

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

January 9, 2026 – 12:00 p.m. to 1:30 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	<u>Rules back from public comment:</u> CJA 3-109. Ethics Advisory Committee CJA 4-202.10. Record sharing CJA 4-906. Guardian ad litem program	Action	Tab 2	Keisa Williams
	CJA 4-510.04. ADR training	Action	Tab 3	Nini Rich
	<u>Human Resources:</u> <ul style="list-style-type: none"> • HR08-14. Dual State Employment • HR06-6(12). Pay for Performance Salary Increases • HR06-7. Incentive Awards • HR15-3(3). Workplace Harassment Complaint Procedures • HR17-9. Grievance Review Panel Procedures • HR08-22. In-State and Out-of-State Work • HR02-2. Compliance Responsibility • HR07-7. Administrative Leave and Eligibility • HR07-20. Leave Bank 	Action	Tab 4	Bart Olsen Jeremy Marsh
1:00	Technology report/proposals	Discussion		Brody Arishita
1:20	Old Business/New Business	Discussion		Judge Gardner
1:30	Adjourn			

2026 Meetings:

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

December 5, 2025

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

DRAFT

Webex video conferencing
December 5, 2025 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

Judge James Gardner, <i>Chair</i>	✓	
Judge Jon Carpenter	✓	
Judge Angela Fonnesbeck	✓	
Judge Christine Johnson	✓	

GUESTS:

Shane Bahr
Michael Drechsel
Sonia Sweeney

STAFF:

Keisa Williams
Brody Arishita
Cindy Schut

(1) Welcome and approval of minutes:

Judge Carpenter welcomed the committee members. PP&T considered the minutes from the November 3, 2025 meeting. With no changes, Judge Fonnesbeck moved to approve the minutes as presented. Judge Johnson seconded the motion. The motion passed unanimously.

(2) CJA 4-102. Case and calendar assignments:

Local supplemental rules:

Article 1. District Court Rules:

- 1st district: 10-1-101
- 2nd district: 10-1-201
- 3rd district: 10-1-306
- 4th district: 10-1-406
- 5th district: 10-1-501
- 6th district & juvenile: 10-1-602
- 7th district & juvenile: 10-1-701
- 8th district & juvenile: 10-1-802

Article 2. Juvenile Court Rules:

- 1st juvenile: 10-2-101
- 2nd juvenile: 10-2-201
- 3rd juvenile: 10-2-301
- 4th juvenile: 10-2-401
- 5th juvenile: 10-2-501

Article 3. Business and Chancery Court Rules:

- 10-3-101

The committee conducted a substantive review of each proposed rule, recognizing and expressing appreciation for the time and effort each district invested in drafting the rules. The committee determined that the following overarching principles should be addressed in each rule:

- Judges should articulate on the record the basis for reassignment decisions to improve transparency.
- Each rule should include provisions addressing the following circumstances:
 - disqualification;
 - recusal;
 - case consolidation;
 - notice of change of judge;
 - judicial vacancies (retirement, resignation, etc.) or illness;
 - newly created judge positions;
 - counties with one judge, where applicable; and
 - transfers out of the district (i.e., employee conflicts, all judges conflicted, etc.).
- Assignments and reassignments should be based on specific objective criteria outlined in rule. Judges may not assign or reassign cases to themselves based on broad concepts (i.e., “in the judge’s discretion, reassignment is in the interests of judicial efficiency”). Examples of objective criteria:
 - prior judicial assignments;
 - geographic location and/or travel;
 - best interests of the children;
 - related cases;
 - judicial caseloads;
 - case qualifies for specialized docket or problem-solving court;
 - extraordinary circumstances; or
 - Aggravated murder cases will only be assigned to judges who meet the following criteria:
 - judge has been on the bench for two years;
 - judge has been assigned to a felony calendar for at least two years; and
 - the judge, whether on the bench or as a lawyer, has taken two murder cases to verdict or resolution.
- Rule 4-102 will include a back-stop provision. If a local rule does not address a reassignment procedure, the presiding judge must approve the reassignment.

The Committee had specific feedback for a few districts, but asked Ms. Williams to send the overarching principles above, along with proposed language for consideration to every district. Below are a few examples of proposed language:

- **Counties with one judge.** Where only one judge sits in a county, the case will be reassigned to a judge in another county who does not have a conflict. Assignments to judges outside the county will be made on a rotating basis.
- **Transfers out of district.** If all of the judges in the district have a conflict, the presiding judge will ask the trial court executive to transfer the case to another district.
- **Motions to Disqualify.** If a reviewing judge determines that a case will be reassigned pursuant to Rule 63 of the Utah Rules of Civil Procedure, or Rule 29 of the Utah Rules of Criminal Procedure, the reviewing judge will notify court employees. Court employees will reassign the case in accordance with...
- **Consolidation or similarity.** If a judge assigned to a case determines that, in the interests of judicial efficiency, another case or cases should be heard by himself or herself due to the related nature of the cases, the judge may, after consulting with the other judge(s) assigned to the other case(s), and with the approval of the presiding judge, reassign the other case(s) to himself or herself by written order filed in all of the cases.
- **Notice of a change of judge.** If one or more parties to a case files a Notice of Change of Judge under Rule 63A(a) or Rule 63A(b) of the Utah Rules of Civil Procedure, the presiding judge (or the associate presiding judge if the presiding judge is the judge assigned to the case) will promptly determine whether the notice is proper, and, if so, will direct court employees to reassign the case to another judge in accordance with paragraph (4).
- **Judicial vacancies.** In case of a judicial vacancy, the vacating judge's cases will be reassigned to the judge appointed to fill the vacancy.
- **Newly created judge positions.** When a new judge position is created by statute, the caseload for that new position will be populated by the Clerk of Court taking cases from all other judges' existing caseloads so that the new judge's caseload is comparable to the existing caseloads.
- **Court employee conflicts.** If a judge or the Clerk of Court becomes aware of a case pending in the Eighth District in which an Eighth District employee or a family member of an Eighth District employee is a party, the Clerk of Court will notify the presiding judge, who will then determine, in his or her discretion, whether to reassign the case to a different court location or another judicial district.
- **Juvenile court cases.**
 - **Best practices.** The Juvenile Court has adopted the National Council of Juvenile and Family Court Judges (NCJFCJ) best practice which promotes the "one family, one judge" concept as the judicial model where a single judge handles all legal matters related to a family to ensure consistency. This practice has been adopted by the Board of Juvenile Court Judges.
 - **Criteria.** Juvenile court case assignments and reassignments will be consistent with best practices, and the following criteria will be considered:
 - prior judicial assignments;

- geographic location and travel;
 - best interests of the child(ren);
 - related cases; and
 - judicial caseloads.
- **Specialized dockets or problem-solving courts.** Cases that qualify for specific specialized dockets or problem-solving courts (e.g., drug court, mental health court) will be assigned to the judge presiding over that specialized docket or program.
- **Extraordinary circumstances.** Reassignment of a case from one judge to another may occur only under extraordinary circumstances and with the approval of the presiding judge or their designee. Requests for reassignment must be submitted in writing, stating the reasons for the request. Examples of extraordinary circumstances include judicial disqualification, conflicts of interest, or significant changes in judicial availability.

Technology report/proposals: None.

Old Business/New Business: None.

Adjourn: With no further items for discussion, the meeting adjourned at 1:35 p.m. The next meeting will be held on January 9, 2026, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

CJA 3-109. Ethics Advisory Committee

CJA 4-202.10. Record sharing

CJA 4-906. Guardian ad litem program

Public comments:

No public comments were received.

CJA 3-109. Ethics Advisory Committee

The proposed amendments: 1) clarify the process by which ethics advisory opinions are requested and issued; and 2) make non-substantive formatting changes.

CJA 4-202.10. Record Sharing

The proposed amendments add the Office of Professional Conduct to the list of entities authorized to access nonpublic juvenile court records.

CJA 4-906. Guardian ad litem program

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

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

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

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

Applicability:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(35)(D) Majority vote. A majority vote of ~~the~~ Committee members is required for issuance of an informal opinion. ~~Alternatively, the Committee may by majority vote refer the request to the Council without issuing an informal opinion. The vote~~ and may be obtained by electronic means or, upon the request of a Committee member, the cChair may continue the vote until the next meeting of the Committee.

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

(3)(F) Issuance. Unless referred to the Council, the Committee will issue the informal opinion within 30 days of its release to the requester.

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

(46) Referral of informal opinion to Judicial Council. The Council must consider a referral of an informal opinion made: (1) upon a majority vote from the Committee Upon an affirmative vote of a majority of the Committee members or, (2) a motion made by of the requesting party within 14 days of release of the , or a motion by the Judicial Council, an opinion request informal opinion and Committee recommendation shall be referred to the Judicial Council for consideration. Within 60 days of receipt of the referral, the Council ~~will~~ shall consider the ~~request and recommendation~~ referral and take the following action:

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

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

(57) Reconsideration of formal and informal opinions.

(7)(A) Within 14 days of the issuance of an opinion, ~~the requesting party or~~ a Committee member may request reconsideration. Within 30 days of the issuance of ~~an~~ the opinion, a Board

of ~~Judges~~ or ~~Council member~~ may request reconsideration if they ~~were~~ ~~Board was~~ not the requesting party and the opinion addresses matters of general interest to the ~~J~~udiciary or to a particular court level.

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

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

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

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

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

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

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

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

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

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

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

(~~949~~) **Legal effect.** Compliance with an informal opinion ~~shall~~will be considered evidence of good faith compliance with the Code of Judicial Conduct. Formal opinions ~~shall~~will constitute a binding interpretation of the Code of Judicial Conduct.

146 (10) **Staff support.** The Administrative Office will provide staff support through the Office of
147 General Counsel and will distribute opinions in accordance with this rule.
148 *Effective: ~~November 1, 2015~~May 1, 2026*

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

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

Applicability:

This rule applies to non-public court records.

Statement of the Rule:

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

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

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

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

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

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

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

Effective: ~~11/1/2005~~ May 1, 2026

Rule 4-906. Guardian ad litem program.**Intent:**

To establish:

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

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

~~To establish responsibility for management of the program.~~

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

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

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

Applicability:

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

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

Statement of the Rule:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

interview panel ~~will~~shall consist of the Director (or Director's designee) and two or more of the following persons:

(5)(B)(i) the managing attorney of the local ~~guardian-ad-litem~~GAL office;

(5)(B)(ii) the ~~trial~~Court ~~E~~xecutive of the district court or juvenile court;

(5)(B)(iii) a member of the Committee;

(5)(B)(iv) a member of the Utah State Bar Association selected by the Director; or

(5)(B)(v) a member selected by the Director.

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

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

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

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

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

(7) Staff and ~~y~~Volunteers.

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

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

procedures. Staff and volunteers ~~will~~shall be trained in the guidelines established by the National Court Appointed Special Advocate Association.

(8) Private guardians ad litem (“PGALs”).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8)(H) Removal.

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

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

(9) Complaints and appeals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective: ~~11/1/2014~~ November 1, 2025

TAB 3

CJA 4-510.04. ADR training

Notes: The ADR Committee recommends the proposed amendments. In addition to basic formatting changes, the amendments ensure Utah court-qualified Primary Trainers are actively involved in any 40-hour Basic Mediation training that meets the requirements in Rule 4-510.04. The amendments also require Utah court-qualified mediation training providers to provide or facilitate opportunities for their trainees to get the observation and experience requirements necessary to be admitted to the ADR Roster.

Rule 4-510.04. ADR training.**Intent:**

To establish course content, methodology, and trainer qualifications for ~~C~~ourt-approved 40-hour Basic Mediation Training and to establish a process for certification of training programs.

Applicability: This rule applies ~~in the district court~~ to the judiciary.

Statement of the Rule:

(1) **Course content requirements.** Any trainer or training program seeking to offer a mediator training program that fulfills the ~~Court's~~ 40-hour mediator training requirement must abide by the following:

(12)(A) **Submission of training materials.** When applying for certification and renewal, training programs ~~must~~shall provide the ADR Office ("Office") ~~at the AOC~~ with all training materials which will be used in the training program. These materials ~~shall~~must include all exercises, handouts, and ~~, but are not limited to, the following:~~ the training manual provided that is given to the participants, including the required readings; ~~all exercises and handouts~~. Revisions, deletions, and/or additions to the previously approved training materials must be reported to the Office prior to conducting any course.

(13)(B) **ADR syllabus approval.** In addition to submission of training materials, each training program must seek approval of its syllabus from the Office 20 working days in advance of each scheduled ~~offering of a~~ certified mediation training program. ~~The syllabus shall will be reviewed by the Office for compliance with the training standards.~~ The syllabus must be submitted in a format that easily identifies the presentation topic, the trainer(s) for each topic, the time allotted to each topic, any training activities, and the inclusion of the break times. The Office will review the syllabus for compliance with the training standards and ~~shall~~ notify the trainer or training program of any deficiencies no later than 10 working days before the program is ~~to be offered~~scheduled. Any deficiencies in the program syllabus ~~shall~~must be corrected prior to the commencement of the training program.

(14)(C) **Readings.** All training programs must provide ~~the~~ participants with a copy~~copies~~ of Rules 4-510.01-.06, -UCJA, Rule 104~~Rule 104 of the Utah Rules of Court-Annexed Alternative Dispute Resolution (URCADR) Rule 104 (the ethical code), Utah Code title~~Title 78B, c~~C~~hapter 6, p~~P~~art 2, Alternative Dispute Resolution Act, ~~and~~ Utah Code t~~Title~~ 78B, c~~C~~hapter 10, Utah Uniform Mediation Act, and the Utah Mediation Best Practice Guide. Time spent reading the required materials may not count towards the required number of hours of training and can be completed by participants at times when the training program is not being conducted. ~~Trainers shall incorporate in this~~ The program ~~some~~must include a method ~~of to~~ensuring that the required readings are completed.

~~(15)(D)~~ **Ethics tTraining.** Training programs ~~shall~~ must review with participants Rule 104 of the URCADR and ~~Code of Ethics for ADR Providers. In addition,~~ incorporate ethics ~~shall be woven~~ throughout the program.

(1)(E) Mediation oObservation and eExperience oOpportunities.

(1)(E)(i) All court-qualified 40-hour basic trainings.;

(1)(E)(i)(a) mMust provide opportunities for ~~those~~ participants, who successfully complete the training, to fulfill all 10 hours of mediation observation and all 10 hours of co-mediation experience in accordance with Rule ~~UCJA~~ 4-510.03; or

(1)(E)(i)(b) pProvide documentation evidencing how the trainer will provide opportunities for all 10 hours of mediation observation and all 10 hours of co-mediation experience hours in accordance with ~~UCJA~~ Rule 4-510.03. For example, ~~E.g. The~~ contractual arrangements with ~~Utah Court Rostered m~~ Mediators on the Roster who have agreed to provide opportunities which fulfill the requirements in Rule ~~UCJA~~ 4-510.03.

(1)(E)(ii) Trainers who provide Basic Mediation Training for 25 or fewer participants per calendar year need only provide all 10 hours of mediation observation opportunities in accordance with Rule ~~UCJA~~ 4-510.03 or ~~provide~~ documentation evidencing how the trainer will provide opportunities for participants to complete all 10 hours of mediation observation in accordance with ~~UCJA~~ Rule 4-510.03. ~~E.g. The~~ For example, contractual arrangements with mediators on the Roster ~~Utah Court Rostered Mediators~~ who have agreed to provide opportunities which fulfill the mediation observation requirement in Rule ~~UCJA~~ 4-510.03.

(26) Training mMethodology:

~~(4)(A)(ii)(a)~~ (26)(A) Pedagogy. The program ~~shall~~ must include, ~~but is not limited to, the following:~~ lecture, group discussion, written exercises, mediation simulations, and role plays. ~~In addition, e~~ Outside readings should also be provided by the trainer to supplement the training.

(26)(B) Mediation dDemonstration. All training programs ~~shall~~ must present a role play mediation simulation (either live or by video) prior to the participant's role play experience as the mediator.

(26)(C) Primary Trainer. A Pprimary Ttrainer must be in attendance during the entire training program and actively instructing over 50 percent of the training content. It is preferable that a single Pprimary Ttrainer fulfill this obligation, but it is permissible that this be accomplished by more than one Pprimary Ttrainer.

(26)(D) **Participant attendance.** Participants must complete their training requirement by attending one entire program. The Pprimary Ttrainer is responsible for ensuring that participants comply with the approved syllabus ~~is complied with~~. Under no circumstances may a participant be excused from attending portions of the training. Any portion of the training missed ~~shall~~ must be made up as directed by the Pprimary Ttrainer.

(37) **Primary Trainer gQualifications.**

(3)(A) Training programs ~~shall~~ must employ a Pprimary Ttrainer approved by the Office who meets the applicable qualifications of a Pprimary Ttrainer ~~and who have been approved by the Office. In order to be approved as a~~

(3)(B) Pprimary Ttrainers ~~, a trainer~~ must demonstrate the following qualifications:

(37)(BA)(i) ~~s~~Successful completion of a minimum of 40 hours of mediation training;

(37)(B)(ii) ~~p~~Participation in a minimum of 300 hours of mediation acting as the mediator; ~~and~~

(37)(BC)(iii) ~~c~~Completion of 6 hours of continuing mediator education in the last year.

(37)(CD) Primary Ttrainers are approved for a three-~~(3)~~ year period.

Effective: ~~4/1/2012~~ May 1, 2026

TAB 4

Human Resource Policies

Notes: See attached memo.



Administrative Office of the Courts

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

Ron Gordon
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

Memorandum

Date: November 18, 2025
From: Bart Olsen and Jeremy Marsh, Department of Human Resources
Human Resources Policy Review Committee (HRPRC)
To: Policy, Planning & Technology Committee
Re: Summary of Proposed Human Resources Policy Amendments

Consistent with [Rule 3-402\(5\)](#), the Human Resources Policy Review Committee (HRPRC) meets regularly to review suggested policy amendments. The HRPRC assists the Policy, Planning & Technology Committee and the Judicial Council to keep these policies relevant and effective. Below is a summary of the proposed amendments including relevant background information for context.

1. HR08-14: Dual State Employment

Dual state employment is an employment status of working for another state agency in addition to the judiciary, provided the criteria required by the State Division of Finance's policies are met. Prior to July 2021, the Utah Judiciary's human resource policies said nothing supporting nor prohibiting dual state employment. Due to a major effort to overhaul outdated policies and adopt State Finance/Payroll procedures applicable to other state agencies, the judiciary adopted this language from the executive branch in 2021.

Earlier this year, a part-time district employee requested authorization to take another part-time job with the Department of Agriculture. The Trial Court Executive asked Human Resources and Office of General Counsel to review the request for any potential conflict of interest. The Office of General Counsel determined there was a potential conflict of interest in that situation, and advised Human Resources that there would likely be a potential conflict for any other employee to work part-time in any other state agency. From July 2021 through present, this was the first and only request an employee in the judiciary has made to participate in dual state employment.

Considering the lack of interest in dual state employment overall and the high likelihood of a potential conflict of interest, this proposed amendment would prohibit all employees of the judiciary from participating in dual state employment.

Link to redlined policy: [HR08-14](#)

2. HR06-6(12) Pay for Performance Salary Increases

Current policy requires a six-month period of employment before eligibility begins for pay-for-performance increases. In spring 2025, the State Court Administrator’s [Investing in Our People \(IOP\) initiative](#) introduced a “new hire compensation track” that gives eligible employees a pay bonus for retention purposes every six months during their first 18 months of employment, and a retention increase in salary after their first year. The IOP initiative indicates that this change also means performance-based salary increases may begin only after transitioning from the new hire track to the standard track after 18 months.

The proposed amendment would make policy consistent with the recently implemented IOP initiative.

Link to redlined policy: [HR06-6\(12\)](#)

3. HR06-7 Incentive Awards

These proposed amendments would also sync policy with the recently implemented IOP initiative, and with established practices for distributing pay bonuses to employees based on job performance.

Link to redlined policy: [HR06-7](#)

4. HR15-3(3) Workplace Harassment Complaint Procedures

The IOP initiative created two new job classifications of leadership in the judiciary: Lead Judicial Assistant and Lead Probation Officer. The intent of HR15-3(3) is to ensure leadership positions are required to report any complaints of workplace harassment they receive. This proposed amendment would include the Lead Judicial Assistant and Lead Probation Officer in that list, harmonizing the IOP initiative with the intent of workplace harassment prevention policies.

Link to redlined policy: [HR15-3\(3\)](#)

5. HR17-9 Grievance Review Panel Procedures

On average, it is *less than once per year* that the Grievance Review Panel (GRP) receives a Level 4 grievance to review under authority granted by [UCJA Rule 3-402\(6\)](#). Members of the GRP requested that the Department of Human Resources add a substantial amount of procedural clarification to policy, due partly to the scant description of procedural matters currently in policy, and partly to the infrequent cadence and often lengthy amount of time that passes between GRP meetings to review a grievance. The sum of those parts added up to a near guarantee of procedural confusion for GRP members every time a grievance rises to the level of GRP review. As one GRP member stated, “Every time we receive a grievance, we are never completely clear on exactly what we are expected to do.”

The Department of Human Resources worked closely with GRP members to almost entirely rewrite section HR17-9, soliciting input from the State Court Administrator and Deputy State Court Administrator along the way. The proposed policy amendment answers important procedural questions such as:

- What is the main purpose of the grievance review meeting?
- When non-GRP member employees from the Department of Human Resources and the Office of General Counsel provide support to the GRP, what is their role? To what extent should they influence voting panel members?
- What is the GRP expected to do before the grievance review meeting?
- What should the Department of Human Resources provide in terms of support to the GRP prior to the grievance review meeting?
- Who should facilitate the grievance review meeting?
- Should the GRP hear only from the grievant or should it also hear from and have an opportunity to ask questions of the decision maker of the action being grieved?
- What are the expected procedures of any witnesses the GRP wishes to hear from?
- What precisely is the GRP expected to review in a written report?
- What is the standard of proof?
- Against what standards is the GRP expected to analyze facts and develop findings and conclusions?
- Is it expected that the GRP recommendation be a unanimous decision? In the event that a unanimous decision cannot be reached, what should happen?

Members of the GRP, the State Court Administrator, and the Deputy State Court Administrator have indicated their support for this proposal.

It did not make sense to provide a redline copy of the policy for this proposed overhaul of section HR17-9. Instead, below is a link to the current policy section (wait a few seconds

after the link opens, and it will take you to the exact spot in the policy manual), followed by a link to the proposed overhaul of that policy section.

Link to: [Current Policy](#)

Link to: [Proposed Overhauled Policy](#)

6. HR08-22 In-State and Out-of-State Work

The current policy appears to prohibit out-of-country access to the judiciary's information technology systems only when a user is on state-owned technology equipment. The proposed amendment clarifies that this policy applies to employees, regardless of who owns the equipment they use to access a system.

Link to redlined policy: [HR08-22](#)

7. HR02-2 Compliance Responsibility

Current policy is clear on when and to whom employees should report harassment and abusive conduct. It is more ambiguous what obligations an employee must report, and whether they must report other suspected policy violations. This proposed amendment would resolve that ambiguity.

Link to redlined policy: [HR02-2](#)

8. HR07-7 Administrative Leave and Eligibility

We recently learned from a Utah Retirement Systems (URS) audit that if the judiciary provides paid administrative leave to a part-time, non-benefited employee who works an average of more than 20 hours per week annually, that employee would become eligible for retirement benefits, and the judiciary would incur charges. The URS auditor suggested our policy should reflect this requirement.

Additionally, this proposed amendment formalizes the new Years of Service structure introduced under the IOP initiative. It also now includes language detailing the 24 hours of Administrative Leave awarded to new hires, clarifying that these hours will be prorated based on the employee's full-time or part-time status.

Link to redlined policy: [HR07-7](#)

9. HR 07-20 Leave Bank

With the recent implementation of the Investing in Our People (IOP) initiative, which awards new administrative leave hours, it became unclear whether employees were required to exhaust their administrative leave awards before receiving Sick Leave Bank benefits.

The proposed amendment resolves this ambiguity. The updated policy clearly states that all administrative leave must be exhausted before an employee receives any benefit from the Sick Leave Bank.

Link to redlined policy: [HR07-20](#)