer applies to judges.

Rule 3-111. Performance evaluation of court commissioners.**Intent:**

To establish a performance evaluation, including the criteria upon which court commissioners will be evaluated, the standards against which performance will be measured and the methods for fairly, accurately, and reliably measuring performance.

To generate and provide to court commissioners information about their performance.

To establish the procedures by which the Council will evaluate and certify court commissioners for reappointment.

Applicability:

This rule ~~shall apply~~applies to presiding judges, the Council, and court commissioners.

Statement of the Rule:**(1) Performance evaluations.**

(1)(A) On forms provided by the Administrative Office, the presiding judge of a district of which a court commissioner serves ~~shall~~will complete an evaluation of the court commissioner's performance by July 1 of each year. If a commissioner serves multiple districts or court levels, the presiding judge of each district ~~shall~~will complete an evaluation.

(1)(B) The presiding judge(s) ~~shall~~will survey judges and court personnel seeking feedback for the evaluation. During the evaluation period, the presiding judge(s) ~~shall~~will review at least five of the commissioner's active cases. The review ~~shall~~will include courtroom observation.

(1)(C) The presiding judge(s) ~~shall~~will provide a copy of each commissioner evaluation to the Council. Copies of plans under paragraph (3)(G) and all evaluations ~~shall~~will also be maintained in the commissioner's personnel file in the Administrative Office.

(2) Evaluation and certification criteria. Court commissioners ~~shall~~must be evaluated and certified upon the following criteria:

(2)(A) demonstration of understanding of the substantive law and any relevant rules of procedure and evidence;

(2)(B) attentiveness to factual and legal issues before the court;

(2)(C) adherence to precedent and ability to clearly explain departures from precedent;

(2)(D) grasp of the practical impact on the parties of the commissioner's rulings, including the effect of delay and increased litigation expense;

(2)(E) ability to write clear judicial opinions;

- (2)(F) ability to clearly explain the legal basis for judicial opinions;
- (2)(G) demonstration of courtesy toward attorneys, court staff, and others in the commissioner's court;
- (2)(H) maintenance of decorum in the courtroom;
- (2)(I) demonstration of judicial demeanor and personal attributes that promote public trust and confidence in the judicial system;
- (2)(J) preparation for hearings or oral argument;
- (2)(K) avoidance of impropriety or the appearance of impropriety;
- (2)(L) display of fairness and impartiality toward all parties;
- (2)(M) ability to clearly communicate, including the ability to explain the basis for written rulings, court procedures, and decisions;
- (2)(N) management of workload;
- (2)(O) willingness to share proportionally the workload within the court or district, or regularly accepting assignments;
- (2)(P) issuance of opinions and orders without unnecessary delay; and
- (2)(Q) ability and willingness to use the court's case management systems in all cases.

(3) Standards of performance.

(3)(A) **Survey of attorneys.** ~~(3)(A)(i)~~ The Council ~~shall~~ will measure satisfactory performance by a sample survey of the attorneys appearing before the court commissioner during the period for which the court commissioner is being evaluated. The Council ~~shall~~ will measure satisfactory performance based on the results of the final survey conducted during a court commissioner's term of office, subject to the discretion of a court commissioner serving an abbreviated initial term not to participate in a second survey under ~~Section-paragraph~~ (3)(A)(~~v~~i) of this rule.

(3)(A)(~~i~~ii) **Survey scoring.** The survey ~~shall~~ must be scored as follows.

(3)(A)(~~i~~ii)(a) Each question of the attorney survey will have six possible responses: Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No Personal Knowledge. A favorable response is Excellent, More Than Adequate, or Adequate.

(3)(A)(~~i~~ii)(b) Each question ~~shall~~ must be scored by dividing the total number of favorable responses by the total number of all responses, excluding the "No Personal Knowledge" responses. A satisfactory score for a question is achieved when the ratio of favorable responses is 70% or greater.

(3)(A)(ii)(c) A court commissioner's performance is satisfactory if:

(3)(A)(ii)(c)(1) at least 75% of the questions have a satisfactory score; and

(3)(A)(ii)(c)(2) the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

(3)(A)(iii) **Survey respondents.** The Administrative Office ~~shall~~must identify as potential respondents all lawyers who have appeared before the court commissioner during the period for which the commissioner is being evaluated.

(3)(A)(iii) **Exclusion from survey respondents.** ~~(3)(A)(iv)(a)~~ A lawyer who has been appointed as a judge or court commissioner ~~shall~~must not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline ~~shall~~must not be a respondent in the survey.

~~(3)(A)(iv)(b) With the approval of the Management Committee, a court commissioner may exclude an attorney from the list of respondents if the court commissioner believes the attorney will not respond objectively to the survey.~~

(3)(A)(iv) **Number of survey respondents.** The Surveyor ~~shall~~must identify 180 respondents or all attorneys appearing before the court commissioner, whichever is less.

(3)(A)(v) **Administration of the survey.** Court commissioners ~~shall~~will be the subject of a survey approximately six months prior to the expiration of their term of office. Court commissioners ~~shall~~will be the subject of a survey during the second year of each term of office. Newly appointed court commissioners ~~shall~~will be the subject of a survey during the second year of their term of office and, at their option, approximately six months prior to the expiration of their term of office.

(3)(A)(vi) **Survey report.** The Surveyor ~~shall~~will provide to the subject of the survey, the subject's presiding judge(s), and the Council the number and percentage of respondents for each of the possible responses on each survey question and all comments, retyped and edited as necessary to redact the respondent's identity.

(3)(B) **Case under advisement standard.**

(3)(B)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the court commissioner for final determination. For purposes of this rule, "submitted to the court commissioner" or "submission" is defined as follows:

(3)(B)(i)(a) When a matter requiring attention is placed by staff in the court commissioner's personal electronic queue, inbox, personal possession, or equivalent;

(3)(B)(i)(b) If a hearing or oral argument is set, at the conclusion of all hearings or oral argument held on the specific motion or matter; or

(3)(B)(i)(c) If further briefing is required after a hearing or oral argument, when all permitted briefing is completed, a request to submit is filed, if required, and the matter is placed by staff in the court commissioner's personal electronic queue, inbox, personal possession, or equivalent.

(3)(B)(ii) A case is no longer under advisement when the court commissioner makes a decision on the issue that is under advisement or on the entire case.

(3)(B)(iii) The Council ~~shall~~will measure satisfactory performance by the self-declaration of the court commissioner or by reviewing the records of the court.

(3)(B)(iv) A court commissioner in a trial court demonstrates satisfactory performance by holding:

(3)(B)(iv)(a) no more than three cases per calendar year under advisement more than two months after submission; and

(3)(B)(iv)(b) no case under advisement more than 180 days after submission.

(3)(C) **Compliance with education standards.** Satisfactory performance is established if the court commissioner annually complies with the judicial education standards of this Code, subject to the availability of in-state education programs. The Council ~~shall~~will measure satisfactory performance by the self-declaration of the court commissioner or by reviewing the records of the state court administrator.

(3)(D) **Substantial compliance with Code of Judicial Conduct.** Satisfactory performance is established if the response of the court commissioner demonstrates substantial compliance with the Code of Judicial Conduct, if the Council finds the responsive information to be complete and correct and if the Council's review of formal and informal sanctions lead the Council to conclude the court commissioner is in substantial compliance with the Code of Judicial Conduct.

(3)(E) **Physical and mental competence.** Satisfactory performance is established if the response of the court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(3)(F) **Performance and corrective action plans for court commissioners.**

(3)(F)(i) The presiding judge of the district a court commissioner serves ~~shall~~will prepare a performance plan for a new court commissioner within 30 days of the court commissioner's appointment. If a court commissioner serves multiple districts or court levels, the presiding judge of each district and court level ~~shall~~will prepare a performance plan. The performance plan ~~shall~~must communicate the expectations set forth in paragraph (2) of this rule.

(3)(F)(ii) If a presiding judge issues an overall “Needs Improvement” rating on a court commissioner’s annual performance evaluation as provided in paragraph (1), that presiding judge ~~shall~~will prepare a corrective action plan setting forth specific ways in which the court commissioner can improve in deficient areas.

(4) Judicial Council certification process

(4)(A) **July Council meeting.** At its meeting in July, the Council ~~shall~~will begin the process of determining whether the court commissioners whose terms of office expire that year meet the standards of performance provided for in this rule. The Administrative Office ~~shall~~must assemble all evaluation information, including:

(4)(A)(i) survey scores;

(4)(A)(ii) judicial education records;

(4)(A)(iii) self-declaration forms;

(4)(A)(iv) records of formal and informal sanctions;

(4)(A)(v) performance evaluations, if the court commissioner received an overall rating of Needs Improvement; and

(4)(A)(vi) any information requested by the Council.

(4)(B) **Records delivery.** Prior to the meeting the Administrative Office ~~shall~~must deliver the records to the Council and to the court commissioners being evaluated.

(4)(C) **July Council meeting closed session.** In a session closed in compliance with rule 2-103, the Council ~~shall~~will consider the evaluation information and make a preliminary finding of whether a court commissioner has met the performance standards.

(4)(D) **Certification presumptions.** If the Council finds the court commissioner has met the performance standards, it is presumed the Council will certify the court commissioner for reappointment. If the Council finds the court commissioner did not meet the performance standards, it is presumed the Council will not certify the court commissioner for reappointment. The Council may certify the court commissioner or withhold decision until after meeting with the court commissioner.

(4)(E) **Overcoming presumptions.** A presumption against certification may be overcome by a showing that a court commissioner’s failure to comply with paragraphs (3)(B) and (3)(C) were beyond the court commissioner’s personal control. A presumption in favor of certification may be overcome by:

(4)(E)(i) reliable information showing non-compliance with a performance standard, except as otherwise provided in paragraph (4)(E); or

(4)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

254 (4)(F) **August Council meeting.** At the request of the Council the court commissioner
255 challenging a non-certification decision ~~shall~~will meet with the Council in August. At the
256 request of the Council the presiding judge(s) shall report to the Council any meetings
257 held with the court commissioner, the steps toward self-improvement identified as a
258 result of those meetings, and the efforts to complete those steps. Not later than 5 days
259 after the July meeting, the Administrative Office ~~shall~~must deliver to court commissioner
260 being evaluated notice of the Council's action and any records not already delivered to
261 the court commissioner. The notice ~~shall~~must contain an adequate description of the
262 reasons the Council has withheld its decision and the date by which the court
263 commissioner is to deliver written materials. The Administrative Office ~~shall~~must deliver
264 copies of all materials to the Council and to the court commissioner prior to the August
265 meeting.
266

267 (4)(G) **August Council meeting closed session.** At its August meeting in a session
268 closed in accordance with Rule 2-103, the Council ~~shall~~will provide to the court
269 commissioner adequate time to present evidence and arguments in favor of certification.
270 Any member of the Council may present evidence and arguments of which the court
271 commissioner has had notice opposed to certification. The burden is on the person
272 arguing against the presumed certification. The Council may determine the order of
273 presentation.
274

275 (4)(H) **Final certification decision.** At its August meeting in open session, the Council
276 ~~shall~~will approve its final findings and certification regarding all court commissioners
277 whose terms of office expire that year.
278

279 (4)(I) **Communication of certification decision.** The Council ~~shall~~will communicate its
280 certification decision to the court commissioner and to the presiding judge(s) of the
281 district(s) the commissioner serves.
282

283 *Effective: May ~~130~~, 2026⁴*

TAB 4

CJA 4-410. Courthouse closure

Notes: Stacy Haacke will present proposed amendments to Rule 4-410. Recently, a justice court without a sitting judge had a cybersecurity incident. A senior judge was presiding over all cases until a new judge could be appointed. Ms. Haacke met with the justice, juvenile, and district boards to get feedback on whether and how the rule should be amended. The boards recommended the following amendments:

- add paragraphs (10) and (11);
- add cybersecurity and court operations throughout the rule; and
- modify the language to include a provision for physical building closure, as well as operational closure to cover any technology issues.

Rule 4-410. Courthouse closure.**Intent:**

To establish protocols surrounding the closure of a court's physical building or operations in the event that extreme weather, cybersecurity, or other emergency situation prevents the safe arrival to, or the ability to safely conduct business in, the courthouse, or the operational integrity of court systems.

Applicability:

This rule applies to courts of record and not of record.

Statement of the Rule:**(1) Definitions.****(1)(A) Cin ~~in~~ courts of record.:**

(1)(A)(i) "Presiding Judge" refers to the judge who presides over the district or court level.

(1)(A)(ii) "Court Executive" ~~refers to the trial court executive in the district and juvenile courts and the Appellate Court Administrator in the appellate courts~~ means the same as that term is defined in Rule 1-101.

(1)(B) Cin ~~in~~ courts not of record.:

(1)(B)(i) "Presiding Judge" refers to the local justice court presiding judge, not the district level justice court presiding judge.

(1)(B)(ii) "Court Executive" refers to the local justice court administrator.

(2) Core mission. In the event the Presiding Judge determines that a courthouse is not safe or is not capable of supporting the core mission of the court due to extreme weather conditions or other emergency situation, the Presiding Judge has the discretion to determine, in consultation with the Court executive, court security, and authority responsible for the building's operation and maintenance, how to continue supporting the core mission of the court.

(3) Closure order. The Presiding Judge(s) may order:

(3)(A) the time-limited partial closure of the courthouse or court operations;

(3)(B) the time-limited complete closure of the courthouse or court operations; or

(3)(C) the indefinite complete closure of the courthouse or court operations.

(4) Alternate location. If the Presiding Judge orders a complete or partial building or operational closure that in any way affects the public's ability to conduct court business in that location, ~~(4)(A)~~ the Presiding Judge may order that operations resume in an alternate location; ~~and~~

~~(54)(B)~~ Public notice. ~~T~~he Presiding Judge ~~must~~shall ensure that notice of a closure is posted in at least two conspicuous places informing the public of:

~~(54)(A)(i)~~ the building's physical or operational closure;

~~(54)(B)(ii)~~ the anticipated length of time the building will be closed or operations may be suspended; and

~~(54)(C)(iii)~~ the procedures for conducting court business, including where cases will be heard and how to file court documents.

~~(65)~~ Communication of decision to close the courthouse or court operations.

~~(65)(A)~~ C~~in courts of record~~. ~~T~~he Presiding Judge ~~shall~~will, as soon as possible, inform the State Court Administrator, the ~~Chief Justice~~Presiding Officer, the Court Communications Director, the Court Security Director, the Court Facilities Director, the Chief Information Officer, the Sheriff whose jurisdiction covers the affected courthouse, and ~~the~~ other organizations or lessees occupying the building, of the Presiding Judge's decision to close the courthouse.

~~(65)(B)~~ C~~in courts not of record~~. ~~T~~he Presiding judge ~~shall~~will, as soon as possible, inform the State Court Administrator, the Presiding Officer, the C~~ourt~~ E~~xecutive~~, the Justice Court Administrator, the Court Communications Director, the Court Security Director, the Chief Information Officer, the law enforcement agency whose jurisdiction covers the affected courthouse, and ~~the~~ other building occupants, of the Presiding Judge's decision to close the courthouse.

~~(76)~~ Communications Director. The Court Communications Director ~~shall~~will immediately inform the media and public of the closure.

~~(87)~~ Extensions. If the Presiding Judge determines that there is a need to extend a court closure order, the Presiding Judge ~~shall~~will so order and the steps ~~in~~ef paragraphs (1) through (4) ~~shall~~will repeat.

(98) **Consensus.** For all courthouses that house more than one level of court, the ~~P~~presiding ~~J~~judges of each court level ~~shall~~will confer and come to a consensus ~~decision~~ regarding action pursuant to ~~subsection~~paragraph (3) above.

(98)(A) In the event that a closure is ordered by consensus, the ~~P~~presiding ~~J~~judges of the closed courthouse ~~shall~~will ~~all~~ sign the closure order.

(98)(B) In the event there is not a consensus among the ~~P~~presiding ~~J~~judges, the Presiding Officer ~~Chief Justice~~ ~~shall~~will determine whether to issue and sign the closure order.

(109) **Retention.** Each ~~P~~presiding ~~J~~judge and the Administrative Office ~~of the Courts~~ ~~shall~~will retain a copy of the order.

(11) Availability.

(11)(A) **Courts of record.** In the event the Presiding Judge is not available during an emergency, the associate presiding judge will make any determinations as provided for in this Rule. In the event the Presiding Judge and the associate presiding judge are not available, the most senior judge available will make any determinations as provided for in this Rule.

(11)(B) **Courts not of record.** In the event the Presiding Judge is not available during an emergency, a judge of the local court, which may include a designee or senior judge, will make any determinations as provided for in this Rule. In the event the Presiding Judge and a judge of the local court are not available, the district level justice court presiding judge, or associate presiding judge, will make any determinations as provided for in this Rule.

Effective: ~~4/27/2020~~May 1, 2026

TAB 5

CJA 1-205. Standing and ad hoc committees

Notes: See attached memo



Administrative Office of the Courts

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

Ronald B. Gordon, Jr.
State Court Administrator

Neira Siaperas
Deputy Court Administrator

MEMORANDUM

To: Policy, Planning, and Technology Committee
From: Michael C. Drechsel, Assistant State Court Administrator
Date: October 30, 2025
Re: Membership Composition Adjustment for Uniform Fine Committee

Rule 1-205(1)(D)(ii) states:

At least once every three years, the chair of each standing committee will conduct a performance assessment. Chairs should, at a minimum, consider [among other things]:

(1)(D)(ii)(a) whether there is a more efficient way to accomplish the committee's work;

The chair of the Uniform Fine Committee has made a review and would propose a more efficient way to accomplish the committee's work. Currently, the committee membership is composed of:

- one district court judge who has experience with a felony docket;
- three district court judges who have experience with a misdemeanor docket; and
- four justice court judges.

The committee chair believes the committee's work can be accomplished with the following members:

- one district court judge, preferably who has experience with a misdemeanor docket; and
- two justice court judges.

This three-member group would bring enough experience to address the committee's responsibilities outlined in CJA Rule 4-302, without needlessly consuming the time of additional judicial officers. Because the Uniform Fine Schedule must ultimately be approved by the full Judicial Council, there is an opportunity at the Council level for six additional district court judges and three additional justice court judges to review any proposed changes and provide feedback and guidance to the Uniform Fine Committee members in the performance of their committee work. In that way, there is adequate oversight and opportunity for input for a smaller committee to function effectively.

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

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule applies to the internal operation of the Council.

Statement of the Rule:**(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Uniform Fine Committee;

(1)(A)(ii) Ethics Advisory Committee;

(1)(A)(iii) Judicial Branch Education Committee;

(1)(A)(iv) Court Facility Planning Committee;

(1)(A)(v) Committee on Children and Family Law;

(1)(A)(vi) Committee on Resources for Self-represented Parties;

(1)(A)(vii) Language Access Committee;

(1)(A)(viii) Guardian ad Litem Oversight Committee;

(1)(A)(ix) Committee on Model Utah Civil Jury Instructions;

(1)(A)(x) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xi) Committee on Court Forms;

(1)(A)(xii) Committee on Fairness and Accountability;

(1)(A)(xiii) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS); and

(1)(A)(xiv) Tribal Liaison Committee.

(1)(B) **Composition.**

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in Rule 4-302 and will consist of:

~~(1)(B)(i)(a) one district court judge who has experience with a felony docket;~~

(1)(B)(i)(~~ab~~) ~~one~~^{three} district court judges, ~~preferably who have~~^{who has} experience with a misdemeanor docket; and

(1)(B)(i)(~~be~~) ~~two~~^{four} justice court judges.

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in Rule 3-109 and will consist of:

(1)(B)(ii)(a) one judge from the Court of Appeals;

(1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(ii)(d) one juvenile court judge;

(1)(B)(ii)(e) one justice court judge; and

(1)(B)(ii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in Rule 3-403 and will consist of:

(1)(B)(iii)(a) one judge from an appellate court;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iii)(f) one court level administrator;

(1)(B)(iii)(g) the Human Resources Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resources Director and the adult educator will serve as non-voting members. The court level administrator and the Human Resources Director will serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in Rule 3-409 and will consist of:

(1)(B)(iv)(a) one judge from each level of trial court;

(1)(B)(iv)(b) one appellate court judge;

(1)(B)(iv)(c) the state court administrator;

(1)(B)(iv)(d) a trial court executive;

(1)(B)(iv)(e) two business people with experience in the construction or financing of facilities;

(1)(B)(iv)(f) the court security director; and

(1)(B)(iv)(g) two community representatives who are knowledgeable about the needs of the self-represented litigants.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in Rule 4-908 and will consist of:

(1)(B)(v)(a) one Senator appointed by the President of the Senate;

(1)(B)(v)(b) the Director of the Department of Health and Human Services or designee;

(1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;

(1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;

(1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;

(1)(B)(v)(f) one representative of a child advocacy organization;

(1)(B)(v)(g) the ADR Program Director or designee;

(1)(B)(v)(h) one professional in the area of child development;

(1)(B)(v)(i) one mental health professional;

(1)(B)(v)(j) two community representatives who are knowledgeable about the needs of self-represented litigants;

(1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;

(1)(B)(v)(l) one court commissioner;

(1)(B)(v)(m) two district court judges; and

(1)(B)(v)(n) two juvenile court judges.

(1)(B)(v)(o) One of the district court judges and one of the juvenile court judges will serve as co-chairs to the committee. In its discretion, the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vi) The **Committee on Resources for Self-represented Parties** performs the duties described in Rule 3-115 and will consist of:

(1)(B)(vi)(a) two district court judges;

(1)(B)(vi)(b) one juvenile court judge;

(1)(B)(vi)(c) two justice court judges;

(1)(B)(vi)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;

(1)(B)(vi)(e) one representative from a social services organization providing direct services to underserved communities;

(1)(B)(vi)(f) one representative from the Utah State Bar;

(1)(B)(vi)(g) two representatives from legal service organizations that serve low-income clients;

(1)(B)(vi)(h) one private attorney experienced in providing services to self-represented parties;

(1)(B)(vi)(i) two law school representatives;

(1)(B)(vi)(j) the state law librarian; and

(1)(B)(vi)(k) two community representatives who are knowledgeable about the needs of self-represented litigants.

(1)(B)(vii) The **Language Access Committee** performs the duties described in Rule 3-306.02 and will consist of:

(1)(B)(vii)(a) one district court judge;

(1)(B)(vii)(b) one juvenile court judge;

(1)(B)(vii)(c) one justice court judge;

(1)(B)(vii)(d) one trial court executive;

(1)(B)(vii)(e) one court clerk;

(1)(B)(vii)(f) one interpreter coordinator;

(1)(B)(vii)(g) one probation officer;

(1)(B)(vii)(h) one prosecuting attorney;

(1)(B)(vii)(i) one defense attorney;

(1)(B)(vii)(j) two certified interpreters;

(1)(B)(vii)(k) one approved interpreter;

(1)(B)(vii)(l) one expert in the field of linguistics;

(1)(B)(vii)(m) one American Sign Language representative; and

(1)(B)(vii)(n) two community representatives who are knowledgeable about the needs of self-represented litigants.

(1)(B)(viii) The **Guardian ad Litem Oversight Committee** performs the duties described in Rule 4-906 and will consist of:

(1)(B)(viii)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(ix) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in Rule 3-418 and will consist of:

(1)(B)(ix)(a) two district court judges;

(1)(B)(ix)(b) four lawyers who primarily represent plaintiffs;

(1)(B)(ix)(c) four lawyers who primarily represent defendants; and

(1)(B)(ix)(d) one person skilled in linguistics or communication.

(1)(B)(x) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in Rule 3-418 and will consist of:

(1)(B)(x)(a) two district court judges;

(1)(B)(x)(b) one justice court judge;

(1)(B)(x)(c) four prosecutors;

(1)(B)(x)(d) four defense counsel; and

(1)(B)(x)(e) one person skilled in linguistics or communication.

(1)(B)(xi) The **Committee on Court Forms** performs the duties described in Rule 3-117 and will consist of:

(1)(B)(xi)(a) two district court judges;

(1)(B)(xi)(b) one court commissioner;

(1)(B)(xi)(c) one juvenile court judge;

(1)(B)(xi)(d) one justice court judge;

- (1)(B)(xi)(e) one court clerk;
- (1)(B)(xi)(f) one appellate court staff attorney;
- (1)(B)(xi)(g) one representative from the Self-Help Center;
- (1)(B)(xi)(h) the State Law Librarian;
- (1)(B)(xi)(i) the district court administrator or designee;
- (1)(B)(xi)(j) one representative from a legal service organization that serves low-income clients;
- (1)(B)(xi)(k) one paralegal;
- (1)(B)(xi)(l) one educator from a paralegal program or law school;
- (1)(B)(xi)(m) one person skilled in linguistics or communication;
- (1)(B)(xi)(n) one representative from the Utah State Bar;
- (1)(B)(xii)(o) the Licensed Paralegal Practitioner (LPP) administrator; and
- (1)(B)(xii)(p) two community representatives who are knowledgeable about the needs of the self-represented litigants.
- (1)(B)(xii) The **Committee on Fairness and Accountability** performs the duties described in Rule 3-420. The committee will include members who demonstrate an interest in or who have experience with issues of diversity, equity, and inclusion and will consist of:
- (1)(B)(xii)(a) one district court judge;
- (1)(B)(xii)(b) one juvenile court judge;
- (1)(B)(xii)(c) one justice court judge;
- (1)(B)(xii)(d) one appellate court judge;
- (1)(B)(xii)(e) two former judges from any court level;
- (1)(B)(xii)(f) the General Counsel or designee;

(1)(B)(xii)(g) two community representatives who are knowledgeable about the needs of self-represented litigants;

(1)(B)(xii)(h) the Director of the Office of Fairness and Accountability;

(1)(B)(xii)(i) the Director of Data and Research or designee; and

(1)(B)(xii)(j) up to two additional qualified individuals.

(1)(B)(xiii) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in Rule 3-421, and will consist of:

(1)(B)(xiii)(a) **Judiciary** representatives:

(1)(B)(xiii)(a)(i) two or more district court judges;

(1)(B)(xiii)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;

(1)(B)(xiii)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP); and

(1)(B)(xiii)(a)(iv) one representative from the Court Visitor Program.

(1)(B)(xiii)(b) **Community stakeholder** representatives:

(1)(B)(xiii)(b)(i) one representative from Adult Protective Services;

(1)(B)(xiii)(b)(ii) one representative from Disability Law Center;

(1)(B)(xiii)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xiii)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xiii)(b)(v) one representative from the Utah State Bar;

(1)(B)(xiii)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xiii)(b)(vii) one representative from the Utah legislature;

(1)(B)(xiii)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xiii)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xiii)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xiii)(c) **Individual community** representatives. Three or more community stakeholders representing:

(1)(B)(xiii)(c)(i) mental health community;

(1)(B)(xiii)(c)(ii) medical community;

(1)(B)(xiii)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xiii)(c)(iv) aging-adult services community;

(1)(B)(xiii)(c)(v) educator from a legal program or law school;

(1)(B)(xiii)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xiii)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(xiii)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(B)(xiv) The **Tribal Liaison Committee** performs the duties described in Rule 3-422 and will consist of:

(1)(B)(xiv)(a) one district court judge;

(1)(B)(xiv)(b) one juvenile court judge;

(1)(B)(xiv)(c) one justice court judge;

(1)(B)(xiv)(d) one appellate court judge;

(1)(B)(xiv)(e) one federal district court judge or magistrate;

(1)(B)(xiv)(f) one tribal court judge;

(1)(B)(xiv)(g) two representatives of Utah's Indian Tribes or affiliated community groups;

(1)(B)(xiv)(h) the Tribal Liaison;

(1)(B)(xiv)(i) one trial court executive;

(1)(B)(xiv)(j) one clerk of court or designee;

(1)(B)(xiv)(k) one representative from the Utah State Bar Indian Law Section;

(1)(B)(xiv)(l) one representative from the United States Attorney's Office;

(1)(B)(xiv)(m) one representative from the Indigent Defense Commission; and

(1)(B)(xiv)(n) one representative from the Guardian ad Litem's Office.

(1)(C) **Standing committee meetings and chairs.** The Council will designate the chair of each standing committee. Standing committees will meet as necessary to accomplish their work. Except for the Committee on Fairness and Accountability, Council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.**

(1)(D)(i) **Council.** Standing committees will report to the Council as necessary, but at least annually.

(1)(D)(ii) **Committee assessment.** At least once every three years, the chair of each standing committee will conduct a performance assessment. Chairs should, at a minimum, consider:

(1)(D)(iii)(a) whether there is a more efficient way to accomplish the committee's work;

(1)(D)(iii)(b) whether there are any redundancies that would allow for consolidation with other committees or working groups; and

(1)(D)(iii)(c) whether the committee continues to serve its purpose or could be dissolved.

(1)(D)(iii) **Management Committee.** Committee chairs will report the results of the performance assessment in paragraph (1)(D)(ii) to the Management Committee. If the Management Committee determines that the committee continues to serve its purpose, the Management Committee will recommend to the Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Council.

(1)(D)(iv) **Guardian ad Litem Oversight Committee.** The Guardian ad Litem Oversight Committee, recognized by Utah Code section 78A-2-104, will not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees will keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees will disband upon issuing a final report or recommendation(s) to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator will select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator will:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to

the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council will appoint the chair of each committee. Whenever practical, appointments will reflect geographical, gender, cultural, and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members will serve staggered three-year terms. Standing committee members may not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office will serve as secretariat to the Council's committees.

Effective: July 1, 2025