

**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

August 7, 2026

April 10, 2026

September 4, 2026

May 1, 2026

October 2, 2026

June 5, 2026

November 6, 2026

July 10, 2026

December 4, 2026

TAB 1

Minutes

December 5, 2025

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

Webex video conferencing

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 Fonnebeck 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)(I) 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.

1 **Rule 3-109. Ethics Advisory Committee.**

2 **Intent:**

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

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

6 **Applicability:**

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

9 **Statement of the Rule:**

10 (1) Duties.

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

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

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

25 ~~(2) Duties of the committee~~Ethics advisory opinions.

26 ~~(3) Preparation of opinions.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95 (46) Referral of informal opinion to Judicial Council. The Council must consider a referral of
96 an informal opinion made: (1) upon a majority vote from the Committee ~~Upon an affirmative vote~~
97 ~~of a majority of the Committee members~~or, (2) a motion made by ~~of~~ the requesting party within
98 14 days of release of the ~~, or a motion by the Judicial Council, an opinion request~~ informal
99 opinion ~~and Committee recommendation shall be referred to the Judicial Council for~~
100 ~~consideration~~. Within 60 days of receipt of the referral, the Council ~~will~~shall consider the ~~request~~
101 ~~and recommendation~~referral and take the following action:

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

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

107 (57) Reconsideration of formal and informal opinions.

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

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

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

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

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

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

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

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

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

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

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

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

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

143 (940) **Legal effect.** Compliance with an informal opinion ~~shall~~will be considered evidence of
144 good faith compliance with the Code of Judicial Conduct. Formal opinions ~~shall~~will constitute a
145 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

1 **Rule 4-202.10. Record sharing.**

2 **Intent:**

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

4 **Applicability:**

5 This rule applies to non-public court records.

6 **Statement of the Rule:**

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

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

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

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

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

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

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

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

1 **Rule 4-906. Guardian ad litem program.**

3 **Intent:**

4 To establish:

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

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

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

10 (3) ~~To establish~~ the policies~~s~~ and procedures for the selection of ~~guardians ad litem~~ GALs.

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

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

16 **Applicability:**

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

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

20 **Statement of the Rule:**

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (3)(B) dDevelop the budget appropriation request to the legislature for the ~~guardian ad~~
44 ~~litem~~GAL program:-

45 (3)(C) coordinate the appointments of ~~guardians ad litem~~GALs among different levels
46 of courts:-

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

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

54 (3)(F) select ~~guardians ad litem~~GALs and staff for employment as provided in this rule:-
55 select volunteers and coordinate appointment of conflict counsel:-

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

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

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

62 (3)(J) prepare and submit to the Committee in OctoberAugust an annual report
63 regarding the development, policy, and management of the ~~guardian ad litem~~GAL
64 program and the training and evaluation of ~~guardians ad litem~~GALs, staff, and
65 volunteers. The Committee may amend the report prior to release to the Legislative
66 Interim Human Services Committee.

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

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

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

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

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

79 (5)(B)(i) the managing attorney of the local ~~guardian ad litem~~GAL office;
80 (5)(B)(ii) the ~~trial~~Court ~~E~~xecutive of the district court or juvenile court;
81 (5)(B)(iii) a member of the Committee;
82 (5)(B)(iv) a member of the Utah State Bar Association selected by the Director; or
83 (5)(B)(v) a member selected by the Director.

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

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

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

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

101 (6)(D) A conflict ~~guardian ad litem's~~GAL's compensation ~~will shall~~ not exceed \$100~~50~~ per
102 hour or \$3,000~~1000~~ per case in any ~~twelve month~~twelve-month period, whichever is
103 less. The per case compensation limit includes incidental expenses incurred in the case.
104 Under extraordinary circumstances, the Director may ~~extend~~ increase the ~~payment~~
105 ~~compensation~~ limit upon request from the conflict ~~guardian ad litem~~GAL. The request
106 ~~will shall~~ include justification showing that the case required work of much greater
107 complexity than, or time far in excess of, that required in most ~~guardian ad litem~~GAL
108 assignments. ~~Incidental expenses incurred in the case~~ ~~will shall be included within the~~
109 ~~limit.~~ If a case is appealed, ~~the limit shall be extended by an additional~~
110 ~~\$400~~compensation will be as set forth above.

111 (7) **Staff and ~~V~~Volunteers.**

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

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

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

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

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

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

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

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

129 (8)(B)(iii) provide a Utah Division of Child and Family Services ~~c~~hild ~~a~~Abuse
130 ~~d~~Database report (~~and~~ ~~like similar~~ information from any state in which the
131 applicant has resided as an adult);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

174 **(8)(H) Removal.**

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

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

188 (9) **Complaints and appeals.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

1 **Rule 4-510.04. ADR training.**2 **Intent:**3 To establish course content, methodology, and trainer qualifications for ~~Court~~ court-approved 40-
4 hour Basic Mediation Training and to establish a process for certification of training programs.5 **Applicability:** This rule applies ~~in the district court~~to the judiciary.6 **Statement of the Rule:**7 **(1) Course content requirements.** Any trainer or training program seeking to offer a mediator
8 training program that fulfills the ~~Court's~~ 40-hour mediator training requirement must abide by the
9 following:10 **(12)(A) Submission of training materials.** When applying for certification and renewal,
11 training programs ~~must~~shall provide the ADR Office ("Office") ~~at the AOC~~ with all training
12 materials which will be used in the training program. These materials ~~shall~~must include
13 ~~all exercises, handouts, and, but are not limited to, the following:~~ the training manual
14 ~~provided~~that is given to the participants, including the required readings; ~~all exercises~~
15 ~~and handouts~~. Revisions, deletions, and/or additions to the previously approved training
16 materials must be reported to the Office prior to conducting any course.17 **(13)(B) ADR syllabus approval.** In addition to submission of training materials, each
18 training program must seek approval of its syllabus from the Office 20 working days in
19 advance of each ~~scheduled offering of a~~ certified mediation training program. ~~The~~
20 ~~syllabus shall will be reviewed by the Office for compliance with the training standards.~~
21 The syllabus must be submitted in a format that easily identifies the presentation topic,
22 the trainer(s) for each topic, the time allotted to each topic, any training activities, and the
23 inclusion of the break times. The Office will review the syllabus for compliance with the
24 training standards and shall notify the trainer or training program of any deficiencies no
25 later than 10 working days before the program is ~~to be offered~~scheduled. Any
26 deficiencies in the program syllabus ~~shall~~must be corrected prior to the commencement
27 of the training program.28 **(14)(C) Readings.** All training programs must provide ~~the~~ participants with a copycopies
29 of Rules 4-510.01-06, ~~UCJA~~, ~~Rule 104~~Rule 104 of the Utah Rules of Court-Annexed
30 Alternative Dispute Resolution (URCADR), ~~Rule 104 (the ethical code)~~, Utah Code
31 titleTitle 78B, cChapter 6, pPart 2, Alternative Dispute Resolution Act, and Utah Code
32 tTitle 78B, cChapter 10, Utah Uniform Mediation Act, and the Utah Mediation Best
33 Practice Guide. Time spent reading the required materials may not count towards the
34 required number of hours of training and can be completed by participants at times when
35 the training program is not being conducted. ~~Trainers shall incorporate in this~~The
36 program ~~some~~must include a method ofto ensureing that the required readings are
37 completed.

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

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

42 (1)(E)(i) All court-qualified 40-hour basic trainings:

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

47 (1)(E)(i)(b) ~~p~~Provide documentation evidencing how the trainer will
48 provide opportunities for all 10 hours of mediation observation and all 10
49 hours of co-mediation experience hours in accordance with ~~UCJA~~ Rule 4-
50 510.03. For example, ~~E.g. T he~~ contractual arrangements with ~~Utah~~
51 ~~Court Rostered~~ ~~m~~Mediators on the Roster who have agreed to provide
52 opportunities which fulfill the requirements in Rule ~~UCJA~~ 4-510.03.

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

62

63 (26) **Training mMethodology:**

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

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

71 (26)(C) **Primary Trainer.** A ~~P~~primary ~~T~~trainer must be in attendance during the entire
72 training program and actively instructing over 50 percent of the training content. It is
73 preferable that a single ~~P~~primary ~~T~~trainer fulfill this obligation, but it is permissible that
74 this be accomplished by more than one ~~P~~primary ~~T~~trainer.

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

81 (37) **Primary Trainer Qualifications.**

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

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

86 (37)(BA)(i) ~~s~~Successful completion of a minimum of 40 hours of mediation
87 training;
88

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

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

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

97 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](#)