

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

August 7, 2026– 12:00 p.m. to 1:30 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Carpenter
	<u>Rules back from public comment:</u> • CJA 3-421. Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) <u>Rules approved as final (eff. June 22, 2026) and back from public comment:</u> • CJA 4-906. Guardian ad Litem Office, Oversight Committee, and Director • CJA 4-906.01. GALs, staff, and volunteers • CJA 4-906.02. Private GALs • CJA 4-906.03. Complaints	Action	Tab 2	Keisa Williams
	CJA 4-405. Juror and Witness Fees and Expenses	Action	Tab 3	Loni Page
	<u>Human Resources Policies:</u> • HR08-3. Lunch, break, wellness release periods • HR06-6(12). Pay for performance increase • HR06-7(4). Performance-based pay bonuses • HR06-7(7). Incentive awards, bonuses, & second language/IT stipends • HR07-19. Leave for time-limited law clerk attorneys • HR13-3. Employee resource group (ERG) participation	Action	Tab 4	Bart Olsen Jeremy Marsh
	Rule publication and notice timing	Discussion		Nick Stiles Cindy Schut
	CJA 3-201.01. Statewide court division commissioners (NEW) CJA 3-201.02. Court Commissioner Conduct Committee CJA 3-202. Court referees prohibited CJA 3-111. Performance evaluation of court commissioners CJA 6-701. Establishment of Debt Collection or Housing Action Division (NEW) CJA 6-702. Debt Collection and Housing Action Commissioners (NEW)	Action	Tab 5	Michael Samantha Starks
	Judicial Officer Financial Disclosure Form	Action	Tab 6	Keisa Williams
1:00	Technology report/proposals	Discussion		Brody Arishita
1:20	Old Business/New Business	Discussion		Judge Carpenter
1:30	Adjourn			

2026 Meetings: September 4th, October 2nd, November 6th, December 4th

TAB 1

Minutes

July 10, 2026

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

DRAFT

Webex video conferencing
July 10, 2026 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Janine Liebert
Jonathan Mark
Stacy Haacke
Michael Samantha Starks
James Peters
Melissa Kennedy
Keri Sargent
Jordan Murray
Wayne Kidd
Jon Puente
Karl Sweeney
Shane Bahr

STAFF:

Keisa Williams
Brody Arishita
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the June 5, 2026 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- CJA 3-306.04. Interpreter appointment, payment, and fees
- CJA 3-409. Court facilities planning

Rules approved as final May 18, 2026 and back from public comment:

- CJA 4-202.12. Request by victim to use initials rather than name
- CJA 3-110. Judicial officer financial disclosures
- CJA 4.202.02. Records classification
- CJA 3-412. Procurement of goods and services
- CJA 4-102. Case, calendar, and panel assignments
- CJA 1-205. Standing and Ad Hoc Committees

Rules 3-306.04 and 3-409 are back from a 45-day public comment period. No comments were received. They are ready to go to the Judicial Council for final approval. During the May 18, 2026 meeting, the

Judicial Council approved amendments to rules 4-202.12, 3-110, 4-202.02, 3-412, 4-102, and 1-205 on an expedited basis with a May 18, 2026 effective date. The rules also went out for a 45-day public comment period. No comments were received on any rule. Because rules 4-202.12, 3-110, 4-202.02, 3-412, and 4-102 were approved as final, no further action is necessary. Rules 1-205 and 4-202 are on the agenda with requests for new amendments.

After discussion, Judge Johnson moved to recommend to the Judicial Council that rules 3-306.04 and 3-409 be approved as final with a November 1, 2026 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

(3) CJA 4-405. Juror and Witness Fees and Expenses:

Loni Page was unavailable for the meeting. The committee discussed changing from passive voice to active voice in lines 47, 49, 65, and 78 and hyphenating stale-dated on line 112. The committee deferred further discussion on rule 4-405 until next month's meeting.

No action was taken on CJA 4-405.

(4) CJA 1-302. Board of Judges Membership – Officers Secretariat

CJA 9-101. Board of Justice Court Judges

CJA 9-110. Implementation of Internal Control for Self-Assessment Recommendations

Jim Peters presented three updates proposed by the Board of Justice Court Judges. The proposed amendments to rule 9-101 add the Chair of the Justice Court Judges' Education Committee as a non-voting member of the Board and clarify that the person filling this position and the person sitting on the Judicial Council Education Committee are the same person. The proposed amendments to rule 1-302 move the Board of Justice Court Judges' election cycle to the annual judicial conference to coincide with current practice. The proposed new rule 9-110 outlines the process for implementing the recommendations from an Internal Control Self-Assessment conducted by the AOC's audit department.

The committee discussed the letter of compliance in rule 9-110 and added "to the justice court" on line 41 to clarify who would receive the letter. The committee also removed (ICSA) from the title of the new rule and inserted quotation marks around ICSA in line 6 for consistency.

After discussion, Judge Johnson moved to send rules 1-302, 9-101, and 9-110 to the Judicial Council with a recommendation that they be posted for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(5) CJA 1-205. Standing and Ad Hoc Committees:

Previous amendments to rule 1-205 were effective on May 18, 2026. The previous amendments 1) dissolve the Court Facilities Planning Committee, 2) amend the membership of the Uniform Fine Committee and the Committee on Children and Family Law, and 3) amend the membership of and certain provisions regarding the Guardian ad Litem Oversight Committee to coincide with amendments in House Bill 372.

The Standing Education Committee would like to change its composition. Historically, the adult educator from higher education has been filled by a Dean of Continuing Education from a local university. As the

last member in that position departed, they shared that because the work of the Standing Education Committee was so internal, it was difficult to determine how their expertise could assist the judiciary. After reflecting on their comment, the Standing Education Committee determined it makes sense to remove the position and if necessary, invite an adult educator from higher education to share his or her expertise on evaluation methods or career enhancement opportunities.

Judge Gardner moved to send rule 1-205 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Johnson seconded the motion. The motion passed unanimously.

(6) CJA 3-407. Accounting

The accounting manual was expanded from courts of record to include justice courts by a vote of the Board of Justice Court Judges. Also, the State of Utah Finance Department has withdrawn their representative on the accounting manual committee, but the committee believes it is important to retain an independent voice. The proposed amendment would give the committee more flexibility in filling that role. The committee has invited the finance director for the Utah State Bar to join the committee. The proposed changes were reviewed by the Deputy Justice Court Administrator, Kim Zimmerman, for any changes that would apply to small court situations.

The committee made the following corrections:

- Changed “equivalent” to “similar” in line 40;
- Kept capitalization of Courts of Record and Courts not of Record throughout the rule; and
- Kept capitalization of Judiciary Accounting Manual Review Committee in Line 21.

With no further discussion, Judge Carpenter moved to send rule 3-407 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Johnson seconded the motion. The motion passed unanimously.

(7) CJA 4-601. Failure to appear – Notice to surety

Keri Sargent proposed a rule change to ensure bail bond companies and sureties maintain accurate, consistent email addresses for case management system records, which is critical since delivery failures prevent bond forfeiture. While upcoming technical updates will automate sending notices to multiple addresses, a formal rule is needed to require agencies to update their data and reduce manual clerical verification.

The committee made the following changes:

- On lines 12 and 13 added “If applicable, the bond must also include Contact Information for the bail bond agency.”; and
- On lines 16 and 17 added “The surety or surety’s agent have a continuing obligation to notify the Court Clerk of any changes to its Contact Information.”.

With no further discussion, Judge Gardner moved to send rule 4-601 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Johnson seconded the motion. The motion passed unanimously.

(8) Request for Guidance: My Case Notifications Project (Phase 2) Policy Considerations

Janine Liebert and Jonathan Mark on behalf of the MyCase Working Group sought policy guidance to launch Phase 2 of the MyCase Notifications Project, which will expand the platform to send automated text or email alerts when specific documents are filed in CORIS. To comply with statute, these automated updates are strictly limited to designated civil case types, such as divorces and evictions, which will also free up court staff to provide more dedicated, one-on-one assistance to non-digital users. While the system provides self-represented parties with direct document links and general self-help resources, it will not track routine deadlines or replace independent case management. To maintain strict administrative boundaries, the group has proposed guardrails, including neutral language drafted by Self-Help Center attorneys and clear disclaimers, to ensure the alerts are never confused with legal advice or formal court notices.

The committee discussed the risk of creating a false sense of security where *pro se* litigants rely solely on automated prompts and miss deadlines. The committee advised adding prominent legal disclaimers stating these are not official notices.

Following a discussion, the committee recommended that the issue be included on the Judicial Council's agenda for broader discussion.

(9) CJA 4-202.02. Records classification

Previous amendments to rule 4-202.02 were effective on May 18, 2026. Those amendments: 1) classify court records identifying a victim by name rather than initials as “private,” if a valid and timely request is made under new CJA rule 4-202.12, and 2) classify unredacted judicial officer financial disclosure forms as “protected records.” The new amendments: 1) classify the names of minors on child protective orders as public in response to House Bill 540 and 2) classify all motions, supporting materials, and records of hearings involving the admissibility of evidence of a victim’s sexual behavior as protected.

Stacy Haacke introduced amendments that explicitly classify minor names on child protective orders as public records to ensure enforceability by law enforcement and consistency across juvenile and district courts. The proposed amendments also align court classification standards with the Rules of Evidence to ensure sexual offense document types are automatically listed as protected and hidden from the public Xchange portal.

Judge Gardner moved to send rule 4-202.02 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Johnson seconded the motion. The motion passed unanimously.

(10) CJA 1-101. General definitions – Rules of construction

Ms. Williams provided an update on the Rule 1-101 project to create clearly defined terms and clean up conflicting terminology throughout the CJA. In addition, Mr. Gordon is requesting that PP&T define “employee” or “court employee”. Ms. Williams noted that the “Division Commissioners” definition on lines 46 and 47 is intended to coincide with upcoming proposed rule amendments related to the new debt collection and housing division. The committee asked Ms. Williams to continue working on the definitions and to bring them back to the next PP&T meeting. The committee authorized the use of new or revised definitions not currently in Rule 1-101 while that project is pending.

Following discussion, PP&T took no action on CJA 1-101.

Technology report/proposals:

Brody Arishita reported the Technology Advisory Subcommittee met in June and are reviewing specifications for a digital exhibit portal. Additionally, the annual review of the emergency response plan is underway, introducing pre-approved communication templates to streamline public notifications in the event of a data breach.

Old Business/New Business: The committee discussed next month's meeting which coincides with the Utah State Bar's Summer Convention. Judge Gardner and Judge Johnson may be connecting from Idaho. Judge Carpenter will be prepared to chair the meeting if necessary.

Adjourn: With no further items for discussion, the meeting adjourned at 1:28 p.m. The next meeting will be held on August 7, 2026, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

CJA 3-421. Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

Rules approved as final (eff. June 22, 2026) and back from Public Comment:

CJA 4-906. Guardian ad litem program

CJA 4-906. Guardian ad Litem Office, Oversight Committee, and Director

CJA 4-906.01. GALs, staff, and volunteers

CJA 4-906.02. Private GALs

CJA 4-906.03. Complaints.

Public comments: No public comments were received. Brief summary of amendments:

CJA 3-421. Working Interdisciplinary Network of Guardianship Stakeholders (WINGS). To provide greater flexibility, community stakeholder members serving on the WINGS committee may be exempt from standard term limits.

CJA 4-906. Guardian ad litem program (REPEALED)

CJA 4-906. Guardian ad Litem Office, Oversight Committee, and Director (NEW)

CJA 4-906.01. GALs, staff, and volunteers (NEW)

CJA 4-906.02. Private GALs (NEW)

CJA 4-906.03. Complaints (NEW)

Rule 4-906 is repealed and replaced with four distinct rules to reflect the legislative changes in House Bill 372 (effective May 6, 2026) regarding the Guardian ad Litem (GAL) Oversight Committee and the GAL Office Director's responsibilities. The amendments also incorporate a new appeal process for complaints, while maintaining the substance of the provisions related to GAL staff, volunteers, and private GALs.

Rule 3-421. Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).**Intent:**

To establish a committee of stakeholders from various disciplines to improve the state's guardianship and conservatorship services and processes.

Applicability:

This rule ~~shall apply~~ applies to all members of the WINGS committee.

Statement of the Rule:

(1) Objectives. The WINGS committee ~~shall~~ will provide leadership to identify the needs in guardianship and conservatorship matters and to secure and coordinate resources to meet those needs.

(2) Responsibilities. The WINGS committee ~~shall~~ will:

(2)(A) assess available services, forms, and rules for guardianship and conservatorship and gaps in those services, forms, and rules;

(2)(B) recommend measures to the ~~Judicial~~ Council, the Utah State Bar, and other appropriate institutions for improving guardianship and conservatorship processes;

(2)(C) support policy initiatives for the enhancement of guardianship, conservatorship, and related infrastructure;

(2)(D) identify and develop education and outreach opportunities regarding guardianships, conservatorships, and their alternatives;

(2)(E) provide training and support to those engaging with the guardianship/conservatorship system;

(2)(F) promote high standards for guardians and conservators;

(2)(G) promote collaboration between WINGS committee members and other stakeholders;

(2)(H) regularly evaluate the needs and priorities of the WINGS committee's efforts; and

(2)(I) strive to maintain interdisciplinary representation of members drawn from the organizations, entities, and individuals related to guardianship and conservatorship matters.

(3) **Chair.** The Chair of the WINGS committee ~~shall~~ will be a ~~Utah D~~istrict ~~c~~Court judge.

44
45 (4) **Executive Committee.** The WINGS ~~e~~Executive ~~c~~Committee ~~shall~~will consist of the ~~Utah~~
46 WINGS committee chair, the Guardianship Reporting and Monitoring Program
47 ~~(GRAMP)~~GRAMP ~~c~~Coordinator, the Court Visitor Program specialist~~Coordinator~~, a staff
48 attorney from the Administrative Office ~~of the Courts~~, and up to three members of the Utah
49 WINGS committee, as determined by the WINGS committee chair.

50
51 (5) **Community stakeholder termss.** One of the purposes of the WINGS committee is to
52 receive regular input from community stakeholder organizations and individual community
53 representatives who have ongoing and historical knowledge of guardianship and
54 conservatorship matters. ~~→~~ If approved by the WINGS committee chair, community stakeholder
55 ~~organizational~~and individual community representatives appointed to the WINGS committee in
56 accordance with Rule 1-205 are ~~(Rule 1-205(1)(B)(xv)(b)) will be designated by their~~
57 ~~organizations and~~ not subject to the term limits at established in that rule. ~~ions of Rule 1-~~
58 ~~205(3)(B).~~

59
60 *Effective: ~~November 1, 2022~~November 1, 2026*

Rule 4-906. Guardian ad litem Office, Oversight Committee, and Director**Intent:**

To establish the responsibilities of the Guardian ad Litem Oversight Committee ("Committee") and the Director of the Office of Guardian ad Litem ("Director").

Applicability:

This rule applies to the Committee, the Director, the Office of Guardian ad Litem ("Office"), and the guardian ad litem ("GAL") program ("Program").

Statement of the Rule:

(1) **Guardian ad Litem Oversight Committee.** Under the Council's direct supervision, the Committee must:

(1)(A) perform the duties established in Utah Code;

(1)(B) appoint the Director ~~of the Office~~ in accordance with procedures established by the Council;

(1)(C) develop the Director's performance plan and conduct performance evaluations in accordance with policies approved by the Council;

~~(1)(D) hear and decide complaints against the Director, a trained Program volunteer, as described in Utah Code section 78A-2-803 ("Volunteer"), or a private guardian ad litem (PGAL) in accordance with Rule 4-906.03;~~

(1)(~~D~~E) monitor the Office's caseload and recommend to the Council adequate staffing levels for GALs and Program staff ("Staff");

(1)(~~E~~F) ensure policies, requirements, and guidelines established by the Committee comply with this Code, the Utah rules of procedure, and court policies; and

(1)(~~E~~G) provide an annual report to the Council in accordance with Rule 1-205 that includes the Committee's evaluation and assessment of the Program.

(2) Case and record reviews.

(2)(A) "GAL Records" means court records to which GALs are authorized access under Rule 4-202.03 and the Utah rules of procedure. Requests to access court records that GALs are not entitled to access must be made in accordance with this Code and the Utah rules of procedure.

(2)(B) The internal court auditor member of the Committee will generate the annual random sample of cases the Committee reviews using criteria established by the Committee. The sample must be limited to cases that have reached final disposition and are no longer pending or impending before any court. The case and record review process must comply with this Code and the Utah rules of procedure.

(2)(C) The Committee must establish procedures to ensure the Committee's review of individual cases and GAL Records will maintain confidentiality and will not interfere with a fair trial or hearing or affect the outcome or impair the fairness of a pending or impending matter.

(2)(D) The procedures established in paragraph (2)(C) must be approved by the Council.

(3) Qualifications of the director. The Director must have the qualifications established in Utah Code.

(4) Responsibilities of the director. The Director must:

(4)(A) perform the duties established in Utah Code;

(4)(B) develop the legislative budget appropriation request for the Program;

(4)(C) coordinate GAL appointments among different court levels;

(4)(D) monitor GALs, Staff, and trained Program volunteers described in Utah Code section 78A-2-803 ("Volunteer")s by regularly consulting with users and observers of GAL services, including judges, court executives, and court clerks;

(4)(E) require GALs to submit appropriate written reports;

(4)(F) monitor GAL caseloads to ensure compliance with standards established by the American Bar Association;

(4)(G) select Volunteers and court-employed GALs and Staff in accordance with Rule 4-906.01;

(4)(H) coordinate conflict counsel appointments;

(4)(I) supervise, evaluate, and discipline court-employed GALs and Staff in accordance with this Code and the judiciary's human resource policies;

(4)(J) supervise and evaluate the quality of service provided by contracted GALs;

(4)(K) monitor and report to the Committee GAL, Staff, and Volunteer compliance with federal and state statutes, rules, and case law; and

(4)(L) prepare and submit the annual report required under the Utah Code to the Council and the Committee in October. The Committee may amend the report prior to release to the Child Welfare Legislative Oversight Panel.

Effective: ~~May 18~~ June 22, 2026

Rule 4-906.01. GALs, staff, and volunteers**Intent:**

To establish the policies and procedures for the selection, employment, and management of Volunteers and GALs and Staff employed by the Administrative Office.

Applicability:

This rule applies to the Office and Program.

Statement of the Rule:**(1) GAL qualification and responsibilities.** A GAL must:

(1)(A) be a member in good standing with the Utah State Bar;

(1)(B) demonstrate experience and interest in applicable law and procedures;

(1)(C) perform the duties and responsibilities established in the Utah Code; and

(1)(D) comply with all court rules and policies.

(2) Selection and employment.

(2)(A) GALs and Staff employed by the Administrative Office are at-will employees subject to dismissal by the Director with or without cause.

(2)(B) The Director must select, supervise, and discipline GALs and Staff in accordance with this Code and the judiciary's human resource policies.

(2)(C) GAL and Staff applicants will be interviewed by a panel consisting of the Director or the Director's designee and two or more of the following persons:

(2)(C)(i) the local GAL office managing attorney;

(2)(C)(ii) the district court or juvenile court executive;

(2)(C)(iii) a Committee member;

(2)(C)(iv) a Utah State Bar Association member selected by the Director; or

(2)(C)(v) an individual selected by the Director.

(2)(D) The interview committee established under paragraph (2)(C) will make hiring recommendations to the Director. The Director will make hiring decisions.

(3) Conflicts of interest and disqualification.

(3)(A) If a GAL has a conflict of interest, the GAL must declare the conflict and request that the court appoint a conflict GAL.

(3)(B) Any party who perceives a conflict of interest may file a motion with the court setting forth the nature of the conflict and a request that the GAL be disqualified from further service in that case.

(3)(C) If a court finds that a conflict of interest exists, the court will relieve the GAL from further duties in that case and appoint a conflict GAL.

(3)(D) The Administrative Office may contract with an attorney to provide conflict GAL services.

(3)(E) If a conflict GAL is arranged on a case-by-case basis, the court will use the order form approved by the Council. The order will list the GAL's duties. The court will file the original order in the case and will distribute one copy each to:

(3)(E)(i) the appointed conflict GAL;

(3)(E)(ii) the GAL;

(3)(E)(iii) all parties of record;

(3)(E)(iv) the parents, guardians, or custodians of the child(ren);

(3)(E)(v) the court executive; and

(3)(E)(vi) the Director.

(3)(F) A conflict GAL's compensation may not exceed \$100 per hour or \$3,000 per case in any 12-month period, whichever is less. The per case compensation limit includes incidental expenses incurred in the case.

(3)(G) Under extraordinary circumstances, the Director may increase the compensation limit upon request from the conflict GAL. The request will include a justification showing that the case required work of much greater complexity than, or time far in excess of, that required in most GAL assignments. If a case is appealed, compensation will be as set forth above.

(3)(H) A conflict GAL is not an Office or Administrative Office employee.

(4) Staff and Volunteers.

(4)(A) The Director will develop a strong Volunteer component to the Program and provide support for Volunteer solicitation, screening, and training. Staff and Volunteer responsibilities will be as established by the Director and set forth in Utah Code.

(4)(B) A GAL must supervise Staff and Volunteer training. The Director will provide administrative support.

(4)(C) Staff and Volunteers will receive training in the areas of child abuse, child psychology, juvenile and district court procedures, and local child welfare agency procedures. Staff and Volunteers will also be trained in guidelines established by the National Court Appointed Special Advocate Association.

65 (4)(D) Volunteers serve at the pleasure of the Director.

66 *Effective: ~~May 18~~June 22, 2026*

Rule 4-906.02. Private GALs**Intent:**

To establish the policies and procedures for the selection, appointment, and payment of private GALs ("PGALs").

Applicability:

This rule applies to the Office and PGALs.

Statement of the Rule:

(1) **List.** The Director must maintain a list of PGALs qualified for appointment.

(2) **Application.** To be included on the list of eligible PGALs, an applicant must submit a written application to the Office and:

(2)(A) be a member in good standing in the Utah State Bar;

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

(2)(C) provide a Utah Division of Child and Family Services child abuse database report and similar information from any state in which the applicant has resided as an adult;

(2)(D) provide a certificate of completion for initial or additional necessary training requirements established by the Director;

(2)(E) meet any minimum qualifications as determined by the Director; and

(2)(F) agree to be evaluated at the Director's discretion for competent, professional, proficient, ethical, appropriate conduct, performance, and minimum qualifications, including tracking the frequency and type of interactions with minor clients.

(3) **Appointment.** Upon the appointment of a PGAL, the court will:

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

(3)(B) designate in the order whether the PGAL will:

(3)(B)(i) be paid the set fee, as established by paragraph (6), and an initial retainer;

(3)(B)(ii) not be paid and serve pro bono; or

(3)(B)(iii) be paid at a rate less than the set fee in paragraph (6); and

(3)(C) send the order to the Director c/o the PGAL Program.

(4) **Assignment.** Upon receipt of the court's order appointing a PGAL, the Director will contact and assign the case to an eligible attorney, if available.

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

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

(7) **Education.** Each year, PGALs must complete three hours of continuing legal education ("CLE") relevant to the role and duties of a PGAL. To meet this requirement, the Office will provide training opportunities that are accredited by the Utah State Bar Board of Mandatory Continuing Legal Education. In order to provide access to all PGALs, the Office will provide multiple trainings at locations throughout the State or online.

(8) **Removal.**

(8)(A) A PGAL who fails to complete the required number of CLE hours will be notified that unless all requirements are completed and reported within 30 days, the Director may remove the PGAL from the list of eligible PGALs.

(8)(B) The Director may remove a PGAL from the list of eligible PGALs for failure to perform or conduct themselves in a competent, professional, proficient, ethical, or appropriate manner, or for failure to meet minimum qualifications, including the annual CLE requirement. Within a reasonable time after the removal, and in the event the PGAL has not yet been released by the court in a pending case, the Director will provide written notice to the court of the Director's action, and the court may, in its discretion, determine whether the PGAL should be released from the case.

(9) A PGAL is not an Office or Administrative Office employee.

Effective: ~~May 18~~ June 22, 2026

Rule 4-906.03. Complaints**Intent:**

To establish the policies and procedures for complaints regarding GALs, PGALs, Volunteers, and the Director.

Applicability:

This rule applies to the Office and the Program.

Statement of the Rule:

(1) Complaints against the Director or administrative policies. A person may submit a complaint against the Director or an administrative policy or procedure to the Committee chair.

(1)(A) If a person submits a complaint against the Director to the Director's office, the Director must send the complaint to the Committee chair within a reasonable period of time, but not more than 14 days after receipt.

(1)(B) The Committee may investigate a complaint against the Director using a process approved by the Council.

(1)(C) If the Committee and state court administrator agree, the Director may be disciplined up to and including dismissal. If the Committee and the state court administrator do not agree on the proposed disciplinary action or dismissal, the Council will make the final decision.

(2) Complaints against a GAL or Volunteer.**(2)(A) Director.**

(2)(A)(i) A person may submit a complaint against an employed GAL, a PGAL, or a Volunteer to the Director.

(2)(A)(ii) Upon receiving a complaint, the Director will conduct an investigation as determined reasonable by the Director. The Director may meet separately or together with the complainant and the person against whom the complaint is filed. The Director will provide both parties with a copy of the Director's decision, including what action(s), if any, will be taken in response to the complaint.

(2)(A)(iii) ~~E~~ If a GAL and a Volunteer disagree on the major decisions involved in representation of the client, either may notify the Director that the dispute cannot be resolved. The Director's decision regarding the dispute is final and not subject to appeal.

(2)(B) Appeal.

(2)(B)(i) ~~If the complainant is dissatisfied with the Director's resolution, the~~ A complainant may appeal ~~at the~~ decision issued under paragraph (2)(A)(ii) to a 3-member panel of the Committee ("Panel"). The Panel will be formed in

accordance with procedures approved by the Council. The appeal must be submitted in writing within 30 business days of receipt of the Director's decision and must include the initial complaint, the Director's decision, an argument in support of the appeal, and the relief sought.

~~(2)(B)(i) The Committee will review the appeal.~~ If an appeal can be resolved without accessing nonpublic court records, the Panel will do so. If the Panel must access nonpublic court records, the review must comply with this Code and the Utah rules of procedure.

(2)(B)(iii) The Panel must establish procedures to ensure the Panel review process will not interfere with a fair trial or hearing or affect the outcome or impair the fairness of a pending or impending matter. Those procedures must be approved by the Council.

(2)(B)(iv) Panel meetings will be closed.

(2)(B)(v) The Panel will ~~and~~ issue a decision in accordance with paragraph (4) within 45 business days of receipt. Panel decisions are final and not appealable. ~~The Committee may discuss the matter with the Director and may meet separately or together with the complainant and the person against whom the complaint is filed but may not compel any individual to meet or speak with the Committee regarding the complaint.~~

~~(2)(E) If a GAL and a Volunteer disagree on the major decisions involved in representation of the client, either may notify the Director that the dispute cannot be resolved. The Director's decision regarding the dispute is final and not subject to appeal.~~

~~(2)(F) Under no circumstance may the Director, chair, or Committee interfere with a case or court matter. Review of and access to GAL Records and court records must comply with this Code and Rule 4-906(2).~~

(3) Complaint form and submission. Complaints submitted under paragraphs (1) and (2) must be in writing and include:

(3)(A) the name and contact information of the complainant;

(3)(B) the name of the child(ren) involved;

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

(3)(D) when possible, supporting documentation.

(4) Decision. In resolving a complaint or appeal under paragraph (2), the Director or ~~Committee~~ Panel may reasonably investigate the complaint, provided the investigation complies with this Code.

(4)(A) If the complaint is against an employed GAL, the Director may discipline the GAL in accordance with the judiciary's human resource policies. The ~~Committee~~ Panel may

73 recommend to the Director or the state court administrator that a GAL be disciplined but
74 may not impose disciplinary action.

75 (4)(B) If the complaint is against a PGAL, the Director or ~~Committee~~Panel may remove
76 a PGAL from the qualified list and the Director will notify the court in accordance with
77 Rule 4-906.02.

78 (4)(C) If the complaint is against a Volunteer, the Director or ~~Committee~~Panel may
79 revoke the Volunteer's ability to participate in the Program.

80 (4)(D) Neither the Director nor the ~~Committee~~Panel have the authority to remove a GAL
81 or PGAL from a case.

82 (5) Interference with case or court matters. Under no circumstance may the Director, Panel,
83 or Committee interfere with a case or court matter. Review of and access to GAL Records and
84 court records must comply with this Code and Rule 4-906(2).

85 ~~(6)~~ **Office of professional conduct.** Nothing in this Rule prohibits the Director or a Committee
86 member from reporting an attorney's conduct to the Utah Office of Professional Conduct (OPC).
87 However, nonpublic court records, including nonpublic court records associated with
88 complaints filed under this rule, may not be shared. Records will be provided to the OPC in
89 accordance with Rule 4-202.10.

90 ~~(7)~~ **Applicability.** Paragraphs (2) through (4) do not apply to conflict GALs.

91 *Effective: ~~May 18~~June 22, 2026*

TAB 3

CJA 4-405. Juror and Witness Fees and Expenses

Notes: See attached rule amendment request form.

Thanks for filling out this form: [Policy and Planning - Rule Amendment Request Form](#)

Here's what was received.

Policy and Planning - Rule Amendment Request Form

Your email (lonip@utcourts.gov) was recorded when you submitted this form.

Instructions

Unless the proposal is coming directly from the Utah Supreme Court, Judicial Council, or Management Committee, this Request Form must be submitted along with a draft of the proposed rule amendment before it will be considered by the Policy and Planning Committee.

To be considered, you must e-mail your proposed rule draft to Keisa Williams at keisaw@utcourts.gov.

Date of Request *

MM DD YYYY

06 / 12 / 2026

Name of Requester *

Clerks of Court Group - Submitted by Loni Page

Requester Phone Number *

435-259-1355

Name of Requester's Supervisor *

Travis Erickson

Location of the Rule *

Code of Judicial Administration ▼

CJA Rule Number or HR/Accounting Section Name *

CJA 4-405 Juror and witness fees and expenses

Brief Description of Rule Proposal *

The current rule requires a court order for juror refreshments. The Clerks of Court propose that a court order no longer be required.

Reason Amendment is Needed *

Procuring a court order that allows for juror refreshments for each trial seems cumbersome. We contemplated drafting standing orders for each district but given that we all agree, we felt a rule change may be more effective.

Is the proposed amendment urgent? *

☐ Yes☒ No

If urgent, please provide an estimated deadline date and explain why it is urgent.

Select each entity that has approved this proposal. *

- ☐ Accounting Manual Committee
- ☐ ADR Committee
- ☐ Board of Appellate Court Judges
- ☐ Board of District Court Judges
- ☐ Board of Justice Court Judges
- ☐ Board of Juvenile Court Judges

- ☐ Board of Senior Judges
- ☐ Budget and Fiscal Management Committee
- ☐ Children and Family Law Committee
- ☒ Clerks of Court
- ☐ Court Commissioner Conduct Committee
- ☐ Court Facility Planning Committee
- ☐ Court Forms Committee
- ☐ Ethics Advisory Committee
- ☐ Ethics and Discipline Committee of the Utah Supreme Court
- ☐ General Counsel
- ☐ Guardian Ad Litem Oversight Committee
- ☐ HR Policy and Planning Committee
- ☐ Judicial Branch Education Committee
- ☐ Judicial Outreach Committee
- ☐ Language Access Committee
- ☐ Law Library Oversight Committee
- ☐ Legislative Liaison Committee
- ☐ Licensed Paralegal Practitioner Committee
- ☐ Model Utah Civil Jury Instructions Committee
- ☐ Model Utah Criminal Jury Instructions Committee
- ☐ Policy and Planning member
- ☐ Pretrial Release and Supervision Committee
- ☐ Resources for Self-Represented Parties Committee
- ☐ Rules of Appellate Procedure Advisory Committee
- ☐ Rules of Civil Procedure Advisory Committee
- ☐ Rules of Criminal Procedure Advisory Committee
- ☐ Rules of Evidence Advisory Committee
- ☐ Rules of Juvenile Procedure Advisory Committee

- ☐ Rules of Professional Conduct Advisory Committee
- ☐ State Court Administrator
- ☐ TCE's
- ☐ Technology Committee
- ☐ Uniform Fine Committee
- ☐ WINGS Committee
- ☐ None of the Above

If the approving entity (or individual) is not listed above, please list it (them) here.

List all stakeholders who would be affected by this proposed amendment. *

Accounting Manual Committee (made us aware of the rule but doesn't seem to be regularly enforced or complied with); TCEs (we don't believe any districts will increase juror refreshment expenditures because none of the current CoCs were aware of the requirement of a court order but this group may want to weigh in); Possibly Board of District Court Judges

[Create your own Google Form](#)

Does this form look suspicious? [Report](#)

Rule 4-405. Juror and ~~w~~Witness ~~f~~Fees and ~~e~~Expenses.**Intent:**

To develop ~~a~~-uniform proceduress for payment of juror and witness expenses.

Applicability:

This rule ~~shall apply~~applies to juvenile and district courts. ~~all trial courts of record~~.

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

(1)(A) The C~~e~~ourts ~~shall~~will pay the fee established by statute for all jurors, ~~of the courts of record. The courts shall~~will pay the fee established by statute for witnesses subpoenaed by the prosecutor or by an indigent defendant in criminal cases, ~~in the courts of record and in~~ actions in ~~the~~ juvenile court. The C~~e~~ourts ~~shall~~will not pay ~~no~~ a fee to a witness appearing for a hearing that was canceled or postponed with at least 24 hours' notice to the parties, excluding Saturdays, Sundays, and holidays. The parties ~~shall~~will notify witnesses when a hearing is canceled or postponed. Upon request, a civil witness's necessary and reasonable parking expenses ~~shall~~will be reimbursed by the attorney who issued the subpoena.

(1)(B) ~~A~~-"Subsequent day of attendance" in Utah Code section 78B-1-119 means-~~shall be:~~

(1)(B)(i) for a witness, attendance on a subsequent day of the hearing regardless of whether the hearing is continued to a contiguous business day, but only if the hearing was actually called on the first day; and

(1)(B)(ii) for a juror, attendance on a subsequent day during the juror's term of availability, as defined in Rule 4-404~~(2)(B)~~, regardless of whether attendance is for the same trial.

(1)(C) A witness requesting payment ~~shall~~must present a subpoena ~~on which appears~~bearing the certification of the attorney general, county attorney, district attorney or legal defender of the number of days the witness attended court, ~~as defined in subsection (1)(B).~~

(2) **Mileage.** The C~~e~~ourts ~~shall~~will reimburse the cost of travel at the rate established by statute for those jurors and witnesses to whom the C~~e~~court pays a fee. A witness in a criminal case or juvenile court case traveling from out of state to whom the C~~e~~court pays a witness fee ~~shall~~will be reimbursed the cost of round-trip airfare or round-trip travel at \$.20 per mile, as determined by the C~~e~~court.

(3) **Meals and refreshments.**

(3)(A) The Court ~~Meals for jurors shall~~ will provide meals for jurors ~~be provided~~ if the case has been submitted to the jury and the jury is in the process of deliberating the verdict or if the jury is sequestered. A lunch meal may be provided to jurors impaneled to try a case if it is anticipated that the matter will not be concluded by 2:00 p.m. on the final day of trial and the trial judge finds that provision of a lunch meal will assist in expediting the conclusion of the trial.

(3)(B) A witness in a criminal case or a juvenile court case traveling from outside the county to whom the Court pays a witness fee may be reimbursed for meals.

(3)(C) Payment for meals for jurors and eligible in-state witnesses ~~shall~~ must not exceed the rates ~~adopted by the Department of Administrative Services~~ found on the U.S. General Services Administration website for the city in which the meal was provided.

(3)(D) Refreshments may be provided to a jury during the course of trial, ~~upon order of the judge.~~ Payment for refreshments ~~shall~~ must not exceed the per diem per day break rates found in Section 07-03.00 of the Accounting Manual ~~State Department of Finance per diem rate per person per day.~~

(4) **Lodging.** The Court will pay for jurors' ~~Lodging for jurors shall~~ will be paid if the judge orders the jury sequestered, if the juror must travel more than 100 miles one-way from the juror's residence to the courthouse and the judge orders that lodging be paid, or if the judge orders that lodging be paid due to inclement weather. A witness in a criminal case or juvenile court case to whom the court pays a witness fee traveling from outside the county ~~shall~~ will be provided lodging only upon a determination by the Trial Court ~~E~~xecutive that returning to the point of origin on the date in question places a hardship upon the witness or that the reimbursement for travel for repeat appearances is greater than the cost of lodging. Unless unavailable, lodging costs ~~shall~~ must not exceed the rates found on the U.S. General Services Administration website for the city in which the lodging was provided ~~adopted by the Department of Administrative Services.~~

(5) **Method and record of payment.**

(5)(A) The Court will ~~payment of~~ juror and witness fees and mileage ~~shall be~~ by check made payable to the individual, or ~~the court~~ may reimburse the county or municipal government for the payment of the fee or mileage allowance.

(5)(B) The Court ~~shall~~ will pay eligible juror expenses ~~of jurors~~ directly to the vendor. Jurors ~~shall~~ will not be required to incur the expense and seek reimbursement. The Court may pay ~~the~~ eligible witness expenses ~~of witnesses~~ directly to the vendor or may reimburse the witness or the county or municipal government for the expense.

(5)(C) **Jurors.** Jurors must present a summons for payment for the first day of service. If a juror does not present a summons, the ~~clerk-Court~~ may certify that the juror was summoned. The ~~Court clerk-shall~~must file the summons and ~~shall~~ record the attendance of jurors for payment, including subsequent days of service.

(5)(D) **Witnesses in criminal cases and juvenile court cases.** Witnesses in criminal cases and juvenile court cases must present a subpoena for payment. If the subpoena is issued on behalf of an indigent defendant, it ~~shall~~must bear the certificate of defense counsel that the witness has appeared on behalf of the defendant at state expense, regardless of the number of days for which the witness is eligible for payment. If the subpoena is issued on behalf of the prosecution, the prosecutor ~~shall~~must certify the number of days and the number of miles for which the witness is eligible for payment. The ~~clerk-Court~~shall must file the subpoena and record of attendance. If a witness does not present a subpoena, the ~~clerk-Court~~ may record the witness' attendance and mailing address that is certified by the prosecutor or defense counsel.

(5)(E) The ~~Court Clerk-of-the-court~~, or designee, ~~shall~~must enter the payment due the witness in the ~~sState aAccounting sSystem (FINET)~~ within 10 business days after receipt of certification.

(5)(F) The ~~Court Clerk-of-the-court~~, or designee, ~~shall~~must enter the payment due the juror into the ~~jJury mManagement sSystem~~ within 10 business days from the last court date served.

(5)(G) The ~~Court Clerk of-court-shall~~must maintain both a list of undeliverable juror and witness checks and the checks. State Finance reports all state-~~dated~~ checks to the Unclaimed Property Division and the ~~Ce~~ourt destroys the checks.

(6) **Audit of records.** The Administrative Office ~~of the Courts~~-audit program ~~shall~~must include an audit of juror and witness payments within the scope of their regularly scheduled audits.

Effective: ~~May 1, 2019~~November 1, 2026

TAB 4

Human Resource Policies

Notes: See attached memo.

UTAH
JUDICIARY
Department of Human Resources

Memorandum

From: Bart Olsen, Director of HR, Administrative Office of the Courts
[Human Resources Policy Review Committee](#)

To: Policy, Planning & Technology Committee
Judicial Council

Re: Summary of Draft HR Policy Amendments

This memorandum summarizes the context, rationale, and intended impacts of proposed amendments to HR Policy.

BACKGROUND

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 HR policies relevant and effective.

1. HR08-3 Lunch, Break, Wellness Release Periods.

Currently, policy HR08-3 allows up to 30 minutes of wellness release up to 3 days per week for an employee working a standard 5-day, 8 hr/day schedule. The policy reduces the maximum allowable days to just two per week if an employee works a 4-day 9 hr/day + 1 4 hr/day schedule, or if the employee works a 4-day, 10 hr/day schedule, and for part-time employees working more than 20 hrs/week but less than 40 hrs/week. The maximum reduces to one day per week if the employee works part-time at 20 hrs/week or less.

UTAH
JUDICIARY
Department of Human Resources

A district employee submitted a request to the HRPRC to consider allowing more local discretion for employees who are working a non-standard work week. The proposed amendment would allow the maximum number of allowed wellness release periods per week to be based on hours worked per week instead of days worked, allowing more full time employees to enjoy the maximum benefit while preserving local management discretion to maintain appropriate office coverage. Members of the HRPRC support this proposal.

[Click here to view the proposed HR08-3 policy amendment](#)

2. HR06-6(12) Pay for Performance Increase

Changes in compensation practices established by the 2025 Investing in Our People (IOP) initiative resulted in some ambiguities and inconsistencies between current policy and established practices. This amendment resolves those ambiguities, particularly by defining the new hire track vs. the standard track and clarifying eligibility requirements.

For your reference, established IOP practices are published [here, if desired](#).

[Click here to view the proposed HR06-6\(12\) policy amendment](#)

3. HR06-7(4) Performance-based Pay Bonuses

Similar changes in compensation practices established by the IOP resulted in a need to resolve ambiguities and inconsistencies in this policy provision, consistent with the changes proposed for policy HR06-6(12).

[Click here to view the proposed HR06-7\(4\) policy amendment](#)

UTAH JUDICIARY
Department of Human Resources

4. HR06-7(7) Incentive Awards, Bonuses, and Second Language/IT Stipends

Oversight of staff and contract interpreters has recently been centralized by the Office of Fairness and Accountability (OFA). District management appreciates this centralization and no longer holds nor has any desire to hold responsibility for managing second language stipend payments. The proposed policy amendment resolves the inconsistency between established practices and current policy.

[Click here to view the proposed HR06-7\(7\) policy amendment](#)

5. HR07-19 Leave for Time-Limited Law Clerk Attorneys

Over the past few years, districts have discontinued hiring time-limited law clerk attorneys because time periods of employment greater than 12-18 months tend to better serve needs in the districts. No time-limited law clerk attorney position remains in any of the judicial districts.

However, time limits do still serve the needs of the appellate courts, and when the state payroll system changed to Vantage this past spring, we saw an opportunity to use the recently implemented Judicial Administrative (JA) leave to simplify administration of 26 days of paid leave per year by adopting policy changes.

This proposal was drafted in collaboration with the Appellate Court Administrator and Appellate Clerk of Court, who are supportive of these amendments.

[Click here to view the proposed amendment to policy HR07-19](#)

UTAH
JUDICIARY
Department of Human Resources

6. HR13-3 Employee Resource Group (ERG) Participation

ERGs were created under the direction of the OFA in 2022. Policy HR13-3 was added later on to ensure consistent application of a once-per-month hour of administrative leave to participate in ERG activities, but many questions employees had about ERG scope and purpose, creation and maintenance, funding, and leadership remained unanswered in HR policy or elsewhere.

HR participated in several discussions with OFA leadership and the State Court Administrator's Office on this matter. Ultimately, we all agreed that HR policy was the appropriate place for this clarifying language to be housed. The OFA Director submitted policy language for consideration, and after some vetting, the proposal below was supported by the HRPRC. This proposed amendment provides clarity on the previously mentioned outstanding questions currently unaddressed by policy.

[Click here to view the proposed HR13-3 policy amendment](#)

TAB 5

CJA 3-201.01. Statewide court division commissioners (NEW)

CJA 3-201.02. Court Commissioner Conduct Committee

CJA 3-202. Court referees prohibited

CJA 3-111. Performance evaluation of court commissioners

CJA 6-701. Establishment of Debt Collection or Housing Action Division (NEW)

CJA 6-702. Debt Collection and Housing Action Commissioners (NEW)

Notes: The [S.B. 270](#) Steering Committee is recommending several new rules and rule amendments to align with S.B. 270's creation of the Debt Collection and Housing Division in lines 28-59 (effective 1/1/27). The new Division Commissioners would have statewide jurisdiction. The committee is also discussing potential 2027 legislative amendments with the bill sponsor.

The Steering Committee recommends adding a [new Article under Chapter 6](#), District Court Operations, titled “**Debt Collection or Housing Action Division.**” Rules 6-701 and 6-702 would fall under that Article.

I've included comments regarding inconsistent terminology. I don't feel strongly about which terms are ultimately used, but I recommend that they be consistent across all proposed rules.

Rule 3-201.01 Commissioners of Statewide Court Divisions.**Intent:**

To define the role of commissioners for statewide court divisions, such as the Debt and Housing Court.

To establish a term of office for court commissioners in statewide court divisions.

To establish uniform administrative policies governing the qualifications, appointment, supervision, discipline and removal of commissioners serving in statewide court divisions.

Applicability:

This rule applies to all trial courts of record for which a division has been established by the Council pursuant to Utah Code section 78-5-103.

Statement of the Rule:

(1) **Definition.** Statewide Court Division commissioners ("Division Commissioners") are quasi-judicial officers established by the Utah Code, and authorized by the Council and, as appropriate, the Utah Supreme Court, to handle cases assigned to a statewide court division, such as the Debt Collection and Housing Action Division of the District Court.

(2) Qualifications.

(2)(A) Division Commissioners must be at least 25 years of age, United States citizens, Utah residents for three years preceding appointment and residents of Utah while serving as commissioners.

(2)(B) Division Commissioners must be admitted to practice law in Utah and exhibit good character. Division Commissioners must possess ability and experience in the areas of law in which the Division Commissioner serves.

(2)(C) Division Commissioners will comply with Utah Code section 78A-2-221.

(3) Appointment - Oath of office.

(3)(A) Selection of Division Commissioners will be based solely upon consideration of fitness for office.

(3)(B) When a vacancy occurs or is about to occur in the office of a Division Commissioner, the Council will determine whether to fill the vacancy.

(3)(C) After the determination required by paragraph (3)(B), the chair of the Board of District Court Judges will form a committee for the purpose of nominating candidates. The committee will consist of three district court judges; three lawyers [with varied viewpoints] from the practice areas which are the focus of the Division; and two members of the public. The judges on the nominating committee must not be members of the Board or the Council. One of the judges will be appointed as the chair of the committee. The District Court Administrator will assist the committee. All members of the

Commented [KW1]: Rule 6-701 refers to the division as the Debt Collection or Housing Division" and it doesn't use the term "statewide." Here, we call it a "court division," but in 6-710, we call it a "division within the district court." Whichever way we go, we should use consistent terminology across all rules.

committee will reside in the State of Utah. All members of the committee will be voting members. A quorum of one half the voting committee members is necessary for the committee to act. The committee will act by the concurrence of a majority of the members voting. When voting upon the qualifications of a candidate, the committee will follow the procedures established in the commissioner nominating manual.

(3)(D) No member of the committee may vote upon the qualifications of any candidate who is the spouse of that committee member or is related to that committee member within the third degree of relationship. No member of the committee may vote upon the qualifications of a candidate who is associated with that committee member in the practice of law. The committee member will declare to the committee any other potential conflict of interest between that member and any candidate as soon as the member becomes aware of the potential conflict of interest. The committee will determine whether the potential conflict of interest will preclude the member from voting upon the qualifications of any candidate. The committee will record all declarations of potential conflicts of interest and the decision of the committee upon the issue.

(3)(E) The Administrative Office will advertise for qualified applicants and will remove from consideration those applicants who do not meet minimum qualifications of age, citizenship, residency, and admission to the practice of law. The Administrative Office will develop uniform guidelines for the application process for Division Commissioners.

(3)(F) The nominating committee will review the applications of qualified applicants and may investigate the qualifications of applicants to its satisfaction. The committee will interview selected applicants and select the three best qualified candidates. All voting will be by confidential ballot. The committee will receive public comment on those candidates as provided in paragraph (4). Any candidate may be reconsidered upon motion by a committee member and upon agreement by a majority of nominating committee members.

(3)(G) When the public comment period as provided in paragraph (4) has closed, the comments will be given to the nominating committee. If any comments would negatively affect the committee's decision on whether to recommend a candidate, the candidate will be given all comments with the commenters' names redacted and an opportunity to respond to the comments. If the committee decides not to recommend a candidate based on the comments, the committee will select another candidate from the interviewed applicants and again receive public comment on the candidates as provided in paragraph (4).

(3)(H) The nominating committee will present the names, applications, and the results of background investigations of the nominees to the Board of District Court Judges. The committee may indicate its order of preference.

(3)(I) The Board will select one of the nominees by a concurrence of a majority of judges voting.

(3)(J) The chair of the Board will present the name of the selected candidate to the Management Committee. The selection will be final upon the concurrence of two-thirds of the members of the Management Committee. The Management Committee will vote upon the selection within 45 days of the selection or the concurrence of the Management Committee will be deemed granted.

(3)(K) If the Management Committee does not concur in the selection, the judges of the district may select another of the nominees or a new nominating process will be commenced.

(3)(L) The appointment will be effective upon the Division Commissioner taking and subscribing to the oath of office required by the Utah Constitution and taking any other steps necessary to qualify for office. The Division Commissioner will qualify for office within 45 days after the concurrence by the Management Committee.

(4) Public comment for appointment and retention.

(4)(A) Final candidates for appointment and Division Commissioners who are up for retention will be subject to public comment.

(4)(B) For final candidates, the nominating committee will be responsible for giving notice of the public comment period.

(4)(C) For Division Commissioners, the Administrative Office will be responsible for giving notice of the public comment period.

(4)(D) The responsible party will:

(4)(D)(i) email notice to each active member of the Utah State Bar including the names of the nominees or Division Commissioner with instructions on how to submit comments;

(4)(D)(ii) issue a press release and other public notices listing the names of the nominees or Division Commissioner with instructions on how to submit comments; and

(4)(D)(iii) allow at least 10 days for public comment.

(4)(E) Individuals who comment on the nominees or commissioners should be encouraged, but not required, to provide their names and contact information.

(4)(F) The comments are classified as protected court records and will not be made available to the public.

(5) Term of office. Division Commissioners will be appointed until December 31 of the third year following concurrence by the Council. At the conclusion of the first term of office and each subsequent term, Division Commissioners will be retained for a term of four years unless the Board votes not to retain the commissioner in accordance with paragraph (8)(B) or unless the Council does not certify the commissioner for retention under Rule 3-111.

(6) Division commissioner performance review.

(6)(A) Performance evaluations and performance plans. The chair of the Board will prepare an evaluation of the Division Commissioner's performance and a performance plan in accordance with Rule 3-111. Division Commissioners will comply with the program for judicial performance evaluation, including expectations set forth in a performance plan.

(6)(B) Public comment period results. When the public comment period for a commissioner provided in paragraph (4) closes, the comments will be given to and reviewed by the Board. If there are any negative comments, the negative comments will be provided to the commissioner with the commenters' names redacted and the commissioner will be given an opportunity to respond to the comments.

(7) Corrective action or removal during a commissioner's term.

(7)(A) Corrective action.

(7)(A)(i) The Council may take corrective actions as the result of a complaint filed under Rule 3-201.02.

(7)(A)(ii) If the commissioner's performance is not satisfactory, corrective actions may be taken in accordance with paragraph (7)(A)(iii) by the Board chair.

(7)(A)(iii) Corrective actions may include but are not limited to private or public censure, restrictions in case assignments with corresponding reduction in salary, mandatory remedial education, suspension without pay for a period not to exceed 60 days, and removal under (7)(B)(i)(c).

(7)(B) Removal.

(7)(B)(i) Removal by Judicial Council. During a Division Commissioner's term, the Division Commissioner may be removed by the Council:

(7)(B)(i)(a) as part of a reduction in force;

(7)(B)(i)(b) for failure to meet the evaluation requirements; or

(7)(B)(i)(c) as the result of a complaint filed under Rule 3-201.02 upon the concurrence of two-thirds of the Council.

(7)(B)(i)(d) if the commissioner's performance is not satisfactory, as reported to the Council by the chair of the Board after a majority vote of the Board.

(8) Retention.

(8)(A) The Council will review materials on the commissioner's performance prior to the end of the commissioner's term of office and the Council will vote on whether the commissioner is eligible to be retained for another term in accordance with Rule 3-111.

(8)(B) The Council will seek a recommendation from the Board as to whether or not to retain the commissioner for another term of office.

(8)(C) The Council will, with the concurrence of a majority of the members voting, retain the Division Commissioner for another term. A decision not to retain is without cause and will be communicated to the commissioner within a reasonable time after the decision is made, and not less than 60 days prior to the end of the commissioner's term.

Commented [KW2]: decide whether to retain?

(9) Salaries and benefits.

(9)(A) The Council will annually establish the salary of Division Commissioners. In determining the salary of the Division Commissioners, the Council will consider the effect of any salary increase for judges authorized by the Legislature and other relevant factors. Except as provided in paragraph (6), the salary of a Division Commissioner will not be reduced during the commissioner's tenure.

(9)(B) Division Commissioners will receive annual leave of 20 days per calendar year and the same sick leave benefits as judges of the courts of record. Annual leave not used at the end of the calendar year will not accrue to the following year. A commissioner hired part way through the year will receive annual leave on a prorated basis. Division Commissioners will receive the same retirement benefits as non-judicial officers employed in the judicial branch.

Commented [KW3]: Verify the correct leave terminology with HR to account for the new leave system/process.

(10) Support services.

(10)(A) Division Commissioners will be provided with support personnel, equipment, and supplies necessary to carry out the duties of the office as determined by the District Court Administrator.

(10)(B) Division Commissioners are responsible for requesting necessary support services from the District Court Administrator.

Effective: November 1, 2026

Rule 3-201.02. Court Commissioner Conduct Committee.**Intent:**

To establish a procedure for the review of complaints filed against court commissioners.

Applicability:

This rule ~~shall~~ applies to court commissioners and Division Commissioners in all trial courts of record.

Statement of the Rule:**(1) Court Commissioner Conduct Committee.**

(1)(A) The Court Commissioner Conduct Committee is established to:

(1)(A)(i) receive, review, and investigate any complaint filed against a court commissioner;

(1)(A)(ii) conduct any hearing related to a complaint, and

(1)(A)(iii) make recommendations to the Council and the presiding judge(s) of the district(s) the commissioner serves, ~~or to the cChair of the Board of District Court Judges ("Board") for Statewide Court Division commissioners~~ regarding corrective actions or removal of the commissioner pursuant to ~~CJA-Rules 3-201~~ or 3-201.01, where the Committee finds misconduct by a preponderance of the evidence. For purposes of this rule, "misconduct" means:

(1)(A)(iii)(a) action that constitutes willful misconduct in office;

(1)(A)(iii)(b) final conviction of a crime punishable as a felony under state or federal law;

(1)(A)(iii)(c) willful and persistent failure to perform commissioner duties; or

(1)(A)(iii)(d) violations of the Code of Judicial Conduct.

(1)(B) The Committee consists of the following members:

(1)(B)(i) the Court of Appeals member of the Ethics Advisory Committee, who ~~shall~~ will serve as chair of the Committee;

(1)(B)(ii) two presiding judges from judicial districts with a court commissioner, which presiding judges ~~shall~~ will be from districts other than the district the commissioner primarily serves, ~~except for Statewide Court Division commissioners~~;

(1)(B)(iii) the immediate past Bar Commissioner member of the Council; and

(1)(B)(iv) the chair of the Supreme Court Advisory Committee on the Rules of Professional Conduct.

Commented [KW1]: Need to use consistent terminology across all rules.

(1)(C) Circumstances which require recusal of a judge ~~shall~~will require recusal of a Committee member from participation in Committee action.

(1)(C)(i) If the chair is recused, a majority of the remaining members will~~shall~~ select from among themselves a chair pro tempore.

(1)(C)(ii) If a presiding judge is recused, the chair will~~shall~~ temporarily appoint a presiding judge of another judicial district with a commissioner.

(1)(C)(iii) If the immediate past Bar Commissioner member of the Council is recused or otherwise unable to serve, the chair will~~shall~~ temporarily appoint another past Bar Commissioner member of the Council.

(1)(C)(iv) If the chair of the Supreme Court Advisory Committee on the Rules of Professional Conduct is recused or otherwise unable to serve, the chair will ~~shall~~ temporarily appoint another member of the Supreme Court Advisory Committee on the Rules of Professional Conduct.

(1)(D) Three members of the Committee constitute a quorum. Any action of a majority of the quorum constitutes the action of the Committee. The chair ~~shall~~will vote only as necessary to break a tie vote. The Committee ~~shall~~will be organized and meet only as often as necessary to resolve a complaint not previously dismissed by the chair pursuant to paragraph (2)(C) below. Committee members may attend meetings in person, by telephone, by videoconference, or by other means approved in advance by the chair.

(1)(E) The confidentiality of all actions and materials related to a complaint, hearing, appeal, and Council review are governed by Rule 4-202.02, other than any public censure by the Council.

(2) Complaint submission and initial review.

(2)(A) A person who has a complaint against a commissioner ~~shall~~must submit a copy of the complaint to the Committee chair.

(2)(B) Each complaint ~~shall~~must be in writing and ~~shall~~ contain:

(2)(B)(i) the complainant's name;

(2)(B)(ii) the complainant's preferred contact information;

(2)(B)(iii) the name of the involved commissioner;

(2)(B)(iv) a description of the commissioner's actions in sufficient detail to inform the Committee of the nature and date of the alleged misconduct; and

(2)(B)(v) when possible, supporting documentation.

(2)(C) Upon receiving a complaint, the chair will~~shall~~ conduct an initial review to determine if the allegations raise an issue that would be appropriately addressed by the full Committee. The chair will~~shall~~ dismiss frivolous complaints and complaints found to raise only issues of law or fact for which the remedy is the review of the case by the trial court

69 judge or by an appellate court. If the chair dismisses a complaint following initial review,
70 the chair ~~will~~~~shall~~ provide notice of and basis for the dismissal to the complainant, the
71 presiding judge(s) of the district(s) the commissioner serves, ~~or the Chair of the Board of~~
72 ~~District Court Judges for Statewide Court Division commissioners~~, and the commissioner.
73 The chair ~~shall~~~~will~~ refer any complaint not dismissed following initial review to the full
74 Committee.

75 **(3) Committee examination**

76 (3)(A) The Committee ~~shall~~~~will~~ examine any complaint referred to it by the chair under
77 paragraph (2)(C) to determine whether dismissal or a hearing is appropriate. In
78 connection with this examination, the committee may conduct an investigation of the
79 allegations made in the complaint, including review of any relevant court file, hearing
80 transcripts, and related materials.

81 (3)(B) If the Committee dismisses the complaint after examination, the chair ~~shall~~~~will~~
82 provide notice of and basis for the dismissal to the complainant, the commissioner, and
83 the presiding judge(s) of the district(s) the commissioner serves, ~~or the Board cChair of~~
84 ~~the Board of District Court Judges for Statewide Court Division commissioners~~.

85 (3)(C) If the Committee determines that the matter should proceed to a hearing, the chair
86 ~~will~~~~shall~~ send notice to the complainant, the commissioner, and the presiding judge(s) of
87 the district(s) the commissioner serves ~~or the Board cChair of the Board of District Court~~
88 ~~Judges for Statewide Court Division commissioners~~. The notice ~~must~~~~shall~~:

89 (3)(C)(i) inform the commissioner of the allegations and the canons allegedly
90 violated;

91 (3)(C)(ii) invite the commissioner to respond to the allegations in writing within 30
92 days; and

93 (3)(C)(iii) include a copy of the complaint.

94 (3)(D) If the commissioner chooses to respond to the allegations, the commissioner
95 ~~must~~~~shall~~ send a copy of the response to the complainant, the Committee chair, and the
96 presiding judge(s) of the district(s) the commissioner serves, ~~or the Board cChair of the~~
97 ~~Board of District Court Judges for Statewide Court Division commissioners~~.

98 (3)(E) At any time prior to a hearing, the complainant may request to withdraw his or her
99 complaint. If such a request is made, the Committee may grant the request and dismiss
100 the complaint, or it may deny the request and proceed with the hearing.

101 **(4) Hearings of the Court Commissioner Conduct Committee.**

102 (4)(A) If the Committee determines that a matter should proceed to a hearing under
103 paragraph (3), a hearing ~~will~~~~shall~~ be scheduled after receipt of the commissioner's
104 response or expiration of the time to respond in paragraph (3)(C)(ii). Notice of the date,
105 time, and place of the hearing ~~shall~~~~will~~ be sent to the complainant, the commissioner, and

the presiding judge(s) of the district(s) the commissioner serves, ~~or the Board cChair of the Board of District Court Judges for Statewide Court Division commissioners.~~

(4)(B) Hearings ~~shall be~~are closed to the public.

(4)(C) Not later than 20 days before the hearing, the commissioner and complainant ~~shall~~must exchange all proposed exhibits and a list of all potential witnesses. The commissioner and the complainant are not considered witnesses.

(4)(D) The commissioner and complainant may be present at the hearing and have the assistance of counsel.

(4)(E) The Committee ~~will~~shall interview the complainant, the commissioner, and any witnesses determined by the Committee to have relevant information. The commissioner and complainant have the right to testify.

(4)(F) The complainant may ask the Committee to pose specific questions to the commissioner, and the commissioner may ask the Committee to pose specific questions to the complainant. But ordinarily, neither the complainant nor the commissioner, whether acting on their own or through counsel, will be allowed to cross-examine the other unless, upon request, the Committee chair determines that cross-examination would materially assist the Committee in its deliberation.

(4)(G) The commissioner and complainant may present, examine, and cross-examine witnesses.

(4)(H) Testimony ~~shall~~will be presented under oath and a record of the proceedings maintained.

(4)(I) At any time before final decision by the Committee, the commissioner may admit some or all of the allegations in the complaint, and may stipulate to findings and recommendations by the Committee.

(4)(J) Within 30 days after the completion of the hearing, the Committee ~~will~~shall make written findings and conclusions concerning the allegations in the complaint and provide a copy to the complainant, the commissioner, the presiding judge(s) of the district(s) the commissioner serves ~~or the Board cChair of the Board of District Court Judges for Statewide Court Division commissioners,~~ and the Council.

(4)(K) If the Committee finds misconduct by a preponderance of the evidence, the Committee ~~will~~shall recommend appropriate corrective actions under ~~CJA-Rules~~3-201 or 3-201.01.

(4)(L) In making recommendations for corrective actions, the Committee ~~will~~shall consider the following non-exclusive factors:

(4)(L)(i) the nature of the misconduct;

(4)(L)(ii) the gravity of the misconduct;

(4)(L)(iii) the extent to which the misconduct has been reported to or is known by the presiding judge(s) of the district(s) the commissioner serves, ~~the Board cChair of the Board of District Court Judges for Statewide Court Division commissioners,~~ or the commissioner, and the source of the dissemination of information;

(4)(L)(iv) the extent to which the commissioner has accepted responsibility for the misconduct;

(4)(L)(v) the extent to which the commissioner has made efforts to avoid repeating the same or similar misconduct;

(4)(L)(vi) the length of the commissioner's service with the courts;

(4)(L)(vii) the effect the misconduct has had upon the confidence of court employees, participants in the judicial system, or the public in the integrity or impartiality of the judiciary;

(4)(L)(viii) the extent to which the commissioner profited or satisfied his or her personal desires as a result of the misconduct; and

(4)(L)(ix) the number and type of previous corrective actions against the commissioner.

(4)(M) At the conclusion of the Committee's work, a copy of the complete file ~~will~~shall be delivered to the State Court Administrator or designee.

(5) Council review of committee action.

(5)(A) Appeals from decisions without a hearing.

(5)(A)(i) Complaints dismissed prior to hearing, either by the chair under paragraph (2)(C) or by the Committee under paragraph (3)(B), may be appealed by the complainant to the ~~Judicial~~ Council. All such appeals must be submitted in writing to the ~~Presiding Officer~~Chair of the Council, and must be received within 30 days of the notice of dismissal. In the appeal, the complainant must set forth the specific grounds on which the appeal is based. A copy of the appeal ~~will~~shall be provided to the Committee chair, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves ~~or the Board cChair of the Board of District Court Judges for Statewide Court Division commissioners.~~

(5)(A)(ii) The Council, a designated Council member, or a committee of the Council ~~shall~~will conduct a de novo review of the file, and ~~will~~shall either affirm the dismissal, or ~~shall~~ require the Court Commissioner Conduct Committee to set the matter for hearing or re-hearing.

(5)(A)(iii) The Council's decision ~~will~~shall be in writing and a copy provided to the Committee chair, the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves ~~or the Board cChair of the Board of District Court Judges for Statewide Court Division commissioners.~~

(5)(A)(iv) If the dismissal is affirmed, the complainant has no other right of appeal.

(5)(B) **Council review following a hearing.**

(5)(B)(i) The Committee's findings, conclusions, and recommendations following a hearing will be reviewed by the Council, and considered at a meeting of the Council to be held at least 45 days after issuance of the Committee's decision.

(5)(B)(ii) The complainant, the commissioner, or presiding judge(s) of the district(s) the commissioner serves ~~or the Board cChair of the Board of District Court Judges for Statewide Court Division commissioners~~ may file objections to the Committee's findings, conclusions or recommendations. Any such objections must be submitted in writing to the Council within 30 days of the date the Committee's findings, conclusions, and recommendations were issued.

(5)(B)(iii) No person other than the members of the Council are entitled to attend the Council meeting at which the Committee's decision is reviewed.

(5)(B)(iv) In conducting its review, the Council ~~shall~~ will review the record of the Committee's hearing, and ~~shall~~ determine whether to adopt, modify, or reject the Committee's findings, conclusions, and recommendations, including any recommendations for corrective action.

(5)(B)(v) The Council's decision ~~shall~~ will be in writing and provided to the Committee chair, the commissioner, the complainant, and the presiding judge(s) of the district(s) the commissioner serves ~~or the Board cChair of the Board of District Court Judges for Statewide Court Division commissioners~~.

(5)(B)(vi) The decision reached by the Council after review is final and is not appealable.

(5)(C) **Annual Report.** The chair of the Committee ~~will~~ shall report to the Council not less than annually on the Committee's work including a general description of any complaint dismissed without a hearing.

Effective: ~~May 1, 2024~~ November 1, 2026

Rule 3-202. Court referees prohibited.**Intent:**

To prohibit courts from establishing the position of court referee.

Applicability:

This rule applies to all trial courts.

Statement of the Rule:

(1) **Definition.** Court referee means any person, other than:

(1)(A) a judge appointed under Article VIII of the Utah Constitution;

(1)(B) a senior judge appointed under ~~Rules 4-1-201 or Rule 4-1-203~~ of the Utah Supreme Court Rules of Professional Practice;

(1)(C) a judge pro tempore appointed under ~~Rule 4-1-202~~ of the Utah Supreme Court Rules of Professional Practice;

(1)(D) a court commissioner appointed under Rules 3-201 ~~or 3-201.01~~;

(1)(E) a master appointed under Rule 53 of the Utah Rules of Civil Procedure ~~53~~;

(1)(F) a Court Clerk ~~of court~~ acting under Rule 4-704; or

(1)(G) a juvenile court probation officer ~~acting appointed~~ under Utah Code s ~~Section 78A-6-205602 or Rule 7-301~~ by any title, including but not limited to court referee, traffic referee, hearing officer, or adjuster who resolves or recommends resolution of any case.

(2) **Court referees prohibited.** Court referees are prohibited.

Effective: ~~January 1, 2013~~ November 1, 2026

Commented [1]: if the UCJA Rule for commissioner selection for the division is a separately numbered Rule and not just part of 3-201, this needs to be amended too to include it

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 applies to presiding judges, [the Board of District Court Judges](#), the Council, and court commissioners [appointed under Rules 3-201 or 3-201.01](#).

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, [or the cChair of the Board of District Court Judges](#) ("Board") ~~for Statewide Court Division commissioners~~, 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 will complete an evaluation. ~~For Statewide Court Division Commissioners, the Board cChair of the Board of District Court Judges will complete an evaluation.~~

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

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

(2) Evaluation and certification criteria. Court commissioners 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;

Commented [KW1]: Terminology should be consistent across all rules.

(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.** The Council 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 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 paragraph (3)(A)(v) of this rule.

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

(3)(A)(i)(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)(b) Each question 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)(i)(c) A court commissioner's performance is satisfactory if:

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

(3)(A)(i)(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)(ii) **Survey respondents.** The Administrative Office 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.** A lawyer who has been appointed as a judge or court commissioner must not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline must not be a respondent in the survey.

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

(3)(A)(v) **Administration of the survey.** Court commissioners will be the subject of a survey approximately six months prior to the expiration of their term of office. Court commissioners will be the subject of a survey during the second year of each term of office. Newly appointed court commissioners 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 will provide to the subject of the survey, the subject's presiding judge(s), or Board cChair-of-the-Board-of District Court Judges, 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 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 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, ~~or Board cChair of the Board of District Court Judges for Statewide Court Division commissioners.~~ 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 will prepare a performance plan. ~~The Board cChair of the Board of District Court Judges will prepare a performance plan for Statewide Court Division commissioners.~~ The performance plan must communicate the expectations set forth in paragraph (2) of this rule.

(3)(F)(ii) If a presiding judge, ~~or Board cChair of the Board of District Court Judges.~~ issues an overall "Needs Improvement" rating on a court commissioner's annual performance evaluation as provided in paragraph (1), that presiding judge, ~~or Board cChair of the Board of District Court Judges.~~ 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 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 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 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 ~~R~~ule 2-103, the Council 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.

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

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

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

(4)(I) **Communication of certification decision.** The Council will communicate its certification decision to the court commissioner and to the presiding judge(s) of the district(s) the commissioner serves, ~~and to the Board cChair of the Board of District Court Judges for Statewide Court Division commissioners.~~

CJA 3-111

DRAFT: July 2, 2026

212 Effective: ~~May~~ November 1, 2026

Rule 6-701. Debt Collection or Housing Action Division.**Intent:**

To establish a division within the district court for the efficient management of debt collection or housing actions pursuant to Utah Code section 78A-5-103.

Applicability:

This rule applies to a division established within the district court for debt collection and housing actions.

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

(1)(A) “Debt collection case” means a civil action filed in the district court on or after January 1, 2027 that asserts only claims arising from any obligation or alleged obligation to pay money arising out of a transaction for money, property, insurance, or other services, whether or not such obligation has been reduced to judgment, and the only relief sought is money damages totaling less than \$25,000, exclusive of attorneys fees and costs.

(1)(B) “Housing action case” means a civil action filed in the district court that asserts a claim for forcible entry and detainer as described in Utah Code title 78B, chapter 6, part 8, Forcible Entry and Detainer.

(1)(C) “Pretrial case processing” means after a defendant has appeared in the case, deciding motions, conducting hearings pursuant to Utah Code title 78B, chapter 6, part 8, Forcible Entry and Detainer, deciding statements of discovery issues, conducting pretrial hearings, and other pretrial scheduling and management of the case until the case is certified ready for trial.

(1)(D) “Post-judgment case processing” means after a defendant has appeared in the case and judgment has entered, conducting hearings and deciding post-judgment motions and petitions, except for motions under Rule 59 of the Utah Rules of Civil Procedure, which must be heard by the district court judge assigned to the case. This includes, but is not limited to, motions pursuant to Rule 60 of the Utah Rules of Civil Procedure, applications for writs, procedures in aid of writs, and motions to renew judgment pursuant to Rule 58C of the Utah Rules of Civil Procedure.

(2) A division within the district court is established for the efficient management of debt collection or housing actions. The existence of the division may not impede public access to the courts. The district court of each district will participate in the division pursuant to the Utah Rules of Civil Procedure Rule 200 et seq.

Commented [KW1]: Rule 3-201.01 refers to commissioners in “statewide court divisions, such as the Debt and Housing Court.” Is this a statewide division? Should we clarify that here or remove “statewide court divisions” from 3-201.01? Are we calling it a “court division” or a “division within the district court”? Whichever way we go, we should use consistent terminology across all rules.

Commented [KW2]: Do we want this court to handle both or is there some question about whether the division will handle one or the other?

Commented [KW3]: I assume these rules will be in effect on or before the effective date of this rule? If not, it might be best to simply refer to the rules of civil procedure generally.

44
45 (3) The district court will assign any debt collection or housing action case as defined herein to
46 the statewide commissioners for centralized pretrial and post-judgment case processing as
47 defined herein. If recommended by the Board of District Court Judges, the Council may
48 authorize the district court to assign other matters to the statewide commissioners.
49
50 (4) Once a case is certified ready for trial, the statewide commissioners will transfer the case to
51 the district court judge.
52
53 Effective: November 1, 2026

Commented [KW4]: Is this referring to all participating district courts?

Commented [KW5]: In 3-201.01 these commissioners are called Statewide Court Division commissioners" using the defined term "Division Commissioners." These terms should be consistent.

Rule 6-702. Debt Collection and Housing Action Commissioners.**Intent:**

To identify, as required by Utah Code section 78A-5-107(8), the types of cases and matters Division Commissioners are authorized to hear and the types of relief Division Commissioners may order or recommend, and to establish procedures for the timely judicial review of recommendations and orders made by Division court commissioners.

Applicability:

This rule applies to court commissioners serving in a division for debt collection and housing action cases in the district courts established by the Judicial Council per in Rule 6-701.

Statement of the Rule:

(1) Types of cases and matters. Division Commissioners are authorized to hear a All debt collection and housing action matters transferred to the division established by the Judicial Council in Rule 6-701.

(2) Duties of court commissioner. Under the general supervision of the Chair of the Board of District Court Judges, a commissioner has the following duties in debt collection and housing action matters transferred to the division established by the Judicial Council in Rule 6-701:

(2)(A) handle pretrial procedural aspects of the case until the case is certified for trial;

(2)(B) conduct occupancy hearings, motion hearings, and other hearings consistent with applicable statutes and rules;

(2)(C) refer appropriate cases to alternative dispute resolution programs if available;

(2)(D) certify cases that appear to require a hearing or trial before the district court judge to the district court; and

(2)(E) handle post-judgment proceedings.

(3) Authority of court commissioner. Subject to the limitations outlined in this rule, court commissioners will have the following authority:

(3)(A) all duties and responsibilities conferred by statute, the Rules of Civil Procedure, and this rule;

(3)(B) upon notice, to require the personal appearance of parties and their counsel at hearings before the commissioner or district court;

(3)(C) issue temporary orders;

Commented [KW1]: If this is going to be a defined term in 3-201.01, I recommend using it here and throughout. I didn't change them all because I'm not sure which terms the steering committee might prefer.

(3)(D) issue orders resolving non-dispositive motions;

(3)(E) conduct pretrial conferences with the parties and their counsel;

(3)(F) issue pretrial scheduling orders, discovery orders, and order resolving statement of discovery issues;

(3)(G) issue orders imposing sanctions against any party who fails to comply with the commissioner's requirements of attendance or production of discovery;

(3)(H) conduct settlement conferences with the parties and their counsel;

(3)(I) issue orders referring appropriate cases to alternative dispute resolution programs if available;

(3)(J) conduct occupancy hearings in accordance with Utah Code section 78B-6-810 and make recommendations of findings of fact, conclusions of law, and a proposed order to the district court judge;

(3)(K) conduct hearings in accordance with Utah Code section 78B-6-810 and make recommendations of findings of fact, conclusions of law, and a proposed order to the district court judge;

(3)(L) conduct hearings in accordance with Utah Code section 78B-6-812 and make recommendations of findings of fact, conclusions of law, and a proposed order to the district court judge;

(3)(M) issue orders on motions to stay enforcement of an order of restitution or judgment;

(3)(N) conduct hearings for the purpose of taking evidence or proffers of evidence, except in cases previously certified to the district court;

(3)(O) make recommendations to the district court regarding any issue, including a recommendation for the entry of final judgment;

(3)(P) issue orders imposing sanctions for contempt of court, subject to de novo review by the district court judge;

(3)(Q) conduct hearings in aid of writs in accordance with Rule 64(c) and 64A of the Utah Rules of Civil Procedure; and

(3)(R) issue orders resolving objections to writs or motions to discharge writs, and order to show cause in accordance with Rules 64, 64A, 64B, 64C, 64D, and 64E of the Utah Rules of Civil Procedure;

(4) Prohibitions.

(4)(A) Commissioners must not make final adjudications or enter final, appealable orders.

(4)(B) Commissioners must not serve as pro tempore judges in any matter, except as provided by Rule of the Supreme Court.

(5) Judicial review.

(5)(A) A recommendation of a commissioner is not an order of the court.

(5)(B) An order of a commissioner is the order of the court until modified by the court.

(5)(B)(i) All orders made by a commissioner are subject to review by the district court pursuant to this rule and applicable rules of civil procedure or local rules.

(5)(B)(ii) Review of a commissioner's order by the district court judge is de novo; neither party is required to show a change in circumstances, and no deference may be given to the commissioner's decision. Countersigning a commissioner order does not constitute de novo review.

(5)(B)(iii) A party may file a written objection to a commissioner's order within 14 days after the order is made in open court or, if the commissioner takes the matter under advisement, within 14 days after the written order is served.

Effective: November 1, 2027

TAB 6

CJA 3-110. Judicial officer financial disclosures Judicial Officer Financial Disclosure Form

Notes: As a reminder, [H.B. 540](#) (lines 291-304), effective May 6, 2026, requires the Judicial Council to do three things with respect to financial disclosures:

1. by rule, require judges and commissioners to submit annual financial disclosures that are “comparable to” the conflict of interest disclosures in [20A-11-1604](#);
2. post the financial disclosures on the court’s website; and
3. submit a written report to the Judiciary Interim Committee before November 1, 2026, that describes the actions the Council has taken to comply with H.B. 540.

New [rule 3-110](#) (approved by the Council with a May 18, 2026 effective date) fulfills the first requirement. The Council discussed the 2026 reporting timeline, noted that the annual reporting term aligns with the reporting terms for performance standards in CJA [rule 3-101\(7\)](#), indicated that deferring the first reporting term to 2027 might be sufficient, but did not vote on that issue. As of right now, **the 2026 reporting deadline has not been set**. The Council determined that certain information should be automatically redacted prior to posting due to a judicial officer’s designation as an at-risk government employee, and that the Management Committee will be responsible for reviewing requests from judicial officers seeking additional redactions.

The Council asked PP&T to seek feedback from all boards of judges on the judicial officer financial disclosure form, specifically how “income” should be defined. I have not heard back from the Board of Justice Court Judges. Below is the feedback I received from the remaining boards:

Appellate Board: The appellate board referred to the definition of “income” in the election code but did not provide an opinion about whether it should be adopted or modified.

[20A-11-1602\(7\)](#): "Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise.

Board of District Court Judges: The BDCJ shares the concerns in the comments I included in the draft form. One question was raised about whether a son-in-law who lived in the judicial officer's home would have to report. Based on the "family member" definition, they assume

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

the answer is yes. Judge Williams suggested using the definition of “income” in 20A-11-1602(7).

Board of Juvenile Court Judges: [Some of the Board’s responses are tied to my comments in the draft form.]

Question 3 - They agree that we need either a definition of “income” or more clarity in the question. They agree with the "other than" language in my comment. This question should ask about other employment and not money received from being a Judge.

Question 5 - They felt this question needed a bit more clarity to make sure that it didn't apply to the stipend PJs and APJs receive, and that it didn't include serving on the Board of Juvenile Court Judges. They felt it needed more clarification to specify that these would be leadership roles outside of the judiciary.

Question 7 - They felt the question should be kept and automatically redacted.

Question 8 - At first one judge had concerns about this question because they didn't realize that “family members” was defined below. After reading that definition they had no further concerns about this question.

The financial disclosure form was created using: [20A-11-1604](#); examples of legislative conflict of interest disclosures for both [House](#) and [Senate](#) members; definitions related to [at-risk government employees](#); terminology in the [Code of Judicial Conduct](#); and CJA rule [4-202.02](#) governing the classification of court records.

The draft form in the packet includes the comments provided to the Boards and proposed changes in response to Board feedback.



Judicial Officer Financial Disclosure Form

Pursuant to Rule 3-110 of the Utah Code of Judicial Administration, all judicial officers are required to complete and submit this form to the Judicial Council between August 1st and August 15th of each year.

Judicial officer's name

Court

1. Have you been employed by any individual(s) or entity(ies) other than the judicial branch of the State of Utah in the preceding year? **Note:** Justice court judges employed as full-time judges who have no other employment should check 'no.'

☐ Yes

☐ No

If yes, provide a brief description of the employment, occupation, and job title.

2. Have you been an owner or officer of any entity(ies) during the preceding year?

☐ Yes

☐ No

If yes, provide the name of the entity(ies), a brief description of the business or activity, and your position.

3. Have you received \$5,000 or more in **income** from any entity(ies) or individual(s) during the preceding year [for non-judicial services or activities](#)?

☐ Yes
☐ No

Commented [KW1]: What is "income"? Need clarity or a definition. Wages/salary earned from a person or entity other than the State of UT? For justice court judges, income earned for non-judicial work? This is separate from #4 below. It does not include interest earned, etc.

If yes, provide the name of the entity(ies) or individual(s) and a brief description of the business or activity conducted by the entity(ies) or individual(s).

4. Do you hold stocks or bonds with a fair market value of \$5,000 or more in any entity(ies) as of this date or during the preceding year, excluding third-party managed funds (e.g., managed investment accounts, blind trusts, mutual funds, etc.)?

☐ Yes
☐ No

If yes, provide the name of the entity(ies) and a brief description of the business or activity conducted by the entity(ies).

5. Do you serve in a paid leadership capacity [outside the judiciary](#) or in a paid or unpaid position on a board of directors of any entity(ies) or organization(s) not listed above?

☐ Yes
☐ No

If yes, provide the name of the entity(ies) or organization(s), describe the type of business or activity conducted by the entity(ies) or organization(s), and the type of position held.

6. (Optional) Do you hold an ownership or other financial interest in any real property(ies) that you believe may constitute a conflict of interest?

☐ Yes
☐ No

If yes, please provide a brief description of the type of interest held in the property(ies).

7. If you are married, provide the name of your spouse. If you believe your spouse's current employment, or employment in the preceding year, may constitute a conflict of interest, provide the name of your spouse's employer(s).

Commented [KW2]: [63A-19-408\(1\)\(a\)\(ii\)](#): judges and court commissioners are "at-risk government employees." [\(1\)\(c\)](#): "personal information" includes "marital status." Because "marital status" is considered "personal information," should #7 be removed or remain but be automatically redacted?

Commented [KW3R2]: Board of Juvenile Court Judges suggested this question remain and be automatically redacted.

8. Do any adults reside in your home who are not family members?

☐ Yes
☐ No

If yes, provide the adult's name. If you believe the adult's presence in your household may constitute a conflict of interest, provide a brief description of the adult's employment or occupation.

☐ I attest that I have reviewed this document in its entirety and confirm that all information provided is accurate and complete to the best of my knowledge.

Signature

Date

Definitions. Chapter 4, Article 2 of the Utah Code of Judicial Administration governs the classification of and access to court records, including this form. For purposes of this form:

"Family member" means the spouse, domestic partner, child, grandchild, sibling, parent, or grandparent of a judicial officer. A "family member" may also include a person treated by the judicial officer as a member of the judicial officer's family, if that person resides in the judicial officer's household.

"Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise. "Income" does not include interest earned from stocks, bonds, managed funds, or other investments.

"Personal information" includes the judicial officer's or judicial officer's family member's home address, home telephone number, personal mobile telephone number, personal pager number, personal email address, date of birth, driver's license number, social security number, account descriptions and numbers, insurance coverage, marital status, and payroll deductions.

"Protected information" includes a judicial officer's business email address, and any information which may jeopardize a judicial officer's or judicial officer's family member's life, safety, or property.

Redactions. Judicial officers are at-risk government employees and public figures. Personal and protected information will be redacted from the form before it is posted on the court website. If you would like additional information redacted from this form prior to posting, please check the associated response number below, identify the information you would like redacted, and provide a reason for the redaction.

Commented [KW4]: Definition drawn from both [63A-19-408\(1\)\(b\)](#) and [Terminology](#) in the Code of Judicial Conduct.

Code of Judicial Conduct: "[Member of the judge's family](#)" means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship.

["Member of a judge's family residing in the judge's household"](#) means any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family who resides in the judge's household.

63A-19-408(1)(b): "Family member" means the spouse, child, sibling, parent, or grandparent of an at-risk government employee who is living with the employee.

Commented [KW5]: Definition from 20A-11-1602(7), except for the last line. I added that line in an attempt to provide clarity.

Commented [KW6]: [63A-19-408\(1\)\(c\)](#): "Personal information" means the employee's or the employee's family member's home address, home telephone number, personal mobile telephone number, personal pager number, personal email address, social security number, insurance coverage, marital status, or payroll deductions.

Added "date of birth," "driver's license number," and "account descriptions and numbers" from [4-202.02\(4\)\(M\)](#) (private records).

Commented [KW7]: [CJA 4-202.02: \(2\)\(Q\)](#): Judge's name, business address, and business telephone numbers are "public records" (excludes business email addresses).

(5)(O): "protected records" include records "the disclosure of which would jeopardize life, safety, or property."

Commented [KW8]: The Management Committee will decide whether to redact additional information.

☐	Answer 1	
☐	Answer 2	
☐	Answer 3	
☐	Answer 4	
☐	Answer 5	
☐	Answer 6	
☐	Answer 7	
☐	Answer 8	