

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

September 4, 2026– 12:00 p.m. to 1:30 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	CJA 4-901. Mandatory electronic filing in juvenile court	Action	Tab 2	Melissa Kennedy Daniel Meza Rincon
	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) CJA 4-403. Electronic signature and signature stamp use	Action	Tab 3	Judge Pettit Michael Samantha Starks Sonia Sweeney
	CJA 3-501. Insurance benefits upon retirement	Action	Tab 4	Keisa Williams
	CJA 3-110. Judicial officer financial disclosures	Action	Tab 5	Keisa Williams
1:10	Technology report/proposals	Discussion		Brody Arishita
1:20	Old Business/New Business	Discussion		Judge Gardner
1:30	Adjourn			

2026 Meetings:

October 16, 2026

November 6, 2026

December 4, 2026

TAB 1

Minutes

August 7, 2026

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

DRAFT

Webex video conferencing
August 7, 2026 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Loni Page
Michael Samantha Starks
Nick Stiles
Bart Olsen
Jeremy Marsh
Melissa Kennedy
Janine Liebert
Keri Sargent

STAFF:

Keisa Williams
Todd Eaton
Cindy Schut

(1) Welcome and approval of minutes:

Judge Carpenter welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the July 10, 2026 meeting. With no changes, Judge Johnson moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

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

Rules approved as final June 22, 2026 and back from public comment:

- **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**

Rule 3-421 is back from a 45-day public comment period. No comments were received. It is ready to go to the Judicial Council for final approval. During the June 22, 2026 meeting, the Judicial Council approved amendments to rules 4-906, 4-906.01, 4-906.02, and 4-906.03 on an expedited basis with June 22, 2026 effective date. The rules also went out for a 45-day public comment period. No comments were received. Because rules 4-906, 4-906.01, 4-906.02, and 4-906.03 were approved as final, no further action is necessary.

After discussion, Judge Fonnesebeck moved to recommend to the Judicial Council that rule 3-421 be approved as final with a November 1, 2026 effective date. Judge Johnson seconded the motion. The motion passed unanimously.

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

To eliminate the cumbersome process of securing a court order for juror refreshments for every trial, the Clerks of Court proposed removing this requirement. The Trial Court Executives approved the proposal, and the Finance Department made minor adjustments to align with the accounting manual. Additionally, the updated language incorporates amendments previously discussed by the PP&T committee.

After discussion, Judge Fonnesebeck moved to send rule 4-405 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.

(4) HR Policies:

- **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**

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

- Allow the maximum number of allowed wellness release periods per week to be based on hours worked per week instead of days worked;
- Defines the new hire track vs. the standard track and clarifies eligibility requirements for the Investing in Our People initiative;
- Aligns formal policy with current practice by centralizing interpreter oversight and second language stipend management under the Office of Fairness and Accountability;
- Streamlines leave management for appellate law clerks following the transition to the Vantage payroll system; and
- Clarifies Employee Resource Group scope and purpose, creation and maintenance, funding, and leadership.

The committee did not recommend additional amendments. As the HR policies are internal policies, they do not go out for public comment.

With no further discussion, Judge Johnson moved to recommend to the Judicial Council that HR policies 08-3, 6-6(12), 6-7(4), 6-7(7), 7-19, and 13-3 be approved as proposed. Judge Fonnesebeck seconded the motion. The motion passed unanimously.

(5) Rule publication and notice timing:

Nick Stiles discussed consolidating rule publication emails to reduce spam issues for the Utah State Bar while maintaining necessary notifications. Following discussions with the IT department, the Supreme

Court approved a proposal to consolidate non-urgent rule announcements into a single monthly email. Rules would still be posted immediately so that publishers would have the updates needed for their publication schedule. The committee discussed that notices will still be sent immediately when rules take effect on an expedited basis.

Following a discussion, the committee agreed that email notices can be consolidated into a monthly email unless a rule is expedited.

(6) CJA 3-201.01 Statewide court division commissioners

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

CJA 6-702. Debt Collection and Housing Action Commissioners

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.

The committee discussed terminology inconsistencies, jurisdictional scope, and retention procedures for division commissioners. Concerns were raised about clarity and alignment with legislative intent. The committee decided to send the rules back for further refinement and to coordinate with legislative changes before returning for approval.

After further discussion, Judge Foncesbeck moved to recommend that the rules be sent back to the steering committee for further refinement. Judge Johnson seconded the motion. The motion passed unanimously. The proposed amendments will be returned for further consideration at the September 2026 PP&T meeting.

(7) Judicial Officer Financial Disclosure Form

H.B. 540 requires the Judicial Council to adopt annual financial disclosures for judges, post them online, and report to the Legislature by November 1, 2026. The Council fulfilled the initial mandate by adopting Rule 3-110. To refine the disclosure form and define "income", the Council sought input from the boards of judges. Feedback from the Appellate, District, and Juvenile boards emphasized the need for clear statutory definitions that exclude internal judicial salaries, board service, and official stipends related to judicial service.

The committee discussed concerns over privacy and the sensitivity of personal information. Ms. Williams discussed the process of redacting information and handling public records requests, with safeguards in place to protect sensitive data. Ms. Williams will review the notification process regarding records and redaction requests for judicial officer financial disclosure forms and propose a process to route such requests directly to the Management Committee. The committee discussed amendments to CJA 3-110 to

remove (2)(C) and amend (2)(B). The form and rule amendments will be presented to the Council for approval no later than October 2026.

After further discussion, Judge Carpenter moved to send the Judicial Officer Financial Disclosure Form and proposed amendments to CJA 3-110 to the Judicial Council for approval in October 2026. Judge Johnson seconded the motion. The motion passed unanimously.

Technology report/proposals:

Technology updates highlighted the successful Webex migration with minor issues being addressed, development of a custom digital exhibit system, and improvements to cybersecurity communication and service desk portals.

Old Business/New Business:

The committee discussed rescheduling the October meeting due to scheduling conflicts. The October meeting will be set for October 16th.

Adjourn: With no further items for discussion, the meeting adjourned at 1:13 p.m. The next meeting will be held on September 4, 2026, at noon via Webex video conferencing.

TAB 2

CJA 4-901. Mandatory electronic filing in juvenile court

Notes: The proposed amendments make three key modifications to CJA Rule 4-901. The amendments: 1) add a provision that explicitly allows both lawyers representing an Indian tribe under Sup. Ct. R. Pro. Prac. Rule 4-806 and nonlawyer representatives under Rule 4-802 to submit court filings by email, mail, or in person; 2) shifts the authority to grant hardship eFiling exemptions from the Judicial Council to the Juvenile Court Administrator (or their designee); and 3) authorizes the Juvenile Court Administrator to set flexible terms rather than granting blanket case exemptions.

Rule 4-901. Mandatory electronic filing in juvenile court.**Intent:**

To require that documents in juvenile court cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies ~~to~~in the juvenile courts.

Statement of the Rule:

(1) **Juvenile cases.** Except as provided in ~~p~~Paragraph (2), pleadings and other papers filed in juvenile court cases ~~shall~~must be electronically filed using the juvenile court's Court and Agency Records Exchange (C.A.R.E.). The electronic filer ~~shall~~must obtain and use a unique C.A.R.E. login for all electronic filings in the juvenile court.

(2) Exceptions.

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer may file pleadings and other papers by email, mail, or in person.

(2)(B) Indian tribes. A lawyer or nonlawyer representing an Indian tribe under Rules 4-802 or 4-806 of the Utah Supreme Court Rules of Professional Practice may file pleadings and other papers by email, mail, or in person.

(2)(~~C~~B) **Hardship exemption.** A lawyer may submit a written request for a hardship exemption from this rule to the Juvenile Court Administrator explaining why an exemption is necessary. whose ~~If granted, the lawyer request for a hardship exemption from this rule has been approved by the Judicial Council~~ may file pleadings and other papers using any method permitted by the ~~Judicial Council~~Juvenile Court Administrator or designee. The exemption may be time-limited and subject to other conditions. ~~To request an exemption, the lawyer shall submit a written request outlining why an exemption is necessary to the Juvenile Court Administrator.~~

Effective: ~~December 19, 2022~~November 1, 2026

TAB 3

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 4-403. Electronic signature and signature stamp use

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 revised the rules to account for PP&T's feedback at its August 7, 2026 meeting and are proposing amendments to Rule 4-403 that were not presented to PP&T last month.

Rule 3-201.01 Commissioners for Divisions Within the District Court.

Intent:

To define the role of commissioners for divisions within the district court, which currently includes the Debt Collection and Housing Action Division.

To establish a term of office for Division Commissioners.

To establish uniform administrative policies governing the qualifications, appointment, supervision, discipline and removal of Division Commissioners.

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 78A-5-103 (effective Jan. 1, 2027).

Statement of the Rule:

(1) Definitions.

(1)(A) "District Board" means the Board of District Court Judges.

(1)(B) "District Chair" means the Chair of the Board of District Court Judges or their designee.

(1)(C) "Division Commissioner" is a court commissioner, which is a quasi-judicial officer established by the Utah Code and authorized by the Council and, as appropriate, the Utah Supreme Court, to handle cases assigned to a division within the district court, such as the Debt Collection and Housing Action Division.

(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 must 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 District Chair will form a committee for the purpose of nominating candidates. The committee will consist of three

35 district court judges; three lawyers with varied viewpoints from the practice areas which
36 are the focus of the division; and two members of the public. The judges on the
37 nominating committee must not be members of the District Board or the Council. One of
38 the judges will be appointed as the chair of the committee. The District Court
39 Administrator will assist the committee. All members of the committee will reside in the
40 State of Utah. All members of the committee will be voting members. A quorum of one
41 half the voting committee members is necessary for the committee to act. The
42 committee will act by the concurrence of a majority of the members voting. When voting
43 upon the qualifications of a candidate, the committee will follow the procedures
44 established in the commissioner nominating manual.

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

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

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

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

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

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

(3)(J) The District Chair 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 District Board 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 Division 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.

Commented [KW1]: 78A-5-107(2):

a)The Judicial Council shall appoint court commissioners **with the concurrence of a majority of the judges of trial courts in the district the court commissioner primarily serves.**

b)The Judicial Council may assign court commissioners appointed under this section to serve in one or more judicial districts.

(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 District Board votes not to retain the Division Commissioner in accordance with paragraph (8)(B) or unless the Council does not certify the Division Commissioner for retention under Rule 3-111.

(6) Division Commissioner performance review.

(6)(A) Performance evaluations and performance plans. The District Chair 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 Division Commissioner provided in paragraph (4) closes, the comments will be given to and reviewed by the District Board. If there are any negative comments, the negative comments will be provided to the Division Commissioner with the commenters' names redacted and the Division Commissioner will be given an opportunity to respond to the comments.

(7) Corrective action or removal during a Division 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 Division Commissioner's performance is not satisfactory, corrective actions may be taken in accordance with paragraph (7)(A)(iii) by the District 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. During a Division Commissioner's term, the Division Commissioner may be removed by the Council:

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

(7)(B)(ii) for failure to meet the evaluation requirements;

(7)(B)(iii) as the result of a complaint filed under Rule 3-201.02 upon the concurrence of two-thirds of the Council; or

(7)(B)(iv) for unsatisfactory performance, as reported to the Council by the District Chair following a majority vote of the District Board.

Commented [KW2]: 78A-5-107:

(6) The **presiding judge** of the district the commissioner primarily serves:

- a) shall develop a performance plan for the court commissioner and annually conduct an evaluation of the commissioner's performance, and shall provide the plan and evaluations to the Judicial Council upon request; and
- b) is responsible for the day-to-day supervision of the court commissioner.

Commented [KW3]: In rule 3-201(7)(A)(iii) (applicable to all other commissioners), corrective action may be taken by the PJ(s), but only with the concurrence of a majority of the judges in the district(s) they serve.

With Division Commissioners, should the entire Board vote before the more severe corrective actions may be imposed? Or are we comfortable giving the Board Chair complete autonomy?

Commented [KW4]: We require a majority vote of the Board here.

(8) Retention.

(8)(A) The Council will review materials on the Division Commissioner's performance prior to the end of the Division Commissioner's term of office and the Council will vote on whether the Division 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 District Board as to whether to retain the Division Commissioner for another term of office.

(8)(C) The Council will, with the concurrence of a majority of the members voting, determine whether to retain the Division Commissioner for another term. A decision not to retain may be 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.

(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 (7), 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 courts of record. Annual leave not used at the end of the calendar year will not accrue to the following year. A Division 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.

(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

Judge Pettit Commented [5]: not sure why we have changed the language and structure from what is found in existing 3-201 which says: (8)(B) At the end of a commissioner's term, the judges of each district and court level the commissioner serves may vote not to retain the commissioner for another term of office. The decision not to retain is without cause and will be by the concurrence of a majority of the judges in each district and court level the commissioner serves. A decision not to retain a commissioner under this paragraph 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.

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) Definitions.

(1)(A) "District Chair" is as defined in Rule 3-201.01.

(1)(B) "Division Commissioner" is as defined in Rule 3-201.01.

(24) Court Commissioner Conduct Committee.

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

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

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

(24)(A)(iii) make recommendations to the Council and the presiding judge(s) of the district(s) the commissioner serves, or to the District Chair for 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:

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

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

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

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

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

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

(24)(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 Division Commissioners;

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

Commented [KW1]: If we are going to exclude Division Commissioners, we need to say who the CCCC chair can select to sit as a member of a panel. It could be any district court judge in the state or any district court judge, except for the Board Chair. I like the idea of disqualifying the entire Board, but it really doesn't matter. The chair just needs to know what pool they can draw from.

"... except for Division Commissioners, in which case the Committee chair may select any district court judge not a member of the District Board;"

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

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

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

(24)(C)(ii) If a presiding judge or district court judge for a Division Commissioner is recused, the chair will~~shall~~ temporarily appoint a presiding judge of another judicial district with a commissioner or another district court judge for a Division Commissioner.

(24)(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.

(24)(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.

(24)(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 (32)(C) below. Committee members may attend meetings in person, by telephone, by videoconference, or by other means approved in advance by the chair.

(24)(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.

(32) Complaint submission and initial review.

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

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

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

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

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

(32)(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

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

(32)(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 judge or by an appellate court. If the chair dismisses a complaint following initial review, the chair ~~will~~~~shall~~ provide notice of and basis for the dismissal to the complainant, the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners, and the commissioner. The chair ~~shall~~~~will~~ refer any complaint not dismissed following initial review to the full Committee.

(43) Committee examination

(43)(A) The Committee ~~shall~~~~will~~ examine any complaint referred to it by the chair under paragraph (32)(C) to determine whether dismissal or a hearing is appropriate. In connection with this examination, the committee may conduct an investigation of the allegations made in the complaint, including review of any relevant court file, hearing transcripts, and related materials.

(43)(B) If the Committee dismisses the complaint after examination, the chair ~~shall~~~~will~~ provide notice of and basis for the dismissal to the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners.

(43)(C) If the Committee determines that the matter should proceed to a hearing, the chair ~~will~~~~shall~~ send notice to the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners. The notice ~~must~~~~shall~~:

(43)(C)(i) inform the commissioner of the allegations and the canons allegedly violated;

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

(43)(C)(iii) include a copy of the complaint.

(43)(D) If the commissioner chooses to respond to the allegations, the commissioner ~~must~~~~shall~~ send a copy of the response to the complainant, the Committee chair, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners.

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

(54) Hearings of the Court Commissioner Conduct Committee.

(54)(A) If the Committee determines that a matter should proceed to a hearing under paragraph (43), a hearing ~~will~~~~shall~~ be scheduled after receipt of the commissioner's

response or expiration of the time to respond in paragraph (4)(C)(ii). Notice of the date, 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 District Chair for Division Commissioners.

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

(54)(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.

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

(54)(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.

(54)(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.

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

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

(54)(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.

(54)(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 District Chair for Division Commissioners, and the Council.

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

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

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

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

(54)(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 District Chair for Division Commissioners](#), or the commissioner, and the source of the dissemination of information;

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

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

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

(54)(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;

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

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

(54)(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.

(65) Council review of committee action.

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

(65)(A)(i) Complaints dismissed prior to hearing, either by the chair under paragraph (32)(C) or by the Committee under paragraph (43)(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 District Chair for Division Commissioners](#).

(65)(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.

(65)(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 District Chair for Division Commissioners](#).

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

(65)(B) Council review following a hearing.

(65)(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.

(65)(B)(ii) The complainant, the commissioner, or presiding judge(s) of the district(s) the commissioner serves, or the District Chair for 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.

(65)(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.

(65)(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.

(65)(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 District Chair for Division Commissioners.

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

(65)(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) Definitions.**

(1)(A)“Court referee” means any person by any title, including but not limited to court referee, traffic referee, hearing officer, or adjuster who resolves or recommends resolution of any case. “Court referee” does not include, other than:

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

(1)(A)(ii) a senior judge appointed under Rules 41-201 or Rule 41-203 of the Utah Supreme Court Rules of Professional Practice;

(1)(A)(iii) a judge pro tempore appointed under Rule 41-202 of the Utah Supreme Court Rules of Professional Practice;

(1)(A)(iv) a court commissioner or Division Commissioner appointed under Rule 3-201 ~~or 3-201.01~~;

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

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

(1)(A)(vii) a juvenile court probation officer acting appointed under Utah Code 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.~~

(1)(B) “Division Commissioner” is as defined in Rule 3-201.01.

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

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

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

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

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

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

Applicability:

This rule applies to presiding judges, [the District Chair](#), the Council, and court commissioners [appointed under Rules 3-201 or 3-201.01](#).

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

[\(1\)\(A\) "District Chair" is as defined in Rule 3-201.01.](#)

[\(1\)\(B\) "Division Commissioner" is as defined in Rule 3-201.01.](#)

(2) Performance evaluations.

~~(2)~~(A) On forms provided by the Administrative Office, the presiding judge of a district of which a court commissioner serves, [or the District Chair for 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 Division Commissioners, the District Chair will complete an evaluation.](#)

~~(2)~~(B) The presiding judge(s) [or District Chair](#), will survey judges and court personnel seeking feedback for the evaluation. During the evaluation period, the presiding judge(s) [or District Chair](#), will review at least five of the commissioner's active cases. The review will include courtroom observation.

~~(2)~~(C) The presiding judge(s) [or District Chair](#), 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.

~~(3)~~ Evaluation and certification criteria. Court commissioners must be evaluated and certified upon the following criteria:

~~(3)~~(A) demonstration of understanding of the substantive law and any relevant rules of procedure and evidence;

- (32)(B) attentiveness to factual and legal issues before the court;
- (32)(C) adherence to precedent and ability to clearly explain departures from precedent;
- (32)(D) grasp of the practical impact on the parties of the commissioner's rulings, including the effect of delay and increased litigation expense;
- (32)(E) ability to write clear judicial opinions;
- (32)(F) ability to clearly explain the legal basis for judicial opinions;
- (32)(G) demonstration of courtesy toward attorneys, court staff, and others in the commissioner's court;
- (32)(H) maintenance of decorum in the courtroom;
- (32)(I) demonstration of judicial demeanor and personal attributes that promote public trust and confidence in the judicial system;
- (32)(J) preparation for hearings or oral argument;
- (32)(K) avoidance of impropriety or the appearance of impropriety;
- (32)(L) display of fairness and impartiality toward all parties;
- (32)(M) ability to clearly communicate, including the ability to explain the basis for written rulings, court procedures, and decisions;
- (32)(N) management of workload;
- (32)(O) willingness to share proportionally the workload within the court or district, or regularly accepting assignments;
- (32)(P) issuance of opinions and orders without unnecessary delay; and
- (32)(Q) ability and willingness to use the court's case management systems in all cases.

(43) Standards of performance.

(43)(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 (43)(A)(v) of this rule.

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

(43)(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.

(43)(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.

(43)(A)(i)(c) A court commissioner's performance is satisfactory if:

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

(43)(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.

(43)(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.

(43)(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.

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

(43)(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.

(43)(A)(vi) **Survey report.** The Surveyor will provide to the subject of the survey, the subject's presiding judge(s), or District Chair, 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.

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

(43)(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:

(43)(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;

(43)(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

(43)(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.

(43)(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.

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

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

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

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

(43)(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 Addministrator.

(43)(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.

(43)(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.

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

(43)(F)(i) The presiding judge of the district a court commissioner serves, or the District Chair for 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 District Chair will prepare a performance plan for Division Commissioners. The performance plan must communicate the expectations set forth in paragraph (2) of this rule.

(43)(F)(ii) If a presiding judge, or District Chair, issues an overall "Needs Improvement" rating on a court commissioner's annual performance evaluation as provided in paragraph (1), that presiding judge, or District Chair, will prepare a corrective action plan setting forth specific ways in which the court commissioner can improve in deficient areas.

(54) Judicial Council certification process

(54)(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:

(54)(A)(i) survey scores;

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

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

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

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

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

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

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

(54)(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.

(54)(E) **Overcoming presumptions.** A presumption against certification may be overcome by a showing that a court commissioner's failure to comply with paragraphs (43)(B) and (43)(C) were beyond the court commissioner's personal control. A presumption in favor of certification may be overcome by:

(54)(E)(i) reliable information showing non-compliance with a performance standard, except as otherwise provided in paragraph (54)(E); or

(54)(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.

(54)(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 District Chair, 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.

(54)(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.

(54)(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.

(54)(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, or to the District Chair for Division Commissioners.

Effective: ~~May~~ November 1, 2026

Rule 4-403. Electronic signature and signature stamp use.**Intent:**

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule applies to all trial courts of record and not of record.

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

(1)(A) "District Chair" is as defined in Rule 3-201.01.

(1)(B) "Division Commissioner" is as defined in Rule 3-201.01.

(24) Approved document types. A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following document types:

(24)(A) bail bonds from approved bondsmen;

(24)(B) bench warrants;

(24)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(24)(D) civil orders for dismissal pursuant to Rule 4-103 and Rules 3 and 4 of the Utah Rules of Civil Procedure;

(24)(E) orders to show cause and orders to appear/attend under Rules 7A and 7B of the Utah Rules of Civil Procedure;

(24)(F) orders to take into custody;

(24)(G) summons;

(24)(H) supplemental procedure orders;

(24)(I) orders setting dates for hearing and for notice;

(24)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;

(24)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and

(24)(L) orders appointing a court visitor.

(32) Approval of additional document types.

(32)(A) **Standing Orders.** A juvenile or district court presiding judge, or a justice court presiding judge of a judicial district, or the District Chair for Division Commissioners, may issue a standing order authorizing judges and commissioners to allow clerks to use an electronic signature or signature stamp in lieu of a judge's or commissioner's signature on specific document types other than those listed in paragraph (24). Before issuing such an order, the presiding judge or District Chair for Division Commissioners, must determine that there is a benefit in administrative convenience, and be satisfied that there are minimal concerns about record accuracy or integrity in allowing a clerk to use a judge's or commissioner's electronic signature or signature stamp.

(32)(B) **Judge Authorization.** When a presiding judge or District Chair for Division Commissioners has issued a standing order pursuant to paragraph (32)(A), a judge or commissioner within that district or a Division Commissioner may authorize a clerk to use an electronic signature or signature stamp, in lieu of obtaining the judge's or commissioner's signature.

(32)(C) **Retention of Standing Orders.** Standing orders issued under this Rule must be maintained in accordance with the Utah State Courts Records Retention Schedule.

(43) **Automatic.** The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the ~~Judicial~~ Council:

(43)(A) a domestic relations injunction issued under Rule 109 of the Utah Rules of Civil Procedure;

(43)(B) an automatic expungement order issued under Utah Code; and

(43)(C) automated orders related to deferred traffic prosecution cases under Utah Code section 77-2-4.2.

(54) **Approval on a document-by-document basis.** All documents not covered under paragraphs (24), (32), or (43) that require a judge's or commissioner's signature must be personally signed by the judge or commissioner, unless the judge or commissioner, on a document-by-document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The judge or commissioner must review the document prior to granting such authorization.

(65) **Documentation in the case.** Authorization granted under paragraph (54) must be documented in writing in the case. Authorization granted under paragraphs (24), (32), or (43) does not need to be documented in the case.

(76) **Clerk signature.** When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp under this rule, the clerk must sign directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

Effective: November 1, 2026

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

To establish a division within the district court for the efficient management of debt collection and housing actions pursuant to Utah Code section 78A-5-103 (effective Jan. 1, 2027).

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) "District Board" is as defined in Rule 3-201.01.

(1)(B) "Division" means the Debt Collection and Housing Action Division within the district court.

(1)(C) "Division Commissioner" is as defined in Rule 3-201.01.

(1)(D) "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)(E) "Housing action" 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)(F) "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)(G) "Post-judgment case processing" means after a 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,

Commented [1]: PP&T suggested using "action" instead of "case" to match the statute and ensure it is used consistently.

Judge Pettit response in support of using "case": 78A-5-103(1)(a) (effective 1/1/27) says "Debt collection or housing action" means a civil action in the district court...(ii) that is eligible to be filed as a debt collection CASE on or after January 1, 2027." (emph added)

procedures in aid of writs, and motions to renew judgment pursuant to Rule 58C of the Utah Rules of Civil Procedure.

(2) The Division is established for the efficient management of debt collection and housing actions. The existence of the Division may not impede public access to the courts.

(3) Debt collection cases and housing actions as defined herein will be filed and managed within the Division by both district court judges and Division Commissioners pursuant to this Code or rules promulgated by the Utah Supreme Court. Division Commissioners may be assigned cases for pretrial and post-judgment case processing as defined herein. If recommended by the District Board, the Council may authorize the assignment of other matters to Division Commissioners.

(4) Once a case is certified ready for trial, the Division Commissioner will refer the case to the district court judge.

Effective: November 1, 2026

Rule 6-702. Debt Collection and Housing Action Division Commissioners.

Intent:

To identify, as required by Utah Code section 78A-5-107(8), the types of cases and matters Debt Collection and Housing Action 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 Commissioners.

Applicability:

This rule applies to Division Commissioners serving in the Debt Collection and Housing Action Division established in Rule 6-701.

Statement of the Rule:

(1) Definitions.

(1)(A) "District Chair" is as defined in Rule 3-201.01.

(1)(B) "Division" is as defined in Rule 6-701.

(1)(C) "Division Commissioner" is as defined in Rule 3-201.01.

(2) Types of cases and matters. Division Commissioners are authorized to hear all debt collection and housing action matters transferred to the Division.

(3) Duties of Division Commissioner. Under the general supervision of the District Chair, a Division Commissioner has the following duties in debt collection and housing actions transferred to the Division:

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

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

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

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

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

(4) Authority of Division Commissioner. Subject to the limitations outlined in this rule, Division Commissioners will have the following authority:

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

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

(4)(C) issue temporary orders;

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

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

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

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

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

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

(4)(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;

(4)(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;

(4)(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;

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

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

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

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

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

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

(5) Prohibitions.

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

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

(6) Judicial review.

(6)(A) A recommendation of a Division Commissioner is not an order of the court.

(6)(B) An order of a Division Commissioner is the order of the court until modified by the court.

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

(6)(B)(ii) Review of a Division 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 Division Commissioner order does not constitute de novo review.

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

Effective: November 1, 2026

Commented [KW1]: This reads weird, but I'm not sure of the best fix. Maybe: "unless authorized by the Supreme Court" or "by Supreme Court rules of procedure" or "by Supreme Court rule"?

TAB 4

CJA 3-501. Insurance benefits upon retirement

Notes: Earned benefits under Rule 3-501 are only available to judges who are entitled to receive a retirement allowance under Title 49. The proposed amendment clarifies that the term “retirement” means the same as that term is defined in [49-11-102\(48\)](#):

"Retirement" means the status of an individual who has become eligible, applies for, and is entitled to receive an allowance under this title.

Rule 3-501. Insurance Benefits Upon Retirement.**Intent:**

To establish uniform policies regarding sick leave for all judicial officers of courts of record (justices, judges, and court commissioners), and conversion of sick leave to paid medical, dental, prescription drug, and employer-funded basic life insurance benefits at the time of retirement; and to establish uniform policies for incentive benefits for active senior judges of courts of record.

Applicability:

Provisions (1) through (4) of this rule apply to all judicial officers, not including active senior judges. Provision (5) and (6) of this rule apply only to active senior judges of courts of record.

As used in this rule, “retirement” means the same as that term is defined in Utah Code title 49, chapter 11.

Statement of the Rule:**(1) Earned benefits.**

(1)(A) For each year of full-time employment that a judicial officer uses less than four days of sick leave in a calendar year, the judicial officer accrues eligibility for eight months of paid medical, dental, prescription drug, and employer-funded basic life insurance benefits at the time of retirement. Dental and employer-funded basic life insurance coverage is dependent upon the judicial officer’s age at retirement. Upon retirement, the judicial officer will declare to the Human Resources Department if they are otherwise covered by a comparable medical insurance policy. If not, the judicial officer will receive the accrued insurance benefits.

(1)(B) Maternity leave and parental leave is considered sick leave for determining benefits under this rule.

(1)(C) Medical, dental, and prescription drug insurance coverage provided will be the same as that carried by the judicial officer at retirement if the judicial officer is under age 65 at retirement. The judicial officer will continue to pay their portion of the shared premiums and the Judiciary will continue to pay its portion of the shared premiums.

(1)(D) Medical and prescription drug insurance coverage provided will convert to the PEHP Medicare Supplement and Enhanced Pharmacy insurance benefits if the judicial officer is age 65 or older on the effective date of retirement. Dental and employer-funded basic life insurance benefits will terminate when the judicial officer is eligible for Medicare. The Judiciary covers 100% of the cost of premiums for the PEHP Medicare Supplement and Enhanced Pharmacy plans for the judicial officer and spouse.

(1)(D)(i) If the judicial officer is enrolled in a high deductible plan, it is their responsibility to stop all contributions (employee and employer) six months prior to applying for Medicare benefits to avoid a Social Security (Medicare) penalty tax. The judicial officer is responsible for contacting the PEHP Flex Department to stop all contributions.

(1)(D)(ii) If the spouse of the judicial officer is not Medicare eligible when the judicial officer retires, the spouse’s coverage will remain the same as that carried

by the judicial officer at retirement until the spouse is eligible for Medicare or until earned benefits are exhausted, whichever is earlier.

(2) Duration of benefits.

(2)(A) The duration of earned benefits will be calculated based on the judicial officer's last work day. Active employee insurance coverage ends on the last day of the month in which the judicial officer worked. Retiree insurance coverage or the PEHP Medicare Supplement and Enhanced Pharmacy coverage begins on the first of the month following the judicial officer's last work day. Earned benefits will not exceed seven years.

YEARS in which judicial officer used fewer than 4 days of sick leave in the calendar year	TOTAL NUMBER OF MONTHS PAID INSURANCE (1 year --> 8 months)	YEARS OF PAID INSURANCE
1 year	8 months	
2 years	16 months	1 year, 4 months
3 years	24 months	2 years
4 years	32 months	2 years, 8 months
5 years	40 months	3 years, 4 months
6 years	48 months	4 years
7 years	56 months	4 years, 8 months
8 years	64 months	5 years, 4 months
9 years	72 months	6 years
10 years	80 months	6 years, 8 months
11 years	88 months	7 years

(2)(B) If the judicial officer is under age 65 at retirement, when the judicial officer reaches age 65, retiree insurance coverage will convert to the PEHP Medicare Supplement and Enhanced Pharmacy insurance coverage, and coverage will continue for the remaining duration of the term of earned benefits. Dental and employer-funded basic life insurance benefits will terminate when the judicial officer reaches age 65.

(2)(C) If the judicial officer is under age 65 at retirement but the spouse is 65 or older, the spouse's coverage will remain the same as that carried by the judicial officer at retirement until the judicial officer becomes eligible for Medicare. The spouse's retiree insurance coverage will convert to the PEHP Medicare Supplement and Enhanced Pharmacy insurance coverage, and will continue for the remaining duration of the term of earned benefits.

(2)(D) Earned benefits for dependents, other than a spouse, of the judicial officer terminate when the judicial officer reaches age 65 or until the dependent reaches age 26, whichever is earlier.

(2)(E) Additional life insurance coverage will terminate for the judicial officer's spouse and dependent(s) when employment ends.

(3) **Recording sick leave.** As authorized by Utah Code ~~s~~Section 78A-2-107, the ~~S~~state ~~C~~court ~~A~~administrator or designee will develop methods for recording sick leave used each year by judicial officers.

(4) **Active senior judge incentive benefit.**

(4)(A) The ~~J~~udiciary will pay 50% of the cost of medical and dental insurance premiums for a qualifying active senior judge and spouse until the qualifying active senior judge reaches age 65. The ~~J~~udiciary will pay 50% of the cost of the PEHP Medicare Supplemental and Enhanced Pharmacy insurance coverage for a qualifying active senior judge and spouse if the active senior judge and spouse are age 65 or older.

(4)(B) To qualify for the incentive benefit the active senior judge must:

(4)(B)(i) qualify as an active senior judge pursuant to ~~R~~ule 11-201 of the Utah Supreme Court Rules of Professional Practice;

(4)(B)(ii) have exhausted the earned benefits provided for by this rule;

(4)(B)(iii) submit to the ~~S~~state ~~C~~court ~~A~~administrator or their designee a letter expressing an intent to participate in the incentive benefit program;

(4)(B)(iv) comply with qualifications for reappointment as outlined in ~~R~~ule 11-201 of the Utah Supreme Court Rules of Professional Practice during the active senior judge's term of appointment; and

(4)(B)(v) show good cause to the Council why the active senior judge should not be disqualified for the incentive benefit if the active senior judge has not performed case work for two or more fiscal years.

(4)(C) The active senior judge is responsible for their portion of insurance premium deductions and will coordinate with the Utah Retirement System~~URS~~ and/or PEHP as applicable.

(5) **Inactive status.** If an active senior judge who receives the incentive benefit changes to inactive status, the senior judge ~~will~~ must notify the ~~S~~state ~~C~~court ~~A~~administrator or designee and the Human Resources Department in writing that the active senior judge has converted to inactive status and is receiving the incentive benefit. Human Resources will notify PEHP of the change in status.

(6) **Availability of funds.** Implementation of this rule is subject to availability of funds.

Effective: November 1, 2026~~4~~

TAB 5

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

Notes:

Rule 3-110. At its meeting last month, PP&T asked Ms. Williams to amend rule 3-110 to remove the reference to calendar year 2026; add a process to send judicial requests for additional redactions directly to the Management Committee; and include a provision requiring notice to judges if the judiciary receives a request to access the judge's unredacted financial disclosure form.

Financial disclosure form. Amendments to the financial disclosure form proposed by the boards of judges last month have been accepted. I recently received the following additional comments:

- It's not totally clear to me, but Q3 seems like a catchall for Q1, but also Q2. So, I think Q3 should say: "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 *not already disclosed above*?" (or you could say "in questions 1 or 2.")
- I'm also not totally clear as to what "employed" means. If I speak at a conference and get paid as an independent contractor, was I employed? For tax purposes or liability purposes, the answer may be no. But I can also see a broader definition of employed that includes payment for services rendered, which might be what this disclosure statement is trying to capture.

The financial disclosure form was created using [20A-11-1604](#) and examples of legislative conflict of interest disclosures for both [House](#) and [Senate](#) members.

1 Rule 3-110. Judicial officer financial disclosures

2 Intent

3 To establish financial disclosure requirements for judicial officers.

4 Applicability

5 This rule applies to court commissioners and all judges and justices in courts of record and not
6 of record (“~~J~~udicial ~~O~~fficers”).

7 Statement of the Rule

8 (1) **Financial disclosures.** Judicial ~~O~~fficers must complete an annual financial disclosure form
9 approved by the Council.

10 (2) Reporting and publication.

11 (2)(A) **Reporting term.** For purposes of this rule, the reporting term begins on August 1st
12 and ends on July 31st. ~~Except as set forth in paragraph (2)(C), f~~Financial disclosure
13 forms must be submitted between August 1st and August 15th each year, in accordance
14 with policies established by the Council.

15 (2)(B) **Publication.** ~~Except as set forth in paragraph (2)(C), t~~The Council will publish all
16 financial disclosure forms on the court website by October 1st each year.

17 ~~(2)(C) **Exception.** For calendar year 2026, financial disclosure forms will be completed~~
18 ~~and posted on the court website as soon as practicable, on a date to be determined by~~
19 ~~the Council.~~

20 (3) **Redactions.** Judicial ~~e~~Officers are at-risk government employees and public figures. The
21 Administrative Office will automatically redact ~~J~~udicial ~~O~~fficers’ personal and protected
22 information from financial disclosure forms prior to publication. A ~~J~~udicial ~~O~~fficer may submit a
23 request to the Management Committee to redact~~that~~ additional information ~~be redacted~~ from
24 the~~ir~~ form prior to posting.

25 (4) **Public records.** Financial disclosure forms redacted in accordance with paragraph (3) are
26 public records. Judicial Officers will be notified of requests to access their unredacted financial
27 disclosure forms in accordance with Rule 4-202.05.

28 *Effective ~~May 18~~November 1, 2026*



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

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.

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

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).

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

Redactions. Judicial officers are at-risk government employees and public figures. Personal and protected information will be automatically 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.

☐ Answer 1

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