

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

February 6, 2026 – 12:00 p.m. to 1:30 p.m.

**Webex**

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
12:05	<u>Rules back from public comment:</u> <b>CJA 3-101.</b> Judicial performance standards <b>CJA 3-111.</b> Performance Evaluation of Court Commissioners <b>CJA 4-410.</b> Courthouse closure	Action	Tab 2	Keisa Williams
	<b>CJA 5-101.</b> The Board of Appellate Court Judges	Action	Tab 3	Nick Stiles
1:00	Technology report/proposals	Discussion		Brody Arishita
1:20	Old Business/New Business	Discussion		Judge Gardner
1:30	Adjourn			

**2026 Meetings:**

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

January 9, 2026

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

**DRAFT**

Webex video conferencing  
January 9, 2026 – 12 p.m.

**MEMBERS:**

**PRESENT**

**EXCUSED**

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

**GUESTS:**

Judge Adam Mow  
Nini Rich  
Bart Olsen  
Jeremy Marsh  
Melissa Kennedy  
Michael Samantha Starks

**STAFF:**

Stacy Haacke  
Todd Eaton  
Cindy Schut

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

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the December 5, 2025 meeting. With no changes, Judge Gardner moved to approve the minutes as presented. Judge Carpenter seconded the motion. Due to a lack of a quorum during the meeting, Judge Johnson agreed by email. The motion passed unanimously.

**(2) Rules back from public comment:**

- **CJA 3-109. Ethics Advisory Committee**
- **CJA 4-202.10. Record sharing**
- **CJA 4-906. Guardian ad litem program**

No public comments were received. The committee made technical edits to rule 3-109 by adding “the” on line 20, removing the quotations from Formal Opinions in line 30 and capitalized Committee throughout because it is a defined term.

***Judge Gardner moved to recommend to the Judicial Council that rules 3-109, 4-202.10, and 4-906 be approved as final with a May 1, 2026 effective date. Judge Carpenter seconded the motion. Judge Johnson agreed by email. The motion passed unanimously.***

**(3) 4-510.04. ADR training:**

Judge Adam Mow and Nini Rich presented proposed amendments to rule 4.510.04 on behalf of the ADR Committee. 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 4-511.04. 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. The committee made the following corrections:

- Uncapitalize Basic Mediation Training in line 4 and make it a defined term;
- Capitalize Judiciary in line 6;
- Added “no later than” in line 19;
- Added “In addition to the Basic Mediation Training, the training program must:” in line 43;
- Added “at least” in line 87.

***With no further discussion, Judge Gardner moved to send rule 4-510.04 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Carpenter seconded the motion. Judge Johnson agreed by email. The motion passed unanimously.***

**(3) HR Policies:**

- **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**

The Human Resources Policy Review Committee approved the proposed amendments to HR policies. The amendments:

- prohibit all employees of the judiciary from dual state employment;
- make policy consistent with recently implemented Investing in Our People (IOP) initiative;
- sync policy with recently implemented IOP initiative and with established practices for distributing pay bonuses;
- update the two newly created job classifications into the list of workplace harassment reporters;
- clarify and update procedures for the Grievance Review Panel;
- clarify the policy for out-of-country access to the judiciary’s technology systems;
- clarify what obligations an employee must report;
- amend the administrative leave policy and formalizes the new Years of Service structure.

The committee recommended the following changes:

- HR08-14 – changed to “The judiciary does not permit dual state employment with external state entities.”
- H06-7 – added semicolons to the management incentive award list in (1)( b)

***With no further discussion, Judge Gardner moved to recommend to the Judicial Council that HR policies 08-14, 06-6(12), 06-7, 15-3(3), 17-9, 08-22, 02-2, 07-7, and 07-20 Leave Bank be approved as proposed. Judge Carpenter seconded the motion. Judge Johnson agreed by email. The motion passed unanimously.***

**Technology report/proposals:**

The Technology Advisory Committee will be meeting in March and Mr. Eaton will report back. The IT department is working with the Education Department to set up booths at all the upcoming spring conferences. Mr. Eaton provided an update and preview for the service desk training corner, which now includes nearly 60 short videos and 40 training documents.

**Old Business/New Business:** None.

**Adjourn:** With no further items for discussion, the meeting adjourned at 12:55 p.m. The next meeting will be held on February 6, 2026, at noon via Webex video conferencing.

# TAB 2

## Back from Public Comment:

### **CJA 3-101. Judicial Performance Standards**

### **CJA 3-111. Performance Evaluation of Court Commissioners**

### **CJA 4-410. Courthouse closure**

#### **Public comments:**

No public comments were received on rules 3-101 or 3-111. One comment was received on 4-410 (attached).

Rule 3-101. The proposed amendments modify the case under advisement performance standards for appellate court judges from a fixed number to a percentage-based standard.

Rule 3-111. The proposed amendments remove language allowing court commissioners to exclude an attorney from a certification performance survey because that provision no longer applies.

Rule 4-410. The proposed amendments: 1) clarify the sequence of designated authority for signing courthouse closure orders; 2) add cybersecurity and court operations throughout the rule; and 3) modify the language to include a provision for physical building closure, as well as operational closure.

- I've included comments in the rule draft to address the commenter's suggestions.

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

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

**Applicability:**

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

**Statement of the Rule:**

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

**(2) Definition of case under advisement.**

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

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

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

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

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

**(3) Case under advisement performance standards.**

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

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

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

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

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

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

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

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

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

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

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

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

(7) **Reporting requirements.**

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

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



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

**(8) Judicial Council certification.**

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

(8)(A)(i) Compliant;

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

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

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

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

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

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

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

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

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

**Applicability:**

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

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

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

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

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

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

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

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

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

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

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

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

### (3) Standards of performance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### (4) Judicial Council certification process

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

283 *Effective: May ~~130~~, 20264*

One thought on "Code of Judicial Administration – Comment Period Closed January 12, 2026"

Joe

November 26, 2025 at 2:53 pm [Edit](#)

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In the proposed changes to CJA Rule 4-410, under "Public notice" it indicates that the PJ must ensure that notice of a closure is posted in two conspicuous places. Maybe the phrase "must ensure" could be replaced with something like, "must make a reasonable effort...". If the weather conditions are deemed to be unsafe, it may not be safe for anyone to travel to the courthouse just to post a notice. It could be a liability issue. However, if "conspicuous places" could mean social media and the Utah State Courts webpage, than this may be a nonissue.



**1 Rule 4-410. Courthouse closure.****2 Intent:**

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

**7 Applicability:**

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

**9 Statement of the Rule:****10 (1) Definitions.****11 (1)(A) ~~C~~[In](#) courts of record.:**

12 (1)(A)(i) "Presiding [J](#)udge" refers to the judge who presides over the district or  
13 court level.

14 (1)(A)(ii) "Court ~~E~~[x](#)ecutive" ~~refers to the trial court executive in the district and~~  
15 ~~juvenile courts and the Appellate Court Administrator in the appellate~~  
16 ~~courts~~ [means the same as that term is defined in Rule 1-101.](#)

**17 (1)(B) ~~C~~[In](#) courts not of record.:**

18 (1)(B)(i) "Presiding [J](#)udge" refers to the local justice court presiding judge, not  
19 the district level [justice court](#) presiding judge.

20 (1)(B)(ii) "Court ~~E~~[x](#)ecutive" refers to the local justice court administrator.

21 (2) [Core mission](#). In the event the ~~P~~[P](#)residing [J](#)udge determines that a courthouse is not safe  
22 or is not capable of supporting the core mission of the court due to extreme weather conditions  
23 or other emergency situation, the ~~P~~[P](#)residing [J](#)udge has the discretion to determine, in  
24 consultation with the ~~C~~[C](#)ourt executive, court security, and authority responsible for the  
25 ~~building~~[court](#)'s operation and maintenance, how to continue supporting the core mission of the  
26 court.

27 (3) [Closure order](#). The ~~P~~[P](#)residing [J](#)udge(s) may order:

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

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

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

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

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

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

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

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

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

~~(65)(A)~~ C~~in courts of record~~. The Presiding Judge ~~shall~~will, as soon as possible, inform the State Court Administrator, the ~~Chief Justice~~Presiding Officer, the Court Communications Director, the Court Security Director, the Court Facilities Director, the Chief Information Officer, the Sheriff whose jurisdiction covers the affected courthouse, and ~~the~~ other organizations or lessees occupying the building, of the Presiding Judge's decision to close the courthouse.

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

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

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

**Commented [KW1]:** The commenter suggested changing "must ensure" to "must make a reasonable effort." I understand where they're coming from, but if the purpose is to give judges more flexibility, I think that change does the opposite. Unlike paragraphs (6) ("as soon as possible") and (7) ("immediately"), paragraph (5) does not include a timeframe. I think a reasonable person would understand that a judge is not expected to drive to the courthouse in a blizzard to post notice on the door. If we are concerned that judges will delay in getting physical notice posted without a timeframe, we could add ASAP to (5).

The commenter also suggested defining "conspicuous places" to include social media or the court's webpage. To the extent the commenter is suggesting replacing physical notice with online notice, I disagree. I don't have social media and not everyone has a phone or access to the internet.

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

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

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

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

**(11) Availability.**

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

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

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

# TAB 3

## **CJA 5-101. The Board of Appellate Court Judges**

**Notes:** [S.B. 134](#) passed and became effective on January 31, 2026. The bill increases the number of Supreme Court justices to 7 and the number of Court of Appeals judges to 9. The proposed amendments increase the number of justices and judges necessary to constitute a quorum during Board of Appellate Court Judges' meetings.

1 **Rule 5-101. ~~The~~ Board of Appellate Court Judges.**

2 **Intent:**

3 To establish the Board of Appellate Court Judges.

4 To establish ~~the~~ procedures for ~~of the~~ Board ~~in the conduct of Board~~ meetings.

5 **Applicability:**

6 This rule ~~shall apply~~ applies to the Board of Appellate Court Judges.

7 **Statement of the Rule:**

8 (1) **Establishment.** There is established a Board of Appellate Court Judges.

9 (2) **Membership.** Members of the Board ~~shall~~ will be the members of the Court of Appeals and  
10 the members of the Supreme Court.

11 (3) **Chair and vice chair.** The Chief Justice of the Supreme Court and the Presiding Judge of  
12 the Court of Appeals ~~shall~~ will alternate as the Chair and Vice Chair of the Board and ~~shall~~ will  
13 alternate presiding over the meetings of the Board.

14 (4) **Meetings.**

15 (4)(A) The Board ~~shall~~ must meet a minimum of three times a year to transact any  
16 business that is within its jurisdiction.

17 (4)(B) The Board ~~shall~~ must act by majority vote. All members of the Board have the  
18 right to vote.

19 (4)(C) A quorum from both the Supreme Court and the Court of Appeals is required for a  
20 Board meeting. A quorum for the Supreme Court is at least four ~~three~~ members and a  
21 quorum for the Court of Appeals is at least ~~four~~ five members.

22 (4)(D) Board meetings ~~shall~~ will be conducted in an orderly and professional manner and  
23 are not open and public meetings.

24 *Effective: 5/1/202*6~~2~~