

**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

## 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.

1   **Rule 3-101. Judicial performance standards.**

2   **Intent:**

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

5   **Applicability:**

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

7   **Statement of the Rule:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64                   **(7) Reporting requirements.**

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

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

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

77        **(8) Judicial Council certification.**

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

80                (8)(A)(i) Compliant;

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

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

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

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

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

**1 Rule 3-111. Performance evaluation of court commissioners.****2 Intent:**

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

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

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

**9 Applicability:**

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

**11 Statement of the Rule:****12 (1) Performance evaluations.**

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

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

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

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

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

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

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

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

33 (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)(vi) of this rule.

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

(3)(A)(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)(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.

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

104  
105 (3)(A)(ii)(c)(1) at least 75% of the questions have a satisfactory  
106 score; and

107  
108 (3)(A)(ii)(c)(2) the favorable responses when divided by the total  
109 number of all responses, excluding "No Personal Knowledge"  
110 responses, is 70% or greater.

111  
112 (3)(A)(ii) **Survey respondents.** The Administrative Office ~~shall~~must identify as  
113 potential respondents all lawyers who have appeared before the court  
114 commissioner during the period for which the commissioner is being evaluated.

115  
116 (3)(A)(ii)~~v~~ **Exclusion from survey respondents.** ~~(3)(A)(iv)(a)~~ A lawyer who has  
117 been appointed as a judge or court commissioner ~~shall~~must not be a respondent  
118 in the survey. A lawyer who is suspended or disbarred or who has resigned under  
119 discipline ~~shall~~must not be a respondent in the survey.

120  
121 ~~(3)(A)(iv)(b) With the approval of the Management Committee, a court~~  
122 ~~commissioner may exclude an attorney from the list of respondents if the~~  
123 ~~court commissioner believes the attorney will not respond objectively to~~  
124 ~~the survey.~~

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

128  
129 (3)(A)(vi) **Administration of the survey.** Court commissioners ~~shall~~will be the  
130 subject of a survey approximately six months prior to the expiration of their term  
131 of office. Court commissioners ~~shall~~will be the subject of a survey during the  
132 second year of each term of office. Newly appointed court commissioners ~~shall~~  
133 will be the subject of a survey during the second year of their term of office and,  
134 at their option, approximately six months prior to the expiration of their term of  
135 office.

136  
137 (3)(A)(vii) **Survey report.** The Surveyor ~~shall~~will provide to the subject of the  
138 survey, the subject's presiding judge(s), and the Council the number and  
139 percentage of respondents for each of the possible responses on each survey  
140 question and all comments, retyped and edited as necessary to redact the  
141 respondent's identity.

142  
143 (3)(B) **Case under advisement standard.**

144  
145 (3)(B)(i) A case is considered to be under advisement when the entire case or  
146 any issue in the case has been submitted to the court commissioner for final  
147 determination. For purposes of this rule, "submitted to the court commissioner" or  
148 "submission" is defined as follows:

149  
150 (3)(B)(i)(a) When a matter requiring attention is placed by staff in the court  
151 commissioner's personal electronic queue, inbox, personal possession, or  
152 equivalent;

153

154 (3)(B)(i)(b) If a hearing or oral argument is set, at the conclusion of all  
155 hearings or oral argument held on the specific motion or matter; or  
156

157 (3)(B)(i)(c) If further briefing is required after a hearing or oral argument,  
158 when all permitted briefing is completed, a request to submit is filed, if  
159 required, and the matter is placed by staff in the court commissioner's  
160 personal electronic queue, inbox, personal possession, or equivalent.  
161

162 (3)(B)(ii) A case is no longer under advisement when the court commissioner  
163 makes a decision on the issue that is under advisement or on the entire case.  
164

165 (3)(B)(iii) The Council ~~shall~~will measure satisfactory performance by the self-  
166 declaration of the court commissioner or by reviewing the records of the court.  
167

168 (3)(B)(iv) A court commissioner in a trial court demonstrates satisfactory  
169 performance by holding:  
170

171 (3)(B)(iv)(a) no more than three cases per calendar year under  
172 advisement more than two months after submission; and  
173

174 (3)(B)(iv)(b) no case under advisement more than 180 days after  
175 submission.  
176

177 **(3)(C) Compliance with education standards.** Satisfactory performance is established  
178 if the court commissioner annually complies with the judicial education standards of this  
179 Code, subject to the availability of in-state education programs. The Council ~~shall~~will  
180 measure satisfactory performance by the self-declaration of the court commissioner or  
181 by reviewing the records of the state court administrator.  
182

183 **(3)(D) Substantial compliance with Code of Judicial Conduct.** Satisfactory  
184 performance is established if the response of the court commissioner demonstrates  
185 substantial compliance with the Code of Judicial Conduct, if the Council finds the  
186 responsive information to be complete and correct and if the Council's review of formal  
187 and informal sanctions lead the Council to conclude the court commissioner is in  
188 substantial compliance with the Code of Judicial Conduct.  
189

190 **(3)(E) Physical and mental competence.** Satisfactory performance is established if the  
191 response of the court commissioner demonstrates physical and mental competence to  
192 serve in office and if the Council finds the responsive information to be complete and  
193 correct. The Council may request a statement by an examining physician.  
194

195 **(3)(F) Performance and corrective action plans for court commissioners.**  
196

197 (3)(F)(i) The presiding judge of the district a court commissioner serves ~~shall~~will  
198 prepare a performance plan for a new court commissioner within 30 days of the  
199 court commissioner's appointment. If a court commissioner serves multiple  
200 districts or court levels, the presiding judge of each district and court level ~~shall~~  
201 will prepare a performance plan. The performance plan ~~shall~~must communicate  
202 the expectations set forth in paragraph (2) of this rule.  
203

204 (3)(F)(ii) If a presiding judge issues an overall “Needs Improvement” rating on a  
205 court commissioner’s annual performance evaluation as provided in paragraph  
206 (1), that presiding judge ~~shall~~will prepare a corrective action plan setting forth  
207 specific ways in which the court commissioner can improve in deficient areas.  
208

209 **(4) Judicial Council certification process**

210  
211 **(4)(A) July Council meeting.** At its meeting in July, the Council ~~shall~~will begin the  
212 process of determining whether the court commissioners whose terms of office expire  
213 that year meet the standards of performance provided for in this rule. The Administrative  
214 Office ~~shall~~must assemble all evaluation information, including:

215 (4)(A)(i) survey scores;  
216  
217 (4)(A)(ii) judicial education records;  
218  
219 (4)(A)(iii) self-declaration forms;  
220  
221 (4)(A)(iv) records of formal and informal sanctions;  
222  
223 (4)(A)(v) performance evaluations, if the court commissioner received an overall  
224 rating of Needs Improvement; and  
225  
226 (4)(A)(vi) any information requested by the Council.

227  
228 **(4)(B) Records delivery.** Prior to the meeting the Administrative Office ~~shall~~must deliver  
229 the records to the Council and to the court commissioners being evaluated.  
230

231  
232 **(4)(C) July Council meeting closed session.** In a session closed in compliance with  
233 rule 2-103, the Council ~~shall~~will consider the evaluation information and make a  
234 preliminary finding of whether a court commissioner has met the performance standards.  
235

236 **(4)(D) Certification presumptions.** If the Council finds the court commissioner has met  
237 the performance standards, it is presumed the Council will certify the court commissioner  
238 for reappointment. If the Council finds the court commissioner did not meet the  
239 performance standards, it is presumed the Council will not certify the court commissioner  
240 for reappointment. The Council may certify the court commissioner or withhold decision  
241 until after meeting with the court commissioner.  
242

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

247 (4)(E)(i) reliable information showing non-compliance with a performance  
248 standard, except as otherwise provided in paragraph (4)(E); or  
249

250 (4)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to  
251 demonstrate lack of substantial compliance with the Code of Judicial Conduct.  
252

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 ~~R~~ule 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](#)

---

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 Judge" refers to the judge who presides over the district or  
13           court level.

14           (1)(A)(ii) "Court Executive" 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 Judge" refers to the local justice court presiding judge, not  
19           the district level justice court presiding judge.

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

21       (2) **Core mission.** In the event the Presiding Judge 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 Presiding Judge has the discretion to determine, in  
24       consultation with the Court executive, court security, and authority responsible for the  
25       buildingcourt's operation and maintenance, how to continue supporting the core mission of the  
26       court.

27       (3) **Closure order.** The Presiding Judge(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.

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

④ **Public notice.** The Presiding Judge must ensure that notice of a closure is given in at least two conspicuous places informing the public of:

(54)(AB)(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)(CB)(ii) the procedures for conducting court business, including where cases will be heard and how to file court documents.

### **Communication of decision to close the courthouse or court operations**

(65)(A) 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) ~~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.

**communications Director.** The Court Communications Director ~~shall~~will immediately

xtensions. If the Presiding Judge determines that there is a need to extend a court order, the Presiding Judge shall will so order and the steps in 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.

60 (98) **Consensus.** For all courthouses that house more than one level of court, the Presiding  
61 Judges of each court level shallwill confer and come to a consensus decision regarding action  
62 pursuant to subsectionparagraph(3) above.

63 (98)(A) In the event that a closure is ordered by consensus, the Presiding Judges of  
64 the closed courthouse shallwill all sign the closure order.

65 (98)(B) In the event there is not a consensus among the Presiding Judges, the  
66 Presiding OfficerChief Justice shallwill determine whether to issue and sign the closure  
67 order.

68 (109) **Retention.** Each Presiding Judge and the Administrative Officeof the Courts shallwill  
69 retain a copy of the order.

70 **(11) Availability.**

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

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

82

83 Effective: 1/27/2020May 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:** 5/1/2026<sup>2</sup>