UTAH JUDICIAL COUNCIL
POLICY, PLANNING, & TECHNOLOGY COMMITTEE
MEETING AGENDA
November 6, 2026– 12:00 p.m. to 1:30 p.m.
Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	Rules back from public comment: **CJA 4-405**. Juror and Witness Fees and Expenses	Action	Tab 2	Keisa Williams
	CJA 3-411. Grant management	Action	Tab 3	Karl Sweeney Jordan Murray
	CJA 3-403. Judicial branch education	Action	Tab 4	Lauren Andersen
	Sentencing dashboards and records classification	Discussion		Tucker Samuelsen Lauren Andersen Keisa Williams
	CJA 4-202.08. Fees for records, information, and services	Action	Tab 5	Michael Drechsel Brody Arishita
	IT documents for review and approval: • POC Digital Exhibits Portal • Emergency Response Plan • TERT Response Checklist • Communication Templates	Action	Tab 6	Brody Arishita Todd Eaton
	CJA 4-409. Council Approval of Problem-Solving Courts	Action	Tab 7	Katy Erickson
1:20	Old Business/New Business	Discussion		Judge Gardner
1:30	Adjourn			

2026 Meetings:
December 4, 2026

2027 Meetings:
January 8, 2027
February 5, 2027
March 5, 2027
April 2, 2027
May 7, 2027
June 4, 2027
July 9, 2027
August 6, 2027
September 10, 2027
October 1, 2027
November 5, 2027
December 3, 2027

TAB 1

Minutes

October 16, 2026

UTAH JUDICIAL COUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES
DRAFT
Webex video conferencing
October 16, 2026 – 12 p.m.

MEMBERS:	**PRESENT**	**EXCUSED**
Judge James Gardner, *Chair*	✓	
Judge Jon Carpenter	✓	
Judge Angela Fonnesbeck	✓	
Judge Christine Johnson	✓	

GUESTS:

Melissa Kennedy
Commissioner Marian Ito
Samantha Starks
Keri Sargent
Jaelynn Jenkins

STAFF:

Todd Eaton
Keisa Williams
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 September 4, 2026 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Fonnesbeck seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 1-205. Standing and ad hoc committees**
- **CJA 1-302. Board of Judges Membership**
- **CJA 9-101. Board of Justice Court Judges**
- **CJA 9-110. Implementation of Internal Control for Self-Assessment Recommendations (for Justice Courts)**
- **CJA 3-407. Accounting**
- **CJA 4-601. Failure to Appear – Notice to Surety**
- **CJA 4-202.02. Records classification**
- **CJA 4-405. Juror and witness fees and expenses**

No public comments were received. The committee discussed appropriate effective dates, evaluating December 1, 2026 versus May 1, 2027. The committee determined that a December 1, 2026 effective date would expedite implementation without requiring unnecessary delay.

Judge Fonnesbeck moved to recommend to the Judicial Council that rules 1-205, 1-302, 9-101, 9-110, 3-407, 4-601, 4-202.02, and 4-405 be approved as final with a December 1, 2026 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

(3) CJA 3-408. Inventory:

Recent updates to the Accounting Manual revealed that several processes in the manual establish controls for fixed assets (mostly separation of duties), none of which require direct oversight through the Code of Judicial Administration. While repeal or consolidation into Rule 3-407 was considered, amending Rule 3-408 preserves the Council's deliberate policy decision to comply with State Division of Finance regulations and enforce an annual inventory requirement. Maintaining 3-408 as a separate rule also appropriately limits these fixed-asset inventory requirements to the Administrative Office and courts of record, rather than extending them to justice courts under the broader scope of Rule 3-407. The amendments leave operational specifics to the updated Accounting Manual.

Modernized accounting guidelines now capture standard fixed asset management protocols, rendering much of the language in the CJA rule redundant or outdated.

Judge Carpenter moved to send rule 3-408 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) Senior Judges:

- **CJA 3-104. Presiding judges**
- **CJA 3-108. Judicial assistance**
- **CJA 3-113. Senior judges**

The proposed amendments are intended to make the judicial assistance process clearer and more flexible for presiding judges while preserving appropriate oversight. In addition to cleanup and reorganization, the draft broadens the circumstances in which assistance may be requested, replaces the existing priority structure with factors for presiding judges to consider, and expressly allows direct use of senior judges in exigent circumstances, including when a district is operating above weighted caseload capacity, the need is immediate, or using a sitting judge would create a substantial burden elsewhere. The drafts also create clearer processes for extended vacancy coverage and for planned or recurring senior judge assignments, with budget consultation or Management Committee approval when appropriate.

Following discussion, Judge Carpenter moved to recommend to the Judicial Council that amendments to rules 3-104, 3-108, and 3-113 be approved on an expedited basis with a December 1, 2026 effective date, followed by a 45-day public comment period. Judge Fonnesbeck seconded the motion. The motion passed unanimously.

(5) AI-generated court filings and rule 11 notice:

Commissioner Ito and Jaelynn Jenkins presented on the operational impact of unvetted, AI-generated court pleadings filed by self-represented litigants and members of the Bar across Utah courts. Driven by the widespread adoption of free consumer models, over 75% of pro se domestic pleadings are now AI-generated, creating massive backlogs that delay hearing calendars by four to five months. These submissions frequently contain fabricated factual assertions, non-existent statutes, and hallucinated case law that force judicial staff to waste time verifying sources and hold preliminary clarification hearings.

To address concerns regarding generative AI misuse, the committee evaluated implementing an e-filing popup warning along with a mandatory MyCase instructional video designed in accessible, plain language to maximize user comprehension. Additionally, the committee discussed drafting a uniform statewide Standing Order applicable to all judicial districts and court levels, reinforcing that AI usage remains subject to Rule 11 certifications for both self-represented litigants and attorneys.

Following discussion, PP&T took no action at this time. Ms. Jenkins will take the recommendations to the AI subcommittee and will report back with specific proposals for PP&T's consideration.

Technology report/proposals:
Todd Eaton presented an administrative technology briefing on behalf of the Information Technology Department. The Technology Advisory Subcommittee reviewed four updated policy documents revising the Technology Emergency Response Plan. The revisions incorporate cybersecurity protocols and recommendations gathered from national security conferences over the past year.

IT leadership evaluated commercial off-the-shelf digital exhibit platforms. Commercial vendor systems were rejected due to excessive feature complexity and cost structures starting at $1.2 million annually. IT partnered with a company to custom-build a digital exhibit system tailored specifically to state court requirements. System specifications and technical requirements will be distributed for committee review prior to the next meeting.

Following the July Webex WSMP migration, 14 support tickets remain active with Cisco. Of eight initial high-priority issues, three have been fully resolved, four high-priority tickets remain unresolved. Todd Eaton and Brody Arishita scheduled an executive escalation meeting with Cisco Webex leadership during the first week of November to review all open tickets and long-term requests.

Old Business/New Business: The committee discussed the annual chair election. Judge Gardner expressed willingness to serve one final one-year term as Chair (through October 2027), after which leadership will rotate to another committee member.

Judge Carpenter moved to elect Judge Gardner as Chair for another year and to hold a new election in October 2027. Judge Johnson seconded the motion. The motion passed unanimously.

The committee reviewed the proposed 2027 meeting schedule and unanimously agreed to adjust three meeting dates to avoid state holiday conflicts.

- January 1, 2027 (New Year's Day) rescheduled to January 8, 2027.
- July 2, 2027 (Independence Day weekend) rescheduled to July 9, 2027.
- September 3, 2027 (Labor Day weekend) rescheduled to September 10, 2027.

Adjourn: With no further items for discussion, the meeting adjourned at 12:54 p.m. The next meeting will be held on November 6, 2026, at 12:00 p.m. via Webex video conferencing.

TAB 2

Back from Public Comment:

CJA 4-405. Juror and Witness Fees and Expenses

Public comments:
No public comments were received.

Summary of proposed amendments:

CJA04-405.Juror and Witness Fees and Expenses (AMEND)
The proposed amendments remove the requirement that a court order is necessary to provide juror refreshments and make non-substantive formatting changes

Rule 4-405. Juror and wWitness fFees and eExpenses.

Intent:

To develop ~~a~~ uniform procedures 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~~c~~ourt~~s~~ ~~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~~c~~ourt~~s~~ ~~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~~ "S~~s~~ubsequent 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~~c~~ourt~~s~~ ~~shall~~will reimburse the cost of travel at the rate established by statute for those jurors and witnesses to whom the C~~c~~ourt pays a fee. A witness in a criminal case or juvenile court case traveling from out of state to whom the C~~c~~ourt 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~~c~~ourt.

(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 C~~c~~ourt 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' l~~L~~odging ~~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 C~~c~~ourt E~~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 pay~~ment 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 C~~c~~ourt ~~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 C~~c~~ourt 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 C~~c~~lerk ~~of the court~~, or designee, ~~shall~~must enter the payment due the witness in the s~~S~~tate a~~A~~ccounting s~~S~~ystem ~~(FINET)~~ within 10 business days after receipt of certification.

(5)(F) The Court C~~c~~lerk ~~of the court~~, or designee, ~~shall~~must enter the payment due the juror into the j~~J~~ury m~~M~~anagement s~~S~~ystem within 10 business days from the last court date served.

(5)(G) The Court C~~c~~lerk ~~of court shall~~must maintain both a list of undeliverable juror and witness checks and the checks. State Finance reports all stale~~-~~-dated checks to the Unclaimed Property Division and the C~~c~~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 3

CJA 3-411. Grant management

Notes: See memo.

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

October 26, 2026

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: **The Policy, Planning, and Technology Committee**

FROM: **Jordan Murray, Financial Manager / Grant Coordinator**
Karl Sweeney, Director of Finance

RE: **Rule 3-411 Grant Management Revisions**

The current grants management framework grew out of a substantial development effort in 2020-2021 and addressed the need for a coordinated process to evaluate grant opportunities, assess demands on court resources, clarify responsibilities, and secure appropriate approval before undertaking grant commitments.

Five years of operational experience under the current rule demonstrated that while structured guardrails are vital, several existing provisions were overly restrictive, duplicative of routine financial controls, or misaligned with standard grant application timelines. The proposed revisions modernize the Judiciary's grant management framework by streamlining oversight, clarifying operational roles, and reducing duplicative procedural requirements. Our intent is to preserve meaningful Budget & Fiscal Management Committee (BFMC) and Judicial Council oversight while placing detailed implementation and administrative procedures in Accounting Manual section 11-07.00.

The primary themes and material changes incorporated into this draft include:

Strategic Governance vs. Operational Detail: The revised rule firmly establishes the Judicial Council's role in high-level governance focusing on mission alignment, risk management, and long-term fiscal sustainability while delegating administrative workflows and procedural mechanics to Accounting Manual section 11-07.00.

Operational Agility & Timeline Flexibility: Rigid mandates, such as the mandatory 8-week prior notification deadline and the restrictive "urgent request" framework (which imposed a $150,000 cap and 3/4 supermajority voting requirements), have been removed. They are replaced

by an early coordination standard that accommodates tight federal and non-federal grant windows without sacrificing meaningful internal review.

Materiality Standard for Award Acceptance & Modifications: The process for award acceptance and any subsequent grant amendments is now streamlined. Awards and amendments that remain consistent with the original Council-approved Grant Application Proposal (GAP) are processed administratively, eliminating redundant approvals. Only material deviations (e.g., shifts in strategic purposes, new FTE, or increased cash match commitments) require resubmission to BFMC and the Judicial Council.

Streamlined Continuation Grants & External Agreements: The revised rule establishes a risk-based review process for continuation grants. Grants with no material changes may proceed following documented administrative review, while grants involving material changes remain subject to BFMC and Judicial Council approval. The revisions also establish a proportionate review process for external grant-related agreements, including memoranda of understanding and letters of support. These agreements require documented administrative review, with full GAP approval reserved for agreements that create material financial or operational commitments.

Modernized Vocabulary & Statutory Alignment: Terminology has been updated to reflect national grants management standards and statutory reporting references have been consolidated under Utah Code Title 63J, Chapters 5 and 7. These revisions do not alter applicable statutory notification, review, or approval requirements.

These revisions preserve the Judicial Council's oversight of material financial and operational commitments while reducing duplicative administrative work. The proposed framework supports responsible grant management, improves responsiveness to funding opportunities, and establishes a more sustainable division between governance and day-to-day grant administration.

Following adoption, Accounting Manual section 11-07.00 will be updated to align its administrative procedures and internal controls with the revised rule.

Summary of Material Changes by Provision

Note: Changes are presented in the order they appear in the existing rule. Retained provisions reflect their revised paragraph numbers, while the proposed deleted provisions are identified by their original paragraph numbers and distinguished in *red italics*.

Rule provision	Material change	Rationale
Intent	Reframes the rule around governance and strategic oversight.	Establishes the distinction between governance responsibilities and administrative procedures.
Applicability	Simplifies the scope and eliminates unnecessary cross-references.	Improves clarity without affecting the independent applicability of other rules.

(1) Definitions	Modernizes grants terminology and clarifies administrative roles.	Promotes consistency with recognized grants management practices.
Former (2) Purpose – Deleted	*Consolidates the rule's original purpose statement into the revised Intent, eliminating a separate, redundant provision.*	*Establishes the rule's governance objectives upfront while avoiding duplication between the Intent and a separate purpose paragraph.*
(2) Grant application proposals (GAPs)	Eliminates rigid advance-notice deadlines and the urgent-request process.	Accommodates time-sensitive funding opportunities without compromising the required review and approval process.
(3) Assessment	Broadens resource assessments to all affected departments.	Evaluates operational capacity and sustainability comprehensively.
(4) Approval of GAPs	Establishes a defined stakeholder, BFMC, and Judicial Council approval sequence; clarifies treatment of tabled or rejected proposals; and strengthens safeguards for new grant-funded positions.	Preserves governance authority, addresses operational concerns before Council consideration, and safeguards against unintended long-term financial commitments.
Former (6) Submission and tracking – Deleted	*Removal of this paragraph consolidates routine submission and tracking procedures within the Accounting Manual.*	*Removal of this paragraph maintains administrative accountability without duplicating operational procedures in the rule.*
(5) Notice of award	Eliminates repeat approval when award terms remain materially unchanged. Material deviations require an updated GAP with BFMC and Council approval.	Preserves governance oversight without duplicating completed reviews.
(6) Grant implementation	Consolidates implementation requirements and references the Accounting Manual.	Separates governance standards from detailed administrative procedures.
Former (9) Grant reporting – Deleted	*Eliminates quarterly grant portfolio reports and the annual grant compliance self-assessment (ICSA) for BFMC, Audit Director, and Judicial Council review.*	*The Accounting Manual already requires monthly expenditure reconciliations, grant-specific financial and compliance reviews, periodic desk audits, and independent*

		audit oversight.[1] These ongoing controls provide accountability throughout the year without duplicative quarterly summaries or a separate annual assessment. Required awarding agency and statutory reporting remain in effect.
(7) Grant modifications	Establishes materiality as the threshold for additional governance approval.	Allows routine changes to be managed administratively while retaining Council oversight of substantive changes.
Former (11) Grant closeout – Deleted	*Removes procedural closeout requirements from the rule.*	*Maintains compliance through existing administrative processes and applicable awarding agency requirements.*
(8) Continuation grants	Allows documented administrative review of continuation grants without material changes. Material changes require an updated GAP with BFMC and Council approval.	Eliminates repetitive review of unchanged programs while preserving oversight when substantive commitments change.
(9) External grant-related agreements	Establishes documented administrative review and approval recommendations for letters of support, MOUs, and similar agreements. Material commitments require a GAP with BFMC and Council approval.	Provides proportionate oversight based on the commitments and potential risks involved while protecting the Judiciary against unintended obligations.

[1] Eliminating quarterly grant reports and the annual ICSA does not diminish existing financial oversight or compliance requirements. The Accounting Manual already establishes monthly expenditure reconciliations (08-01.00); grant financial tracking, compliance reviews, and periodic desk audits (11-07.00(D)); grantor reporting requirements (11-07.00(E)(8)(B)); ongoing budget monitoring (13-01.00); and independent audit oversight (15-00.00). These established controls remain in effect.

Rule 3-411. Grant management.

~~**Intent:**~~

~~To establish the policy and procedures for applying for grant funds.~~

~~To delineate the responsibility for the assessment and administration of grant funds, including compliance and renewal.~~

Intent:

To establish standards for the oversight of grants, ensuring that funding opportunities advance the Judiciary's mission and strategic priorities, strengthen accountability, and safeguard against long-term financial or operational risks. This rule establishes the Council's governance framework for grant activities. Administrative procedures are provided in Accounting Manual section 11-07.00.

Applicability:

~~This Rule shall apply to all grants where the courts are the applicant, sub-recipient, or pass-through recipient of public or private grant funds. Applicability of this Rule concerning letters of support, or similar non-financial collaborations with external partners, is specified in Section (13).~~

~~This Rule applies broadly to encompass all agreements precedent to the potential receipt of grant funds either directly or indirectly. Agreements include, but are not limited to, memoranda of understanding (MOU) and any agreements for which the courts are contributing material resources or incurring risk, express or implied.~~

~~The Grant Application Proposal and approval process is also governed by Rule 3-105 (Administration of the Judiciary). Judicial Council review of Grant Application Proposals is governed by and subject to Rule 2-103 (Open and closed meetings) and Rule 2-104 (Recording meetings).~~

This rule applies to all court-affiliated efforts to apply for, receive, or manage externally funded grant awards, including: competitive, continuation, or formula grants from a federal, state, or private source; grants awarded directly to the Judiciary or by subaward from a passthrough entity; and grant agreements for which the Judiciary is listed as a joint applicant.

Statement of the Rule:

(1) **Definitions:**

(1)(A) "~~Grantor~~**Awarding agency**" means the organization providing the ~~funds~~funding, either directly or ~~the~~as ~~state~~a ~~agency~~passthrough ~~distributing the funds to the courts~~entity.

(1)(B) "**Continuation grant**" means a subsequent award from the same funding source that extends an existing grant program or funding commitment. Continuation grants are generally noncompetitive and do not substantially change the scope or purpose of the original award.

(1)(C) "**Formula grant**" means a grant awarded according to a predetermined formula established by statute, regulation, or the awarding agency.

(1)(~~B~~D) "**Grant Application Proposal**" (GAP) is the internal form ~~maintained~~and associated processes required to seek authorization before applying for grant funding. The GAP process is defined in ~~the~~ Accounting Manual section ~~used to request authorization to pursue grant funding~~11-07.00.

(1)(E) "**Governing bodies**" means the Council, the Budget and Fiscal Management Committee (BFMC), the Management Committee, and any other entity with relevant oversight of the applicable court areas participating in or affected by the grant. Resolution for any matter implicating both the Supreme Court's and Council's exclusive authority is provided in Rule 3-105. The Council is the final authority for approving GAPs.

(1)(~~C~~F) "**Grant Administering Unit**" (GAU) ~~is~~means the ~~Council~~department, committee, court, ~~board of judges, department,~~ or ~~court~~other ~~employee~~administrative ~~that~~unit ~~intends~~with ~~to apply for~~oversight and ~~administer~~ownership of the grant ~~or~~award. ~~grant funds.~~

(1)(~~D~~G) "**Grant Coordinator**" ~~is~~means the designated individual ~~responsible~~who ~~for~~supports ~~facilitating~~the Judiciary's grant activities, ~~monitoring~~provides resource assessments, ensures compliance, and ~~executing~~coordinates ~~the~~required ~~assessment~~approvals ~~and administration of Grant Application Proposals ensuring compliance with~~under this ~~Rule and all other applicable state rules, statutes, and federal requirements~~rule. Accounting Manual s~~S~~ection 11-07.00~~(D)(1)~~ further delineates roles and responsibilities.

(1)(~~E~~H) "**Grant Manager**" ~~is~~means the ~~individual~~primary ~~identified~~person ~~by~~within the GAU ~~or~~responsible ~~Grant~~for ~~Coordinator~~obtaining ~~to~~grant ~~manage~~approval, implementing the grant, ~~for~~overseeing ~~the~~its ~~GAU~~operations, and fulfilling grant-related requirements. Accounting Manual ~~Section~~section 11-07.00~~(D)(2)~~ further delineates roles and responsibilities.

~~(1)(F) "Governing Bodies" with oversight of the grant process refer to Boards of Appellate, District, Justice, and Juvenile Court Judges, the Judicial Council, the Budget and Fiscal Management Committee, the Judicial Council Management Committee, the appropriate court-level administrator and trial court executives, and any court committee (standing or ad hoc) vested with authority to direct the affairs of implicated court areas and operations. Judicial Council is the ultimate approving body for the grants process, preceded by the Budget and Fiscal Management Committee's prior recommendation. Additional Governing Bodies are specific to the implicated court areas. The Grant Coordinator will confirm and may assist the GAU/Grant Manager with identifying the appropriate Governing Bodies. Determinations concerning the exclusive authority reserved by the Supreme Court and Judicial Council are governed by Rule 3-105.~~

(1)(~~G~~I) "**Notice of Award**" (NOA) ~~is~~means the formal document ~~notifying~~from the ~~applicant~~awarding ~~that~~agency ~~an~~confirming ~~award~~a grant has been ~~issued~~awarded and ~~that funds are available to be accepted. This document contains~~describing the associated terms and conditions ~~of the grant~~.

~~(1)(H) "Quorum" is defined in Rule 1-101(1)(S) as "a majority of the members of the Judicial Council, Board, committee or other body."~~

(1)(J) "**Passthrough entity**" means an organization that receives grant funding and subawards it to other entities (subrecipients) while retaining primary responsibility for compliance with grant requirements.

(1)(K) "**Subrecipient**" means an entity that receives a subaward from a passthrough entity to carry out part of a grant program and is responsible for performance and compliance as defined by the grant.

~~(2) **Purpose.** The purpose of the grants policy is to facilitate the prudent pursuit of grant funds that further the courts' mission to provide an open, fair, efficient, and independent system for the advancement of justice under the law.~~

(~~3~~2) **Grant ~~Application~~application ~~Proposals~~proposals.** ~~To apply for a grant, the person who would serve as the Grant Manager shall complete the steps set forth in the Accounting Manual Section 11-07.00(E)(2). The following requirements set forth in 11-07.00(E)(2) are incorporated into this Rule:~~

(~~3~~2)(A) The Grant Manager must notify the Grant Coordinator as early as possible after becoming aware of a grant opportunity to allow time for internal review and stakeholder input. Delays outside the Grant Manager's control do not disqualify a proposal so long as there is sufficient time to complete the review required by this rule. The Grant Coordinator, in consultation with the Director of Finance, determines whether sufficient time remains to complete the review required by this rule.~~or their designee, must be notified of the applicant's intent to apply a minimum of 8 weeks prior to the grant submission deadline established by the Grantor.~~

(2)(B) The Grant Manager must complete a GAP form using the process provided in Accounting Manual section 11-07.00. The GAP must include a description of the proposed project, an explanation demonstrating the project's alignment with the Judiciary's mission, any anticipated resource impacts, and confirmation that the Grant Manager coordinated with all identified stakeholders.

(4~~3~~) **Assessment**. The Grant Coordinator must assess the GAP for potential resource impacts, evaluating whether the Judiciary has the capacity to support the project at current staffing levels and whether the project would impose ongoing resource demands after grant funding ends. The grant manager must address all comments before the GAP is submitted for further review.

~~(4)(A) The Grant Coordinator will conduct a collaborative assessment of the incremental impacts the grant may have on the courts, with particular emphasis on IT Department resources. The Grant Coordinator must consider:~~

~~(4)(A)(i) the capacity of each impacted area to support the grant at current staffing levels; and~~

~~(4)(A)(ii) whether any incremental impacts would continue when grant funds cease.~~

~~(4)(B) Following the assessment, the GAU must incorporate adjustments identified by the Grant Coordinator in the Grant Application Proposal before circulating it for approval.~~

(~~5~~4) **Approval of g~~G~~rant a~~A~~pplication p~~P~~roposals**

(~~5~~4)(A) The Grant Manager must first obtain support for the grant from any stakeholders whose operations or jurisdictions would be affected by the proposed grant. A GAP that does not obtain stakeholder support does not advance to BFMC. ~~The GAU and Grant Coordinator will present Grant Application Proposals to all Governing Bodies within the court that may benefit from or be impacted by the grant. All Grant Application Proposals must be reviewed and recommended by the Budget and Fiscal Management Committee ("BFMC") prior to review and vote by the Judicial Council. Grant Application Proposals that do not receive approval from a Governing Body will not be advanced.~~

(~~5~~4)(B) ~~No~~The Grant ~~Application~~Coordinator ~~Proposal~~submits the GAP to the BFMC for review. A GAP does not advance to the Council without the recommendation of the BFMC. If the BFMC identifies material concerns, it may reject the GAP or ~~grant~~table ~~shall~~the ~~be~~request ~~approved~~and ~~unless~~return ~~it~~the GAP for revisions. If recommended, the GAP is ~~first presented~~scheduled for ~~approval~~consideration ~~in~~at ~~a~~the next regularly scheduled meeting of the Council ~~as provided in the annual Judicial Council Meeting Schedule and in compliance with Rule 2-103 and Rule 2-104. "Urgent" requests (GAPs with less than an 8-week period between notice and application due date) must also comply with paragraph (5)(A) and may be considered only if the grant funds are non-federal, do not exceed $150,000 inclusive of matching funds, and do not include the hiring of new employees. For an urgent request to be approved it must (1) secure a three-quarters supermajority vote among a Quorum of the Judicial Council in a regular meeting as provided in the Judicial Council Annual Meeting Schedule – ad hoc convenings will not be considered for the purpose of grant or Grant Application Proposal review, and (2) the urgency of the matter must not be precipitated by an "emergency of one's own causing."~~

(~~5~~4)(C) If the Council identifies material concerns, it may reject the GAP or table the request and return the GAP for revisions. The ~~GAU~~Grant Manager and the Grant Coordinator must ~~incorporate~~address ~~adjustments~~all ~~identified~~material ~~by a Governing Body~~concerns in the ~~Grant Application Proposal~~GAP before ~~it~~a tabled request is ~~circulated~~resubmitted for ~~re-~~consideration. A rejected GAP may not be appealed.

~~(5)(D) The Grant Coordinator will provide a synopsis of Grant Application Proposals that did not receive approval from a Governing Body to the BFMC.~~

(~~5~~4)(~~E~~D) When ~~evaluating~~reviewing ~~Grant~~a ~~Application Proposals~~GAP, the BFMC and ~~Judicial~~ Council ~~will~~ consider ~~the following~~:

(~~5~~4)(~~E~~D)(i) ~~Does~~whether the grant ~~contribute~~aligns ~~to accomplishing~~with the Judiciary's mission ~~of~~and ~~the~~strategic ~~courts?~~priorities;

(~~5~~4)(~~E~~D)(ii) ~~Does~~the anticipated value of the grant ~~add~~relative ~~value when compared with~~to the burden on ~~existing~~current and future resources~~, both during the grant project completion phase and thereafter?~~;

(~~5~~4)(~~E~~D)(iii) ~~Does~~whether the grant ~~provide~~advances ~~measurable benefits~~access to ~~marginalized,~~justice ~~minority,~~for ~~pro se,~~underserved or ~~similar~~vulnerable ~~under-served individuals or communities?~~populations;

(~~5~~4)(~~E~~D)(iv) ~~Does~~whether the ~~grant~~project ~~assist~~addresses ~~the~~a ~~courts~~documented ~~in~~problem ~~solving~~or ~~problems~~promotes ~~and promoting innovations~~innovation that cannot be accomplished with ~~existing~~current ~~resources?~~funding;

(~~5~~4)(~~E~~D)(v) ~~Does~~whether the grant ~~require~~imposes ~~actions~~conditions or ~~implementation of~~ policy ~~not~~requirements ~~in conformity~~inconsistent with ~~the~~judicial ~~mission of the courts~~independence or ~~in~~established ~~conformity with~~court policies; ~~previously established by the Judicial Council, Supreme Court, or the Utah Constitution?~~and

(~~5~~4)(~~E~~D)(vi) ~~Does~~whether the grant ~~expose~~creates ongoing financial or staffing obligations after the ~~courts~~grant ~~to potential long-term, unfunded financial obligations?~~ends.

(4)(E) The Council must approve the creation of any new grant-funded positions. Positions created under this requirement must be designated as time-limited in the hiring process and

comply with Judiciary's human resources policies. If a new position, program, or service is expected to continue after the grant concludes, the Grant Manager must identify sources of potential funding in the GAP, including contingencies if that funding is not obtained.

(~~5~~4)(F) If a ~~Grant Application Proposal or~~proposed grant implicates both the Supreme Court~~'~~'s and the ~~Judicial~~ Council~~'~~'s exclusive authority, the ~~Supreme~~matter ~~Court~~is referred for coordination and ~~the~~resolution ~~Judicial~~in ~~Council shall comply~~accordance with Rule 3-105 ~~before making application for the grant or accepting grant funds~~.

~~(6) **Submission and tracking of approved applications.** The tracking of approved submissions will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(5).~~

(~~7~~5) **Notice of ~~Award~~award and accepting ~~grant~~ funds.**

(~~7~~5)(A) Upon ~~receipt~~receiving ~~of~~ a Notice of Award (NOA), the Grant Coordinator ~~will~~must ~~ensure~~review the ~~notice~~NOA ~~is~~to ~~consistent~~confirm that the terms align with the ~~Grant Application Proposal as~~GAP approved by the ~~Judicial~~ Council.

~~(7)(B) In accordance with Utah Code, as detailed in the Accounting Manual Section 11-07.00 Exhibit A, if approved by the Judicial Council, the Grant Coordinator will either:~~

~~(7)(B)(i) notify the Executive Appropriations Committee (EAC);~~

~~(7)(B)(ii) obtain "review and recommendation" from the EAC; or~~

~~(7)(B)(iii) obtain approval from the Legislature.~~

~~If approval from the Legislature is required, the Grant Coordinator will ensure grant funds are not accepted until Legislative approval is obtained.~~

(5)(B) If terms in the NOA are consistent with the approved GAP, the Grant Coordinator documents the alignment and notifies the Grant Manager and State Court Administrator to execute the grant agreement and accept the award funds.

(~~7~~5)(C) If the NOA includes a material change not reflected in the approved ~~by the Judicial Council~~GAP, ~~no funds shall be accepted from the grant and~~ the Grant Coordinator and Grant Manager ~~will~~must ~~notify~~seek reapproval in the ~~Grantor~~manner ~~of~~provided in paragraph (4). If not approved, the ~~Judicial~~ Council~~'s~~ ~~decision~~declines ~~not~~the award or may table the request and review a revised agreement after referring the matter to ~~accept~~the G~~g~~rant ~~funds~~Manager for resolution with the awarding agency.

~~(7)(D) If grant funds may only be accepted with remedial steps, the Grant Coordinator and Grant Manager will communicate those steps in writing to the Grantor. The Grant Coordinator and Grant Manager will work with the State Court Administrator to ensure remediation has been accomplished and to determine whether the grant can be resubmitted for Judicial Council approval.~~

(5)(D) The Grant Coordinator must report awards in compliance with Utah Code, title 63J, chapters 5 and 7.

(~~8~~6) **Grant implementation.** ~~Grant implementation will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(7). The following requirements in 11-07.00(E)(7) are incorporated into this Rule:~~

(6)(A) Grant-funded activities may not begin until the start date specified in the award and all required approvals have been obtained.

(~~8~~6)(~~A~~B) ~~**Judicial Council.** Grant~~The Grant Manager must ensure that all positions supported with grant funds ~~shall~~maintain ~~only~~compliance ~~be~~with ~~used to hire permanent full-time or part-time employees if approved by the Judicial Council~~court and ~~in~~awarding ~~accordance~~agency ~~with~~personnel ~~Utah Code~~policies.

~~(8)(B) **Judicial/Quasi-Judicial duties.** If impacted by the grant, the presiding judge(s) of each district shall supervise any judicial or quasi-judicial duties required by the grant.~~

~~(9) **Grant reporting requirements.** Grant reporting to the Grantor will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(8). The following requirements in 11-07.00(E)(8) are incorporated into this Rule:~~

~~(9)(A) **Judicial Council**~~

~~(9)(A)(i) Annually, the Grant Coordinator will complete a compliance self-assessment for all grants in the courts' active portfolio and report the results to the BFMC, Audit Director, and Judicial Council.~~

~~(9)(A)(ii) Quarterly, the Grant Coordinator will prepare a summary of:~~

~~(9)(A)(ii)(1) all existing court grants;~~

~~(9)(A)(ii)(2) a pipeline of potential future grants inclusive of all grants-in-progress under paragraphs (5) and (6); and~~

~~(9)(A)(ii)(3) a list of potential grants denied under paragraph (5)(A).~~

(6)(C) The grant manager must carry out grant-funded activities in accordance with the terms of the award, purchasing rules, and implementation procedures provided in Accounting Manual section 11-07.00.

(~~10~~7) ~~**Changes in budget or scope.**~~ **Grant modifications.** The Grant Coordinator must review grant modifications as an administrative matter unless the modification materially alters the strategic purpose, resource commitments, or conditions approved by the Council in the original GAP. Material grant modifications are reviewed and approved by the BFMC and Council before implementation in the manner provided in paragraph (4).

~~(10)(A) Any changes to a grant must be documented with a grant amendment, whether or not the Grantor requires such documentation. Changes include, but are not limited to:~~

~~(10)(A)(i) revisions to the scope or objectives of the overall grant or any portion thereof;~~

~~(10)(A)(ii) transfers of funds between different cost categories with no overall budget impact;~~

~~(10)(A)(iii) extensions of time to complete grant spending;~~

~~(10)(A)(iv) revisions to the amount of funds needed; or~~

~~(10)(A)(v) changes in key personnel named in the grant.~~

~~(10)(B) Changes may not be implemented until Grantor approval is obtained in writing and executed between the parties.~~

~~(10)(C) The Grant Manager and Grant Coordinator will work together to prepare grant amendments.~~

~~(10)(D) Grant amendments described in paragraph (12)(B) must be approved by the Judicial Council. All other amendments must be reviewed by General Counsel staff and signed by the State Court Administrator or designee.~~

~~(11) **Closing out the grant.** Procedures to close out a grant will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(10).~~

(~~12~~8) ~~**Renewing**~~**Continuation** ~~**the grant**~~**grants.**

~~(12)(A) Judicial Council approval is required for grant renewal, even when there are no changes to scope, purpose, employees, matching, funding amount, or other areas, or when the prior assessment and/or Legislature approvals will not need to be revised. With appropriate documentation and the recommendation of BFMC, the Management Committee may review and confirm the grant renewal for Judicial Council approval in the consent calendar.~~

(~~12~~8)(~~B~~A) If a continuation grant includes a material change, such as a new permanent position, significantly revised scope, or an increased cash match commitment, the Grant Manager must collaborate with the Grant Coordinator to update the GAP before submitting the request to the BFMC and Council for approval. The updated GAP must include a cover page summarizing all material changes.~~If a grant renewal involves a change that requires a new incremental assessment, or a change to the number of permanent full or part-time employees, or a rant amount requiring a different approval level than previously obtained, the Grant Coordinator will perform the steps in paragraphs (4) and (5). If the grant qualifies, the Grant Coordinator will resubmit the grant to the BFMC and Judicial Council for approval~~.

(8)(B) For continuation grants with no material changes, the Grant Manager collaborates with the Grant Coordinator who must review the grant reapplication. With documentation from the Grant Coordinator stating no material changes are present, the Grant Manager may proceed with submitting the continuation grant to the awarding agency.

(~~13~~9) ~~**Letters of supportand other non-financial collaborations**~~**External grant-related agreements.**

(~~13~~9)(A) A letter of support, memorandum of understanding, or similar agreement requested by an external entity in connection with its grant application does not require submission of a GAP. ~~External partners pursuing their own grant opportunities ("principal applicant") may request the support of the courts as a stakeholder and explicit non-financial collaborator (NFC). Such collaborations are low-risk and provide documented reasonable assurances that no risk nor grant obligations will transfer to the courts directly or indirectly from the principal applicant. Letters of support or similar contributions to grant applications pursued by external partners must (1) be time-limited, (2) not entail the exchange of funds, (3) be non-binding, (4) not include the hiring of court employees, and (5) not commit or otherwise impose financial obligations on the courts~~.

(~~13~~9)(~~A~~)(~~i~~B) The Grant Coordinator must review any proposed agreement before execution to determine whether it creates a material commitment or risk. The Grant Coordinator must document the recommendation and submit it to the State Court Administrator or other authorized individual to approve and execute the agreement. ~~Agreements meeting all of the criteria in (13)(A) may be referred to the Grant Coordinator who will perform and document a risk assessment to be delivered to the State Court Administrator. If approved by the State~~

~~Court Administrator or their designee, the Grant Coordinator shall retain a copy of the approval and notify the initiating party of the decision.~~

(~~13~~9)(~~B~~C) If the proposed agreement would commit funds, require ongoing staffing or program support, obligate the Judiciary to serve as a subrecipient or fiscal agent, or otherwise create material operational obligations, whether ongoing or one-time, the matter must be submitted through the GAP process for review and approval. ~~If approval is not granted, and assuming sufficient time to comply with this Rule, the State Court Administrator may recommend the request be modified to undergo the full process for Grant Application Proposals, or, withdrawn from all consideration.~~

~~(13)(C) All agreements approved or rejected in this process will be documented in the Grant Coordinator's monthly updates to the Budget and Fiscal Management Committee and Judicial Council.~~

Effective: ~~November 22, 2021~~May 1, 2027

TAB 4

CJA 3-403. Judicial branch education

Notes: See memo.

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy Court Administrator

October 16, 2026

MEMORANDUM

TO: **Policy, Planning & Technology Committee**

FROM: **Judicial Institute**

RE: **Proposed Changes to sections of UCJA 3-403**

The Standing Education Committee (Committee) would like to make changes to UCJA 3-403.

The first proposed change is to add cybersecurity to the list of required courses in UCJA 3-403(3)(A)(i) and UCJA 3-403(4)(A)(i). In its proposed language, the Committee recommends that all judicial officers and state employees be required to complete cybersecurity training in addition to courses on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

Cybersecurity training would also be added to UCJA 3-403(4)(B)(ii) which establishes that local government employees' professional development programs may include training on harassment and abusive conduct prevention; cybersecurity; ethics; inclusion and elimination of bias.

Under this proposal cybersecurity training will be satisfied by completing Arctic Wolf sequenced online training during the judicial officers and the employees' performance years. (A judicial officer's performance year is July 1 – June 30; an employee's performance year is April 1 – March 31.)

The second proposed change is to alter reporting language should a judiciary employee fail to meet minimum education standards. The current language requires a supervisor to give an employee an unsatisfactory performance evaluation if the employee does not complete 20 education hours in the performance year. The Committee would like to give supervisors flexibility in enforcement while referencing the employee code of ethics and conduct under human resources policies (HR 09-2). In changing the language, the Committee hopes that if a supervisor mandates adherence to UCJA 3-403(4)(A)(i) in a Performance Expectations document or conversation, and the employee does not complete 20 hours of education, then the supervisor may give an unsatisfactory performance evaluation at the end of the performance year.

The proposed changes to UCJA 3-403(5)(B)(i) and 3-403(5)(B)(ii) are below:

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards ~~will result in an unsatisfactory performance evaluation in the education criterion.~~ may constitute a violation

of the employee code of ethics and conduct under human resources policies.

(5)(B)(ii) Failure of staff to meet the minimum education requirements ~~will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.~~ may constitute a violation of the employee code of ethics and conduct under human resources policies.

The Committee believes that this flexibility is beneficial during the Performance Evaluation process.

Rule 3-403. Judicial branch education.

Effective: 11/1/2025

Intent:

To establish the Judicial Branch Education Committee's ("Committee") responsibility to develop and evaluate a comprehensive education program for all judicial officers and court staff.

To establish education standards for judicial officers and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule applies to all judicial officers and court staff, except employees classified as time-limited pursuant to human resources policies.

Statement of the Rule:

(1) **Organization.**

(1)(A) **Judicial branch education committee.** The Committee will submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It will evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members will propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) **Committee meetings.**

(1)(C)(i) The Committee will meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) **Administration.**

Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, will serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) **Education standards for judicial officers.**

(3)(A) **Requirements for judicial officers (judges, court commissioners, active senior judges and active senior justice court judges).**

(3)(A)(i) All new judicial officers will participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

All judicial officers will complete 30 hours of pre-approved education each fiscal year, to be implemented on a schedule coordinated by the Committee. To satisfy annual program requirements judicial officers will complete training on harassment and abusive conduct prevention; cybersecurity; ethics; inclusion and elimination of bias.

Judicial officers may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual judicial conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(A)(ii) **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge will demonstrate that:

(3)(A)(ii)(a) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(ii)(b) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B) **Program components.** Education programs for judicial officers will include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judicial officers.

(3)(C) **Annual conferences.** Justice court judges and active senior justice court judges will attend the annual justice court conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, judicial officers are strongly encouraged to attend that conference.

(4) **Standards for court staff.**

(4)(A) **State employees.**

(4)(A)(i) **Program requirements.** All court staff employed by the state will complete 20 hours of approved coursework during the performance year, as defined by human resources policies. To satisfy performance year requirements state employees must complete training on harassment and abusive conduct prevention; cybersecurity; ethics; inclusion and elimination of bias.

(4)(A)(ii) **Program components.** Education programs for court staff employed by the state will include: onboarding for new employees as well as new employee orientation; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) **Local government employees.**

(4)(B)(i) **Program requirements.** All court staff employed by the justice courts will complete 10 hours of approved coursework annually.

(4)(B)(ii) **Program components.** Education programs for court staff employed by local government will include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth. Professional and personal development programs may include training on harassment and abusive conduct prevention; cybersecurity; ethics; inclusion and elimination of bias.

(5) **Reporting.**

(5)(A) Judicial officers and court staff governed by these standards will report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards will be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards ~~will result in an unsatisfactory performance evaluation in the education criterion.~~ may constitute a violation of the employee code of ethics and conduct under human resources policies.

(5)(B)(ii) Failure of staff to meet the minimum education requirements ~~will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.~~ may constitute a violation of the employee code of ethics and conduct under human resources policies.

(6) **Credit.** Judicial education procedures will include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) **Funding.**

(7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council will receive and consider recommendations from the Committee. The Committee's annual education plan will be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial education will first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs.**To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan will include out-of-state education opportunities. The Committee will approve national education providers and will include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria will include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an

out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel.**The Committee will develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

(8) **Mentoring.**

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge will appoint a mentor to the new judge.

(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge will meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, will provide the completed Mentor's Checklist to the Judicial Education Officer.

Rule 3-403. Judicial branch education

Intent:

To establish the Judicial Branch Education Committee's ("Committee") responsibility to develop and evaluate a comprehensive education program for all judicial officers and court staff.

To establish education standards for judicial officers and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule applies to all judicial officers and court staff, except employees classified as time-limited pursuant to the Judiciary's human resources policies.

Statement of the Rule:

(1) **Organization.**

(1)(A) **Judicial branch education committee.** The Committee will submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It will evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members will propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the Jjudiciary about the purpose and functions of the Committee.

(1)(C) **Committee meetings.**

(1)(C)(i) The Committee will meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) ~~**Administration.**~~**Judicial Education Officer**. The Judicial Education Officer, under the direction of the State Court Administrator, will serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) **Education standards for judicial officers**.

(3)(A) **Requirements for judicial officers** (judges, court commissioners, active senior judges and active senior justice court judges).

(3)(A)(i) All new judicial officers will participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

(3)(A)(ii) All judicial officers will complete 30 hours of pre-approved education each fiscal year, to be implemented on a schedule coordinated by the Committee. To satisfy annual program requirements, judicial officers will complete training on harassment and abusive conduct prevention; cybersecurity; ethics; and inclusion and elimination of bias.

(3)(A)(iii) Judicial officers may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual judicial conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(B~~A~~)~~(ii)~~ **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge will demonstrate that:

(3)(B~~A~~)(~~i~~i)~~(a)~~ he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(B~~A~~)(ii)~~(b)~~ he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(C~~B~~) **Program components**. Education programs for judicial officers will include: a mandatory new judge orientation program; a variety of programs addressing substantive

and procedural law topics~~,~~ aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judicial officers.

(3)(D~~C~~) **Annual conferences**. Justice court judges and active senior justice court judges will attend the annual justice court judges' conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, judicial officers are strongly encouraged to attend that conference.

(4) **Standards for court staff**.

(4)(A) **State employees**.

(4)(A)(i) **Program requirements**. All court staff employed by the state will complete 20 hours of approved coursework during the performance year, as defined by the Judiciary's human resources policies. To satisfy performance year requirements, state employees must complete training on harassment and abusive conduct prevention; cybersecurity, ethics; and inclusion and elimination of bias.

(4)(A)(ii) **Program components**. Education programs for court staff employed by the state will include: onboarding for new employees as well as new employee orientation; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) **Local government employees**.

(4)(B)(i) **Program requirements**. All court staff employed by a~~the~~ justice court~~s~~ will complete 10 hours of approved coursework annually.

(4)(B)(ii) **Program components**. Education programs for court staff employed by local government will include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth. Professional and personal development programs may include training on harassment and abusive conduct prevention; cybersecurity; ethics; and inclusion and elimination of bias.

(5) **Reporting**.

(5)(A) Judicial officers and court staff governed by these standards will report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards will be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible ~~to ensure~~for ensuring that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards ~~will result in an unsatisfactory performance evaluation in the education criterion~~ may constitute a violation of the employee code of ethics and conduct under the Judiciary's human resources policies.

(5)(B)(ii) Failure of staff to meet the minimum education requirements ~~will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control~~may constitute a violation of the employee code of ethics and conduct under the Judiciary's human resources policies.

(6) **Credit**. Judicial education procedures will include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) **Funding**.

(7)(A) **Budget**. In preparing its annual request for legislative appropriations, the Council will receive and consider recommendations from the Committee. The Committee's annual education plan will be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs**. Judicial branch funds allocated to in-state judicial education will first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs**. To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan will include out-of-state education opportunities. The Committee will approve national education providers and will include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria will include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel**. The Committee will develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

(8) **Mentoring**.

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge will appoint a mentor to the new judge.

(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge will meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, will provide the completed Mentor's Checklist to the Judicial Education Officer.

Effective: ~~November 1, 2025~~May 1, 2027

TAB 5

CJA 4-202.08. Fees for records, information, and services

Notes: See memo

Administrative Office of the Courts

Associate Chief Justice Jill M. Pohlman
Utah Supreme Court
Interim Chair, Utah Judicial Council

Ronald B. Gordon, Jr.
State Court Administrator

Neira Siaperas
Deputy Court Administrator

MEMORANDUM

To: Policy, Planning, and Technology Committee
From: Michael C. Drechsel, Assistant State Court Administrator
Date: Monday, November 02, 2026
Re: CJA 4-202.08 Fee Changes for Xchange and Audio Requests (pursuant to HB0540)

During the 2026 session, the legislature passed HB0540. That bill created new statutes that directly impact the fees the Judicial Council may charge for:

1) a party to access an audio record of that party's court proceeding(s); and
2) the public to access public court records via Xchange.

The attached draft outlines proposed changes to Code of Judicial Administration, Rule 4-202.08 to implement these statutory directives.

Changes to Fees for Party Access to the Audio Record:

Effective January 1, 2027, Utah Code section 78A-2-301.7(4)(b) will prohibit the Judicial Council from establishing or charging a fee "to a party requesting an audio recording of a public court proceeding." Rule 4-202.08 does not currently differentiate fees for audio records based upon who is making the request. Lines 26-30 and 45-52 of the attached draft attempt to incorporate this new statutory prohibition into Rule 4-202.08 by explicitly stating that no fee may be charged to a party requesting a copy of the audio recording of their case.

Currently audio requests are fulfilled using one of two methods: 1) providing a copy on a CD / thumb drive; or 2) providing an online link to listen to the audio via the FTR Cloud service. Providing an actual copy of the audio is subject to a $15 fee, while the FTR Cloud link is subject to a $10 fee.

The attached draft proposes that free party access to audio only be available via the FTR Cloud link method. The FTR Cloud link is the preferred method for fulfilling no-fee party audio requests because it does not entail a physical media expense **and** is less work for court staff. If a party would like a physical copy, that method is still available, but would require that the party pay the associated fee to process the request using the more expensive / more time-intensive method.

Changes to Fees for Access to Public Court Records (Xchange):

Effective January 1, 2027, Utah Code section 78A-2-301.7(3) will prohibit the Judicial Council from establishing a fee for "the search and retrieval of records in the court record website" (i.e., Xchange) for up to 50 searches and 50 document downloads in a calendar month. Once those limits are met, the Judicial Council may require the person to pay a fee. Rule 4-202.08 does not currently recognize the 50 free searches and 50 free documents contemplated by statute. Lines 54-88 of the attached draft propose language to revise Rule 4-202.08 to reflect these new statutory requirements. As part of these edits the entirety of subsection (7) was redrafted.

The draft rule provides that, upon reaching one of the statutory free monthly limits, a registered user may continue to use Xchange by purchasing non-expiring credits in $10 blocks. Additional searches or documents will then be deducted from those credits at 35¢ per search or $1.00 per document.

The draft rule defines a "search" as using the "Search Records" and "View Full Case" links in Xchange. These links are available as prominent buttons for users to click in Xchange. A document is "downloaded" when it is displayed on the user's device — the user will continue to have the option at that time to save the document to their computer for later use. When clicked, the Search Records, View Full Case, and document download links pull new information from the judiciary's databases. This causes an impact on the judiciary's servers that justifies charging a fee to the user to pay for the underlying servers, IT support, development of the Xchange service, etc.

Note that the rule continues to allow for a subscription-based Xchange account. The draft rule now incorporates the 50 free searches and documents required by statute. The subscription-based alternative continues to provide the same savings as the current rule for higher volume Xchange users (in essence, the subscription account allows for the first 500 searches — in excess of the 50 free searches — to be performed for 8¢ per search instead of the typical 35¢ rate).

Rule 4-202.08. Fees for records, information, and services.

Intent:

To establish uniform fees for requests for records, information, and services.

Applicability:

This rule applies to all courts of record and not of record and to the Administrative Office. This rule does not apply to the Self-Help Center.

Statement of the Rule:

(1) **Fees payable.** Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) **Use of fees.** Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office to improve data quality control, information services, and information technology.

(3) **Copies.** Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (E): $.25 per sheet;

(3)(B) electronic storage medium other than of court hearings: $15.00 per unit;

(3)(C) electronic copy of audio record or video record of court proceeding: $15.00 for each one-half day of testimony or part thereof;

(3)(D) access to audio record of court proceedings via the FTR Cloud: ~~$10.00 per recording; and~~

(3)(D)(i) $0.00 per recording for a party requesting an audio recording of a public court proceeding involving that party; and

(3)(D)(ii) $10.00 per recording for any other request; and

(3)(E) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4) **Mailing.** The fee for mailing is the actual cost. The fee for mailing will include necessary transmittal between courts or offices for which a public or private carrier is used.

(5) **Fax or e-mail.** The fee to fax or e-mail a document is $5.00 for 10 pages or less. The fee for additional pages is $.50 per page. Records available on Xchange will not be faxed or e-mailed.

(6) **Personnel time.**

(6)(A) There is no fee for the first 15 minutes of personnel time required to provide the copy, record, information, or service, unless the person who submits the request:

(6)(A)(i) is not a Utah media representative; and

(6)(A)(ii) has submitted a separate records request within the 10-day period immediately prior to the date of the request to which the court or office is responding.

(6)(B) Except as provided in (6)(C), ~~The~~ the fee for time beyond the first 15 minutes is charged in 15-minute increments for any part thereof. The fees for personnel time will be set by the State Court Administrator and posted on the court website. The rates charged should be for the least expensive group capable of providing the record, information, or service.

(6)(C) Notwithstanding (6)(B), no fee may be charged for personnel time required to provide a party with access to an audio record of court proceedings via FTR Cloud under (3)(D)(i).

(7) **Public online services.**

~~(7)(A) The fee to subscribe to Xchange will be as follows:~~

~~(7)(A)(i) a set-up fee of $25.00;~~

~~(7)(A)(ii) a subscription fee of $40.00 per month for any portion of a calendar month; and~~

~~(7)(A)(iii) $.35 for each search over 500 during a billing cycle. A search is counted each time the search button is clicked.~~

~~(7)(B) The fee to access public online services without subscribing will be a transaction fee of $10.00, which will allow up to 10 searches during a session.~~

~~(7)(C) The fee to access a document will be $1.00 per document.~~

(7)(A) Xchange is a public court records access website operated by the Administrative Office of the Courts under the direction of the Judicial Council. No fee may be charged to use Xchange to:

(7)(A)(i) register for an Xchange account;

(7)(A)(ii) perform up to 50 searches in a calendar month; or

(7)(A)(iii) download up to 50 documents in a calendar month.

(7)(B) Once a registered user reaches a search or document limit described in (7)(A), the user may perform additional searches or download additional documents by purchasing Xchange credits in $10 blocks. Unused credits do not expire and will carry over to future months until used. An additional search performed or

document downloaded in a calendar month shall be deducted from the $10 block of credits as follows:

(7)(B)(i) $.35 per search;

(7)(B)(ii) $1.00 per document.

(7)(C) Alternatively, the public may choose to subscribe to Xchange, subject to the following fees:

(7)(C)(i) a setup fee of $25.00;

(7)(C)(ii) a monthly fee of $40.00 for any portion of a calendar month to perform up to 500 additional searches beyond the searches described in (7)(A);

(7)(C)(iii) $.35 per search performed beyond the searches described in (7)(C)(ii); and

(7)(C)(iv) $1.00 per document downloaded beyond the documents described in (7)(A).

(7)(D) A search is performed each time the Search Records or a View Full Case link is used. A document is downloaded when it is displayed on the user's device.

(8) **Bulk Data.** If approved, individuals or entities may subscribe to receive indexed court data authorized under rule 4-202.02(2)(L) electronically in bulk. The fee to receive bulk data may be set by the State Court Administrator. Requests for bulk data should be made to the Office of Judicial Data and Research.

(9) **No interference.** Records, information, and services will be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public online services whose use interferes with computer performance or access by other users.

(10) **Waiver of fees.**

(10)(A) Subject to (10)(B), fees established by this rule, other than fees for bulk data and public online services, will be waived for:

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is $10.00 or less per transaction, meaning a request for one or more records in the same case;

(10)(A)(ii) any person who is the subject of the record and who is indigent;

(10)(A)(iii) any court appointed attorney acting on behalf of a client, if the client would qualify for a fee waiver under (10)(A)(ii); and

(10)(A)(iv) a student engaged in research for an academic purpose.

(10)(B) Individuals who qualify for a fee waiver under (10)(A)(ii) and (10)(A)(iii) are entitled to one free copy of the record requested. The State Court Administrator may waive the one free copy limit for administrative records or records associated with a case. Court clerks in courts of record and justice court designees in courts not of record, may waive the one free copy limit for records associated with a case.

(10)(C) Fees for public online services will be waived for:

(10)(C)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(10)(C)(ii) any government entity of Utah or its political subdivisions;

(10)(C)(iii) the Utah State Bar;

(10)(C)(iv) public defenders for searches performed in connection with their duties as public defenders; and

(10)(C)(v) any person or organization who the XChange administrator determines offers significant legal services to a substantial portion of the public at no charge.

(10)(D) Fees for bulk data will be waived for:

(10)(D)(i) any government entity of Utah or its political subdivisions;

(10)(D)(ii) the Utah State Bar;

(10)(D)(iii) public defenders for searches performed in connection with their duties as public defenders; and

(10)(D)(iv) a student engaged in research for an academic purpose.

Effective January 1, 2027

Rule 4-202.08. Fees for records, information, and services.

Intent:

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Applicability:

This rule applies to all courts of record and not of record and to the Administrative Office. This rule does not apply to the Self-Help Center.

Statement of the Rule:

(1) **Fees payable.** Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) **Use of fees.** Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office to improve data quality control, information services, and information technology.

(3) **Copies.** Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (E): $.25 per sheet;

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(3)(C) electronic copy of audio record or video record of court proceeding: $15.00 for each one-half day of testimony or part thereof;

(3)(D) access to audio record of court proceedings via the FTR Cloud: ~~$10.00 per recording; and~~

(3)(D)(i) $0.00 per recording for a party requesting an audio recording of a public court proceeding involving that party; and

(3)(D)(ii) $10.00 per recording for any other request; and

(3)(E) pre-printed forms and associated information: an amount for each packet established by the Sstate Ccourt Aadministrator.

(4) **Mailing.** The fee for mailing is the actual cost. The fee for mailing will include necessary transmittal between courts or offices for which a public or private carrier is used.

(5) **Fax or e-mail.** The fee to fax or e-mail a document is $5.00 for 10 pages or less. The fee for additional pages is $.50 per page. Records available on Xchange will not be faxed or e-mailed.

(6) **Personnel time.**

(6)(A) There is no fee for the first 15 minutes of personnel time required to provide the copy, record, information, or service, unless the person who submits the request:

(6)(A)(i) is not a Utah media representative; and

(6)(A)(ii) has submitted a separate records request within the 10-day period immediately prior to the date of the request to which the court or office is responding.

(6)(B) Except as provided in paragraph (6)(C), t~~T~~he fee for time beyond the first 15 minutes is charged in 15-minute increments for any part thereof. The fees for personnel time will be set by the State Court Administrator and posted on the court website. The rates charged should be for the least expensive group capable of providing the record, information, or service.

(6)(C) Notwithstanding paragraph (6)(B), no fee may be charged for personnel time required to provide a party with access to an audio record of court proceedings via FTR Cloud under paragraph (3)(D)(i).

(7) **Public online services.**

(7)(A) Xchange is a public court records access website operated by the Administrative Office under the direction of the Council. No fee may be charged to use Xchange to:

(7)(A)(i) register for an Xchange account;

(7)(A)(ii) perform up to 50 searches in a calendar month; or

(7)(A)(iii) download up to 50 documents in a calendar month.

(7)(B) Once a registered user reaches a search or document limit described in paragraph (7)(A), the user may perform additional searches or download additional documents by purchasing Xchange credits in $10.00 blocks. Unused credits do not expire and will carry over to future months until used. An additional search performed or document downloaded in a calendar month will be deducted from the $10.00 block of credits as follows:

(7)(B)(i) $.35 per search; and

(7)(B)(ii) $1.00 per document.

(7)(C) Alternatively, the public may choose to subscribe to Xchange, subject to the following fees:

(7)(C)(i) a setup fee of $25.00;

(7)(C)(ii) a monthly fee of $40.00 for any portion of a calendar month to perform up to 500 additional searches beyond the searches described in paragraph (7)(A);

(7)(C)(iii) $.35 per search performed beyond the searches described in paragraph (7)(C)(ii); and

(7)(C)(iv) $1.00 per document downloaded beyond the documents described in paragraph (7)(A).

(7)(D) A search is performed each time the Search Records or a View Full Case link is used. A document is downloaded when it is displayed on the user's device. ~~(7)(A) The fee to subscribe to Xchange will be as follows:~~

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~~(7)(A)(iii) $.35 for each search over 500 during a billing cycle. A search is counted each time the search button is clicked.~~

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~~(7)(C) The fee to access a document will be $1.00 per document.~~

(8) **Bulk Data.** If approved, individuals or entities may subscribe to receive indexed court data authorized under Rule 4-202.02(2)(L) electronically in bulk. The fee to receive bulk data may be set by the State Court Administrator. Requests for bulk data should be made to the Office of Judicial Data and Research.

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(10)(A)(ii) any person who is the subject of the record and who is indigent;

(10)(A)(iii) any court appointed attorney acting on behalf of a client, if the client would qualify for a fee waiver under paragraph (10)(A)(ii); and

(10)(A)(iv) a student engaged in research for an academic purpose.

(10)(B) Individuals who qualify for a fee waiver under paragraphs (10)(A)(ii) and (10)(A)(iii) are entitled to one free copy of the ~~record~~ requested record. The State Court Administrator may waive the one free copy limit for administrative records or records associated with a case. Court clerks in courts of record and justice court designees in courts not of record, may waive the one free copy limit for records associated with a case.

(10)(C) Fees for public online services will be waived for:

(10)(C)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(10)(C)(ii) any government entity of Utah or its political subdivisions;

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(10)(C)(iv) public defenders for searches performed in connection with their duties as public defenders; and

(10)(C)(v) any person or organization who the XChange administrator determines offers significant legal services to a substantial portion of the public at no charge.

(10)(D) Fees for bulk data will be waived for:

(10)(D)(i) any government entity of Utah or its political subdivisions;

(10)(D)(ii) the Utah State Bar;

(10)(D)(iii) public defenders for searches performed in connection with their duties as public defenders; and

(10)(D)(iv) a student engaged in research for an academic purpose.

Effective: ~~November 1, 2025~~January 1, 2027

TAB 6

Technology Reports/Proposals

Notes: Brody Arishita and Todd Eaton will present the following:

Digital Exhibits - POC System Design:

- DRAFT POC Utah State Courts Digital Exhibit Portal Specs v1.docx

IT Emergency Response Plan (ERP) updates:

- DRAFT Emergency Response Plan Brief - 2026.docx
- DRAFT TERT Response Check list form - 2026.docx
- DRAFT - Communication Templates - ERP - 2026.docx

Initial Public/Media Holding Statement

Initial Public/Media Holding Statement (For public-facing websites or press releases)

Purpose: To quickly and publicly acknowledge an issue before all facts are known, particularly during suspected cyber-attacks or major outages.

Subject/Headline: COURT SYSTEM OUTAGE: Impacting [Court/Jurisdiction Name] Services

Message: At approximately [Time] on [Date], the [Court Name] experienced a technical disruption impacting [Specific System, e.g., our E-Filing system / Virtual Hearing platform].

Our Technology Emergency Response Team is actively investigating the cause and working to restore full functionality as safely and quickly as possible.

Important Note for Litigants & Attorneys: If you have an urgent filing deadline or a scheduled appearance today, please [insert immediate fallback rule, e.g., proceed to the courthouse in person / monitor this page for emergency administrative orders regarding filing extensions].

We are committed to transparency and will provide our next update by [Time] on [Date/Platform].

We appreciate your patience as we resolve this matter.

Initial Internal Alert

Initial Internal Alert (For judges, court staff, and internal stakeholders)

Purpose: To inform staff of the outage, provide immediate instructions, and prevent the IT helpdesk from being flooded with redundant tickets.

Subject: URGENT: [System Name] Outage – Court Technology Emergency Response Activated

Message: Please be advised that [System/Network] is currently unavailable. The Technology Emergency Response Team (TERT) has been activated and is diagnosing the issue.

Impact on Operations:

- **Chambers/Judges:** [e.g., Cannot access digital case files / Cannot log into bench PCs].
- **Courtrooms:** [e.g., Virtual hearing links are down / Digital audio recording is functional/non-functional].
- **Clerk's Office:** [e.g., Cannot process digital filings or payments].

Action Required:

1. **Do NOT contact the IT Helpdesk** regarding this specific issue so lines remain open for response coordination.
2. **Courtroom Continuity:** [e.g., Please delay afternoon dockets by 30 minutes / Revert to manual log sheets for court reporters].
3. If the Continuity of Operations Plan (COOP) is officially activated by the Presiding Judge(s), you will receive separate instructions via [Alternative Channel, e.g., SMS text alert].

Next Update: We will provide a status update to all judicial officers and staff by [Time].

Ongoing Status Update

Ongoing Status Update (Internal or External)

Purpose: To keep stakeholders informed at predetermined intervals even if the issue is not yet resolved.

Subject/Headline: UPDATE #[X]: [Court/System Name] Outage Status

Message: Our technology teams are continuing to troubleshoot the disruption affecting [System/Service].

Current Status: [Brief, non-technical explanation, e.g., We have isolated a network switch failure and are currently deploying replacement hardware].

Alternative Procedures & Legal Deadlines:

- **For the Public/Bar:** [e.g., Pursuant to Emergency Administrative Order [Order #], all filing deadlines falling on [Date] are extended to [New Date]. Please utilize paper filing at the Clerk's window if urgent].
- **For Internal Staff:** [e.g., Continue utilizing the paper log protocols initiated this morning].

Next Update: We will provide the next status update at [Time].

Thank you for your continued cooperation and adaptability.

Resolution and "All Clear"

Resolution and "All Clear" (Internal or External)

Purpose: To officially close the emergency communication loop and inform users that normal operations can resume.

Subject/Headline: RESOLVED: [System Name] Services Restored – Normal Court Operations Resuming

Message: The technology emergency impacting [System/Service] has been successfully resolved. As of [Time], all normal operational activities can resume.

Actions Required:

- **Staff/Judges:** Please restart your workstations and clear your browser cache before logging back into the application.
- **Attorneys/Public:** You may now resume standard electronic filings and portal access.

Expectation Management: Please note that due to the outage, there may be a temporary delay in the processing of e-filed documents as the Judicial Assistants work through the backlog.

Support: If you continue to experience connectivity issues, staff should submit a standard IT ticket, and external users should contact [Court IT Support Email/Phone].

We sincerely appreciate your patience and cooperation throughout this disruption.

Summary of Key Recommendations for the Judiciary:

1. **Establish Communication Channels *Before* Outage:** If email or the internal network goes down, how do you send the "Initial Internal Alert"? Ensure you have an alternative emergency mass-notification system (like SMS alerts or a dedicated phone tree) ready for staff.
2. **Pre-draft the "Emergency Orders":** Work with the Presiding Judge(s) or Court Administration to create a template for an "Emergency Administrative Order Regarding Filing Deadlines." When a system goes down, you can instantly fill in the blanks and link it to your external updates.
3. **Clarify Tolling's of Time:** For the external legal community, the absolute biggest question during an outage is, *"Will my case be dismissed if I miss the midnight filing deadline?"* Addressing this explicitly in external templates minimizes panic and inbound phone calls.

Judicial Council
Policy, Planning & Technology



Technology Emergency Response Plan

June 1, 2026

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AOC Technology Emergency Reponses Plan Overview

The purpose of the Technology Emergency Response Plan (ERP) is to provide guidance and a framework for the AOC Information Technology Staff who are responding to a technology emergency (e.g., data center or network outage, cyber-attack, data breach, facility damage, etc.). For the purposes of this plan.

A technology emergency is an unanticipated event that affects a portion or all of the judiciary technology infrastructure and prevents normal operational activity for a period anticipated to exceed four (4) hours or the identification of unauthorized access/activity to the judicial network

This plan identifies required actions and resources to address technology emergencies generally and does not attempt to prescribe actions as each technology emergency event will be unique. Events that do not rise to the level of emergency are defined as an Incident and are managed as an operational activity. Technology Incident procedures are not included in this document.

In response to a technology emergency, AOC IT staff will evaluate the circumstances of the emergency and begin to take mitigation and restoration actions. These restoration actions for the most part are normal operational tasks (e.g., building a server, restoring a database, purchasing equipment, etc.) that staff conduct on a daily or routine basis. However, the details of the emergency will determine the specific actions needed to restore operations that do not fall within normal operational activity (e.g., isolating the judicial network from the internet, etc.).

Note: Each IT team is responsible for maintaining operation procedures for staff to follow when conducting operational tasks and documentation that may be required while addressing a technology emergency.

Note: Restoring normal operational capability and security to the judicial network in the most expedient manner possible is the primary objective. (While prioritizing restoration is the standard for physical disasters or equipment failures, during a cyber-attack, containment must take priority. A specific sub-process prioritizing network isolation and threat eradication MUST be completed before system restoration begins to prevent immediate re-infection.)

Preparing for an Emergency

It is not a matter of “if” there will be an emergency, it is “when”. Therefore, AOC IT staff have taken and will continue to take precautionary measures to mitigate and respond to emergency events. These measures include but are not limited to the following:

- Development and maintenance of the Technology Emergency Response Plan. The plan is reviewed at least annually for accuracy and updates. Furthermore, the team must conduct regular tabletop exercises or simulated emergency drills to ensure staff can execute the plan effectively under pressure.
- Maintain operational documentation for staff to refer to as needed in off-prem

cloud storage. Print copies for documentation should be available and stored in multiple locations.

- Data and system back-ups are stored in multiple locations.
- Multiple judicial datacenters.
- Start planning to maintain a surplus of spare hardware to accommodate surge and replacement capability.
- Formalize Emergency Procurement Authority: Recognizing that standard procurement processes are too slow for emergencies, emergency purchasing protocols are established. These include pre-approved spending limits, designated emergency credit cards, and a specific list of individuals authorized to make immediate financial decisions to bypass normal operational delays.
- Automated alert systems that notify IT staff of environmental issues at the datacenters.
- Maintain cameras for visual access into both datacenters.
- Maintain an OS patching policy to ensure systems are kept updated and security patches applied.
- IT staff on the Technology Emergency Response Team (TERT) will take their assigned laptop home each evening.
- Essential infrastructure components are purchased with redundancy and additional capacity and replaced on a scheduled basis.
- Vendor support contacts are in place to aid as needed.
- IT staff participate in on-going training to ensure proper knowledge of the currently implemented technology.
- Conduct periodic security reviews from independent 3rd party vendors.
- Implement an *Information Security Policy*
- Purchase equipment with redundancy built into the device(s).
- Perform routine alternate power switching on for primary datacenter (via DFCM)
- Perform routine system health checks.
- Maintain operational documentation stored and accessible in multiple locations in the event the primary document location is unavailable.
- Routinely review External Scan documentation.
- Conduct Network auditing as determined by the *Information Security Risk Management Policy.*

AOC Technology Emergency Response Team (TERT)

Coordinator: AOC Chief Information Officer or designee

A team of staff members from the Administrative Office of the Courts Information Technology shall manage technological emergency responses. The AOC Technology Emergency Response Team (TERT) shall be activated upon identification of a technology emergency of such scope that it significantly affects the ability of all or a portion of the judiciary to perform routine activity for a period of more than 4 hours duration or toperform all routine activities of a location or multiple locations. Examples might include a case management outage or a full network outage; however larger or

smaller incidents may require emergency response.

I. Personnel Requirements from AOC IT staff

a. Chief Information Officer
b. Deputy Director, Technology
c. Infrastructure Services Manager
d. Enterprise Domain and Security Architect
e. Strategic Relations and Initiative Manager
f. Server Administrator(s)
g. Network, Administrator(s)
h. Designated Emergency Communications Specialist
i. Person to record and document activity.

II. Line of Succession for IT Management

When a technology emergency arises, the person in charge of the emergency from a technology perspective is the most senior AOC IT Person present of those listed in the *Line of Succession.* Transfer responsibility for the emergency should be documented on the TERT Checklist. That person is responsible for communicating and providing updates to the Executive Team (below).

a. Incident Director—Chief Information Officer
b. Successor 1—Deputy Director, Technology
c. Successor 2—Infrastructure Services Manager
d. Successor 3— Enterprise Domain and Security Architect
e. Successor 4 - Strategic Relations and Initiatives Manager

III. Executive Team

The Executive Team has final decision-making authority regarding actions that need to be taken in response to the emergency:

a. State Court Administrator
b. Deputy State Court Administrator/Assistant State Court Administrator
c. Incident Director
d. General Counsel
e. (optional based on emergency) Chief Justice
f. (optional based on emergency) Public Information Officer
g. (optional based on emergency) Security Director
h. (optional based on emergency) Facilities Director

The Executive team will determine and direct all communications related to the emergency.

IV. Communications Requirements:

a. Key Personnel Directory— (needs to be reviewed).
b. Access to InformaCast for emergency notifications
c. Cellular telephone(s)/Internet hot spots

V. Alternate Location Requirements:

In the event the Matheson building and the court locations that are listed in the Alternate Locations section of the TERT response check list, are not available the following requirements are to be used in the selection of any alternate locations for technology staff to utilize.

a. Communications

Item	Description	Quantity
Telephone	Landline	1
Telephone	Cellular	6
Network	Connectivity	6 ports

b. Space and Furniture

Item	Description	Quantity
Meeting Room	14' x 18'	1
Table	42" x 120"	1
Chairs		8
Display Screen or blank wall for projection		1

c. Equipment and Supplies

Item	Description	Quantity
Computers	Laptop	6
Electrical connectivity	Power strips & extension cords various lengths 3 to 25 feet	4
Digital Projector		1
Network cables	Cat 5 or Cat 6 10' each, 1-25', 1-50', 2 ethernet couplers	6
Network Switch		1
Speakerphone		1
Cellular Phone		1
Cellular Access Point	8 connections minimum (5G preferable)	1
Printer, toner and paper	2 reams paper, 1 replacement toner cartridge	1
Pencils, pens, notepaper	Each	12
Whiteboard and markers		1

d. Vital Records

Vital File, Record, or Database	Form of Record	Pre-positioned at Alternate Facility	Hand Carried to Alternate Facility	Backed up at Third Location
Response Plans and Referenced Checklists and	Paper & Digital*			

Documentation				
Recovery Plans	Paper & Digital*			

*Provided either on thumb drives or on Internet-accessible, always available at sites

e. Security—the alternate facility needs at least limited access to allow staff to work without interference and should be considered a private location.
f. Extended Operations and Human Logistics: Because major technology emergencies often require 24/7 continuous work, logistics for long-term operations are required. The plan includes designated shift schedules, mandatory rest periods, and established protocols for providing food, water, and lodging to TERT members in the event they are confined to the alternate work site for an extended number of days.
g. Transportation—individuals will be responsible for personal transportation; however, the alternate facility will need to designate parking for emergency response team members to park close to the facility.
h. Multiple locations may need to be established to provide adequate resources for staff to perform their duties.

NOTE: Staff may not all be at the same location as per Remote Work Location Policies. Communication tools if available such as Webex, phone, e-mail, texting, etc., will be utilized.

Communications (internal and external)

The nature and duration of the emergency will determine the characteristics and the scope of the communications required. AOC Executive staff and TERT will determine if there is a need to engage the Judicial Council and General Counsel to provide public and media information related to the emergency.

If the nature of the emergency requires external communication (e.g., cyber-attack), the State Court Administrator or designated person will be responsible for responding to all inquiries from the public and the media. AOC staff and local court staff should be advised to direct any inquiries related to the emergency to the above.

Please note: It is mandatory that pre-drafted public announcement templates are created and kept on file (see Appendix for Communication Templates) to facilitate timely distribution of information.. These templates must be paired with predefined service level agreements (SLAs) dictating exactly how quickly the public and media must be notified following a breach or outage. (e.g., public announcements will be provided daily at noon until the emergency is no longer an issue). This will inform the TERT and others that are addressing the emergency of a schedule to provide periodic updates regarding the technology emergency.

The Incident Director will provide regular updates (e.g., daily briefings) as to the status of the emergency with AOC Executive staff.

If the nature of the emergency requires the implementation of a Continuity of Operations Plan (COOP), communication to staff will follow communications protocols defined by the COOP. If the COOP is not implemented the Incident Director or a member of Executive staff will provide regular updates to court staff.

Technology Emergency Response Process

The list below describes the general process that will be followed in the event of a technology emergency:

1. Identify Emergency.
2. Assess the extent of emergency and determine if implementation of Technology Emergency Response Plan is warranted.
3. Advise Executive Staff to determine if a COOP plan needs to be implemented. Specific thresholds and trigger criteria must be utilized to assist Executive Staff in making a rapid decision on exactly when a technology emergency warrants activating the broader Continuity of Operations Plan.
4. Retrieve Technical Emergency Response Plan documentation and determine if any additional assistance will be needed (e.g., contact vendor(s), law enforcement etc.)
5. Note: The person in charge of the emergency is the most senior AOC IT person present of those listed in the *Line of Succession* in the Technology Emergency Response Team documentation. Transfer of responsibility for the emergency should be documented on TERT Checklist.
6. Activate alternate facilities including notification of facility owner if not court owned facility.
7. Notify Technology Emergency Response Team (TERT).
8. Assess the nature of the emergency and determine which alternate facility, if any needs to be activated.
9. Notify appropriate Executive Team contact and advise if external communication is needed.
10. Coordinate staff to return services in sequence determined by *Application Restoration Priority list Ensure cyber-attack containment protocols are executed prior to restoration.*
11. Confirm that *TERT Response Check list* has been completed and attach all documentation of the event and activities.
12. Notify all listed above upon termination of the emergency.
13. Schedule Post-Event Review and Lessons Learned meeting.

Once the emergency has ended, this document should be stored with the completed Incident Response documentation form: (designate location)

Updated Draft Proof of Concept (PoC) Requirements: Digital Exhibit Submission System

1. Core Security and Architecture Principles

- **Controlled Environment:** The system must keep all files within a secure, court-controlled environment to prevent data loss and ensure consistent malware and virus scanning. This electronic storage system must be sufficient to prevent access by unauthorized persons and must be formally certified by the Chief Information Officer and Court Security Director prior to use.
- **Elimination of Third-Party Workarounds:** The PoC must replace ad-hoc file-sharing methods (like unvetted use of Box or Dropbox) that currently pose security threats and bypass court virus scanning capabilities.
- **Secure Government Cloud Storage and NIST-Compliant Encryption:** All digital exhibit submissions will be hosted within a secure, CJIS-ready government cloud environment to safeguard sensitive judicial and law enforcement data. To ensure strict data protection, the architecture will enforce end-to-end encryption that aligns with current NIST guidelines. Specifically, the system will apply AES-256 encryption to protect all files and data at rest and utilize TLS 1.2 (or higher) to secure data in transit during uploads, streaming, and sharing.

2. Ingestion and Submission Workflows

- **Dedicated Submission Pathway:** The system must provide a distinct route for exhibit intake, as court rules explicitly prohibit digital exhibits from being submitted via standard eFiling. Current approved submission methods to be replaced include removable media, email and Google Drive sharing.
- **Automated Malware and Virus Scanning:** The system must automatically scan all uploaded files for malicious content, including malware and viruses, immediately upon ingestion. This automated scanning ensures that digital exhibit is safely vetted before it fully enters the secure court environment, directly mitigating the security risks currently associated with unvetted third-party file-sharing platforms
- **Capacity:** The system must seamlessly accommodate the ingestion of large files and bulk uploads, eliminating the current need for external shared Google Drive or OneDrive folders for batches of 10 or more exhibits.
- **Notification System:** There must be an automated tracking and notification mechanism when external parties (attorneys, pro se individuals) upload or add files to an existing case repository.

- **Timeline Support:** The system should support standard procedural deadlines, such as tracking submissions against the requirement to submit files

3. File Support and Normalization (Transcoding) Engine

- **Broader File Ingestion:** While courts currently limit submissions to PDF, JPEG, PNG, and MP4 out of necessity, the PoC must natively ingest a vastly expanded array of formats. This includes, high-efficiency images (HEIF/HEIC), comprehensive audio/video formats (AVI, MKV, FLAC, Genetec), and specialized formats like cellphone extractions (XML/JSON), system logs, and databases.
- **Automated Video/Audio Transcoding:** The platform must feature a normalization engine that automatically transcodes complex media files (supporting over 300 codecs like H.265, ProRes) into universally stream-able formats (e.g., standard H.264 MP4 files) upon ingestion.
- **Document Normalization:** The system must automatically convert mobile scans, field notes, and raw text into **standardized, text-searchable PDFs**. For large, compiled files (like Books of Authorities), it must automatically split bookmarked PDFs into distinct, indexed sections while maintaining active internal and external hyperlinks and optical character recognition.

4. Exhibit Indexing and Organization

- **Individual File Segregation:** Exhibits must be ingested and stored as separate, distinct files.
- **Standardized Labeling during submission:** The system must enforce or facilitate standardized marking conventions. System labels or Metadata must include, at a minimum.
    - Court level (district/Justice/juvenile/BCC/Appellate?)
    - Court location
    - Case number
    - Exhibit number or letter
    - Appropriate party designation
- **Automated Exhibit Lists:** Because the file names themselves should not contain substantive identifying information, the system should generate or support dynamic indexing that pairs the exhibit number with a description for court reference.

5. Presentation and In-Court Playback Requirements

- **Universal Browser Playback:** Judicial officers, attorneys, and parties must be able to review and play back multimedia exhibits **directly within a secure web browser on standard devices** (laptops, tablets, smartphones) without needing to download external media players or install proprietary codecs.
- **Presentation Compatibility:** The system must easily interface with current court presentation methods. Exhibits must be readily displayable via standard "share/presenter" functions for remote hearings, and compatible with courtroom screen mirroring for in-person proceedings.
- **Digital Exclusivity:** Original files will remain in the custody of the presenting party; courts will only retain the most current digital copies into evidence, emphasizing the need for highly reliable digital accessibility during live hearings.

6. Post-Disposition Retention and Access Controls

- **Restricted Access Management:** The system must ensure exhibits in court custody are strictly controlled without unauthorized access. It should simultaneously support workflows that allow parties to file motions requesting access to view exhibits; offering auditable access reporting
- **Judicial workflow notification timeline entry**: The system will allow court staff to designate a manual retention period as required.
- **Automated Disposal Notifications:** The system should be able to track final case dispositions and post-appeal periods to manage the automated notification of digital exhibit(s) ready for disposal. Specifically, it must support retaining criminal and juvenile delinquency exhibits for no less than 365 days after the appeal period expires, and civil exhibits for no less than 90 days after the appeal period expires. Full audit logs of disposal will be stored.

7. API integration with existing case management systems

- **Ability to link with internal case management system:** The system must seamlessly integrate with the court's current in-house-built Case Management Systems (CMS). This integration will feature direct links within the existing CMS that take users over to the digital exhibit platform. Access will be governed utilizing secure tokens, enabling staff with existing CMS permissions to seamlessly and securely access digital exhibits. To maintain strict security and oversight, all access to exhibits must be fully tracked and auditable within the system.

Technology Emergency Response Team Checklist Form

Incident Name/Description _____

Start Date _____ Time _____ Recorder_____

Person in charge of Emergency Team: _____

Transfer of leadership to _____on (date/time)_____

Transfer of leadership to _____on (date/time)_____

Note any comments on action line as needed

	Action
☐	Contact staff lead on incident, get summary of event and receive instruction
☐	Contact T.E.R.T. personnel *(Network Manager)*
☐	Assess status of AOC IT personnel availability *(Emergency team leader)*
☐	Assess status of Industrial building involvement in emergency and availability as emergency work location *(Emergency team leader)*
☐	Assess status of Matheson building involvement in emergency and availability as emergency work location (Emergency team leader)
☐	Assess status of TSOB building involvement in emergency and availability as emergency work location *(Emergency team leader)*
☐	Assess status of W. Jordan location, Provo or St. George availability (if needed)
☐	Establish logistics for long-term operations, including designated shift schedules, mandatory rest periods, and protocols for providing food, water, and lodging if TERT is confined to the alternate site for days
☐	Assess status of Matheson Datacenter ***(Infrastructure Services Manager)***

☐	Assess status of St. George Datacenter (***Infrastructure Services Manager***)

☐	Assess status of WAN
☐	Assess status of MOE providers
☐	Assess status of LAN
☐	Evaluate defined thresholds and trigger criteria to assist Executive Staff in determining if the Continuity of Operations Plan (COOP) needs to be activated
☐	If Cyber-Attack: Ensure network isolation and threat eradication sub-processes are completed before initiating any system restoration
☐	Implement emergency purchasing protocols (including pre-approved spending limits and designated emergency credit cards) to bypass normal operational delays
☐	Provide update to State Courts Administrator/AOC Executive Staff on status of the emergency *(Emergency team leader)*
☐	Act to mitigate emergency: i.e., implement Operational Recovery plans: Datacenter: *(Data center manager)* Database: (*Database administrator(s))* Network: *(Network administrator(s))* Application Servers: (Dev Supervisors/Architect)
☐	Contact appropriate vendors (e.g., Microsoft, Oracle, HP, etc.) (if needed) *(appropriate unit manager)*
☐	Contact FBI, SEMA, or law enforcement (if the nature of the emergency is a cyber-attack) *(Emergency team leader)*
☐	Contact IT Managers (email group: itleadership@utcourts.gov) *(Emergency team leader)*

	Additional comments: Notify staff as appropriate via InformaCast Deploy mandatory pre-drafted communication templates in accordance with predefined service level agreements (SLAs) for public and media notification following a breach or outage

TAB 7

CJA 4-409. Council Approval of Problem-Solving Courts

Notes: See rule amendment request form

Policy and Planning - Rule Amendment Request Form

The respondent's email (**katye@utcourts.gov**) was recorded on submission of 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 *

MM DD YYYY

10 / 27 / 2026

Name *

Katy Erickson

Phone Number *

385-326-4896

Supervisor *

Shonna Thomas

*

Dropdown

Code of Judicial Administration

*

CJA Rule Number or HR/Accounting Section Name

CJA Rule 4-409

Brief Description of Rule Proposal *

Rule 4-409 governs problem-solving courts within the Judiciary. It establishes criteria for the creation and operation of problem-solving courts and provides a framework for ongoing reporting and evaluation to support accountability, consistency, and program effectiveness.

Reason Amendment is Needed *

The Statewide Treatment Court Steering Committee identified several areas of Rule 4-409 that would benefit from clarification. Problem-solving court teams have requested clearer guidance regarding the requirements for establishing and continuing the operation of all types of problem-solving courts.

The proposed amendments clarify training requirements, certification processes, and court case transfer procedures. These changes are intended to promote greater consistency, improve operational efficiency, and provide clearer direction to problem-solving court teams while supporting alignment with national treatment court best practices.

Is the proposed amendment urgent? *

- [ ] Yes
- [x] 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
- [x] Board of District Court Judges
- [x] Board of Justice Court Judges
- [x] 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
- [ ] Other: _____

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

Statewide Treatment Court Steering Committee

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

Problem-Solving Court Teams - Judges, Clerks, Judicial Assistants, Treatment Providers, Law Enforcement, Prosecutors, Defense Attornies, Guardian et Litems, Probation Agents, Court Case Managers, Department of Veteran Affairs, Administrative Office of the Courts (Statewide Treatment Court Certification Coordinator and Statewide Treatment Court Administrator)

This form was created inside of Utah State Courts.

Google Forms

Rule 4-409. Council Approval of Problem-Solving Courts.

Intent:

To establish criteria for the creation and operation of Pproblem-Ssolving Ccourts, and to create a process for ongoing reporting from and evaluation of Pproblem-Ssolving Ccourts.

Applicability:

This rule applies to all trial courts.

Statement of the Rule:

(1) **Definitions.**

(1)(A) **Applicant.** As used in this rule, an "applicant" is the Pproblem-Ssolving Ccourt judge, Trial Ccourt Eexecutive (TCE), or other representative of the Pproblem-Ssolving Ccourt as designated by the Pproblem-Ssolving Ccourt judge.

(1)(B) **Problem-Ssolving Ccourt.** As used in this rule, a "Pproblem-Ssolving Ccourt" is a targeted calendar of similar type cases that uses a collaborative approach involving the court, treatment providers, case management, frequent testing or monitoring and ongoing judicial supervision. Examples include, but are not limited to, adult and juvenile drug courts, mental health courts, veteran treatment courts, and ~~domestic violence~~family treatment courts.

(2) **Initial application.** Prior to beginning operations, each proposed Pproblem-Ssolving Ccourt must be approved by the ~~Judicial~~ Council and must agree to comply with the requirements of this rule. An application packet, approved by the ~~Judicial~~ Council, must~~shall~~ be made available by the Administrative Office ~~of the Courts~~. The~~is~~ application packet must be reviewed by the Statewide Treatment Court Administrator and submitted to the Council for approval by the applicant at least 90 days in advance of the proposed operation of a new court. New Problem-Solving Courts are encouraged to participate in foundation training at least one-hundred twenty (120) days prior to beginning operations.

(3) **Annual r~~R~~eport.** Each existing Pproblem-Ssolving Ccourt~~s~~ must annually submit a completed annual report on a form provided by the Administrative Office ~~of the Courts~~. Forms must be submitted to the Administrative Office within 45 days after the end of the fiscal year.

~~(3)(A) Each problem solving court shall annually report at least the following:~~

~~(3)(A)(i) The number of participants admitted in the most recent year;~~

~~(3)(A)(ii) The number of participants removed in the most recent year;~~

~~(3)(A)(iii) The number of participants that graduated or completed the program in the most recent year; and~~

~~(3)(A)(iv) Recidivism and relapse statistics for as long a period of time as is available, but at least for one year. If the court has been in existence for less than one year, then for the amount of time the court has been in existence.~~

(4) **Grants.** In addition to complying with ~~the requirements of CJA~~ Rule 3-411, an applicant must~~shall~~ notify the ~~Judicial~~ Council of any application for funding~~s~~ to operate a P~~p~~roblem-S~~s~~olving C~~c~~ourt, whether or not the court would be the direct recipient of the funds~~grant~~. ~~This n~~Notification ~~should~~ must be made ~~before~~ prior to initiating any application for funding ~~is initiated~~.

(5) **Requirements to o~~O~~perate a Problem-Solving Court.** All P~~p~~roblem-S~~s~~olving C~~c~~ourts ~~shall~~ must ~~be required to~~ adhere to the following requirements:

(5)(A) Each P~~p~~roblem-S~~s~~olving C~~c~~ourt must ~~adhere to~~comply with the "Required Certification Criteria" outlined in the ~~respective~~ applicable Certification Checklist ~~applicable to that problem solving court~~, as promulgated, ~~and~~ amended, and approved by the ~~Judicial~~ Council.

(5)(B) Each P~~p~~roblem-S~~s~~olving C~~c~~ourt must ~~adhere to~~comply with the "Presumed Certification Criteria" outlined in the applicable~~respective~~ Certification Checklist ~~applicable to that problem solving court, as promulgated and amended and approved by the Judicial Council,~~ unless:

(5)(B)(i) the program ~~can show~~ demonstrates sufficient compensating measures; or

(5)(B)(ii) the ~~Judicial~~ Council ~~specifically~~ grants a specific waiver of~~s~~ the~~at~~ requirement.

(5)(C) **Commencement of participation.** ~~To commence participation in a problem solving court:~~

(5)(C)(i) **Criminal proceedings.** In ~~a~~ criminal proceedings, a plea must be entered before a person may participate in a~~the c~~ Problem-Solving Court. Testing and orientation ~~processes may be initiated~~may occur prior to entry of the plea; however,~~,~~ ~~but~~ no sanctions may be imposed until the plea is entered, except ~~other than~~ those ~~which may be imposed~~permitted in a criminal proceeding in which a person is released ~~before~~ prior to trial. Prior to ~~the~~ acceptance of the plea, each participant must sign a~~n~~ written agreement ~~that~~ outlining~~es~~ the expectations of the court and the responsibilities of the participant.

(5)(C)(ii) **Juvenile Dependency Drug Court.** In J~~j~~uvenile D~~d~~ependency D~~d~~rug C~~c~~ourt, sanctions may not be imposed until the parent and juvenile have~~s~~ signed a~~n~~ written agreement ~~that~~ outlining~~es~~ the expectations of the court and the responsibilities of the participant.

(6) **Certification.** Each P~~p~~roblem-S~~s~~olving C~~c~~ourt must be considered for certification by the ~~Judicial~~ Council every two years~~. Each problem solving court shall~~ and must cooperate with the ~~Judicial Council's~~ certification review process.

(6)(A) Upon review, the ~~Judicial~~ Council may:

(6)(A)(i) certify a Pproblem-S solving Ccourt that ~~adheres to~~meets all requirements ~~as outlined in subsection~~in paragraph (5) ~~of this rule~~;

(6)(A)(ii) de-certify a Pproblem- ~~s~~Solving Ccourt that fails to ~~adhere to~~meet one or more requirements ~~as outlined in subsection~~in paragraph (5) ~~of this rule~~; or

(6)(A)(iii) conditionally certify a Pproblem- Ssolving Ccourt that fails to ~~adhere to~~ meet one or more requirements ~~as outlined in subsection~~in paragraph (5) ~~of this rule~~.

(6)(B) Prior to conditional certification or ~~To~~ de-certififcation~~y or conditionally certify a problem solving court~~, the ~~Judicial~~ Council must~~shall~~:

(6)(B)(i) inform the Pproblem- Ssolving Ccourt of the specific requirement(s) that are not being ~~adequately~~ met; and

(6)(B)(ii) provide ~~to~~ the Pproblem- Ssolving Ccourt an opportunity to respond ~~regarding the requirement(s) that are not being adequately met~~.

(6)(C) ~~In the event that the Judicial~~If the Council ~~determines that the problem solving court should be~~ conditionally certifies~~d~~ a Problem-Solving Court, ~~the Judicial Council shall~~it must:

(6)(C)(i) ~~outline specific~~identify the conditions ~~necessary for the problem solving court to meet in order to be certified~~required to achieve certifiication; and

(6)(C)(ii) provide ~~the problem solving court with~~ a specific timeframe for remediation~~period of time in which to remedy any such deficiency~~.

(6)(D) ~~In the event that~~If a conditionally certified Pproblem- Ssolving Ccourt fails to meet the conditions ~~outlined by the Judicial Council~~ within the time allotted, the ~~Judicial~~ Council will:

(6)(D)(i) ~~shall~~ de-certify the Pproblem- Ssolving Ccourt; or

(6)(D)(ii) ~~may~~ extend the remediation period ~~of time to remedy any deficiency,~~ for good cause shown.

~~(7) **DUI Courts.** The following courts are approved as DUI Courts: Riverdale Justice Court and other courts as may be approved by the Judicial Council in the future.~~

(7~~8~~) **Communications.** A judge may initiate, permit, or consider communications, including ex parte communications, made as part of a case assigned to ~~the judge in~~ a Pproblem-Ssolving Ccourt, consistent with the signed participation agreement.

(8) **Inactive Problem-Solving Court status.**

(8)(A) The Problem-Solving Court judge and/or TCE must notify the Council in writing if a Problem-Solving Court is to be placed on inactive status.

(8)(B) Inactive Problem-Solving Courts must submit written quarterly updates to the Council. The Council may close a Problem-Solving Court that remains inactive for six (6) months.

(9) **Closure of a Problem-Solving Court.**

(9)(A) The Problem-Solving Court judge and/or TCE must notify the Council in writing at least sixty (60) days prior to closing a Problem-Solving Court.

(9)(B) The Problem-Solving Court team must submit a transition plan to the Council addressing the legal and treatment needs of current participants.

(10) **Reinstatement of a Problem-Solving Court.** The Problem-Solving Court judge and/or TCE must notify the Statewide Treatment Court Administrator ninety (90) days prior to reinstating a Problem-Solving Court. At the request of court leadership, the Statewide Treatment Court Administrator may provide technical assistance in preparation for reactivation.

(11) **Onboarding and training requirements.**

(11)(A) All new Problem-Solving Court team members must complete required training prior to serving on a Problem-Solving Court team.

(11)(A)(i) New team members must review the treatment court operations manual, participant handbook, certification checklist, and complete onboarding requirements under the direction of the Problem-Solving Court judge.

(11)(A)(ii) The TCE must notify the Statewide Treatment Court Administrator when a new judge is assigned to a Problem-Solving Court and prior to the judge assuming responsibilities. The Statewide Treatment Court Administrator must contact the judge to provide support and resources.

(11)(B) All Problem-Solving Court staff must complete biennial training. If staff are not able to attend the state or national treatment court conference, Problem-Solving Court staff may complete biennial training via webinar, other conferences or training approved by the Problem-Solving Court judge, TCE, or Statewide Treatment Court Administrator.

(12) **Transfers.**

(12)(A) **Transferring from one Problem-Solving Court to a Problem-Solving Court in a different county.** For juvenile court cases, courts must comply with Rules 16 and 16A of the Utah Rules of Juvenile Procedure. For all other courts, a participant who the transferring court determines has a legitimate reason to relocate to a different county may request a transfer to a Problem-Solving Court in the county to which the participant is relocating as follows:

(12)(A)(i) The transferring court judge must contact a Problem-Solving Court judge in the receiving jurisdiction and request transfer;

(12)(A)(ii) The transferring court judge must provide case information for all cases proposed to be transferred, including case numbers, and contact information for a treatment team member to provide clinical information;

(12)(A)(iii) The participant must sign a release of information and allow the receiving court's treatment team access to the results of all screenings, assessments, current level of care, and treatment history;

(12)(A)(iv) The receiving court must promptly screen the participant for transfer and notify the transferring court of its decision;

(12)(A)(v) The receiving court may deny admission only if the participant does not meet the legal requirements of the receiving court or if the receiving court does not have the ability to provide treatment at a clinically-recommended level of care. If the receiving court denies admission, reasons for denial must be in writing; and

(12)(A)(vi) For district court cases, the participant, prior to transfer, must enter a plea in all cases to be transferred and the transferring court must enter a restitution order and set up a restitution trust account in CORIS, or enter an order that no restitution is owing.

(12)(B) **Transferring non-Problem-Solving Court cases to a Problem-Solving Court in a different county.** For juvenile court cases, courts must comply with Rules 16 and 16A of the Utah Rules of Juvenile Procedure. For all other courts, a participant who has cases pending in the same court level in a different county may request those cases be transferred to the Problem-Solving Court as follows:

(12)(B)(i) The receiving court must first screen the case to determine if it meets the legal requirements of the receiving court;

(12)(B)(ii) The prosecutor in the receiving court must then contact the assigned prosecutor in the transferring court and request transfer of the case;

(12)(B)(iii) The participant must sign a release of information and allow the receiving court's treatment team access to the results of all screenings, assessments, current level of care, and treatment history;

(12)(B)(iv) The transferring court prosecutor may decline to transfer a case. If the transfer is denied, reasons for denial must be in writing;

(12)(B)(v) If the transferring court prosecutor consents to transfer, the participant, prior to transfer, must enter a plea in all cases to be transferred and the transferring court must enter a restitution order and set up a restitution trust account in CORIS, or enter an order that no restitution is owing.

(12)(C) Transferring cases within a county should be addressed through procedures adopted by local courts.

(12)(D) **Justice courts.** Justice court cases remain with the sentencing judge. Participation in a Problem-Solving Court is a condition of probation. Fines, fees and restitution are collected by the originating court.

Effective: ~~January 28, 2019~~May 1, 2027