

## Appendix B. Justice Court Standards for Recertification

### Instructions to applicant for recertification

As part of the application process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of ~~its Justice the~~ Court, the governing body of each entity must request a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for the operation of the Justice Court during the period of certification. A copy of the attorney's opinion and the resolution must accompany the application.

A representative of the entity may appear before the ~~Committee~~ Board of Justice Court Judges to present the application and may present any additional information which the applicant desires to present to the Board Committee. In the event that additional information is deemed necessary, the ~~Committee Board~~ may request such additional information from the applicant.

Certification will ~~certify-authorize~~ the court to process all cases which come within the jurisdiction of the Justice eCourt including criminal, civil and small claims cases pursuant to Section 78A-7-106 of the Utah Code.

**(1) Statutory Requirements.** Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

(1)(A) All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Section 78A-7-213).

(1)(B) Each court shall be ~~opened~~ and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.

(1)(C) The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).

(1)(D) The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).

(1)(E) The entity ~~creating-operating~~ the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206 and Section 78A-7-207~~44~~).

(1)(F) The entity ~~creating-operating~~ a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial

education and training (Section 78A-7-205).

(1)(G) The entity ~~creating~~ operating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A-7-~~103244~~).

(1)(H) The entity ~~creating~~ operating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-~~103209~~).

(1)(I) The entity ~~creating~~ operating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (Section 78A-7-~~103209~~).

(1)(J) The entity ~~creating~~ operating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Section 78A-7-~~103209~~).

(1)(K) Witnesses and jury fees as required by law shall be paid by the entity which creates the Court (~~Section 10-7-76 and 17-50-319~~).

(1)(L) Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Section ~~78A-7-120 and 78A-7-121 and Section 78A-7-119~~).

(1)(M) Every entity ~~creating~~ operating a court shall pay the judge of that court a fixed compensation within the range provided by statute (Section 78A-7-206).

(1)(N) Court shall be held within the jurisdiction of the court, except as provided by law (Section 78A-7-~~212~~).

(1)(O) The entity ~~creating~~ operating the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (Section 78A-7-~~103244~~).

(1)(P) All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.

~~(1)(Q) An audio recording system shall maintain the verbatim record of all court proceedings. Section 78A-7-103.~~

~~(1)(Q)(i) For Class I and Class II justice courts, the system must:~~

~~(1)(Q)(i)(a) be a stand-alone unit that records and audibly plays back the recording;~~

~~(1)(Q)(i)(b) index, back-up and archive the recording and enable the record to be retrieved.~~

~~(1)(Q)(i)(c) have at least four recording channels;~~

~~(1)(Q)(i)(d) have a one-step "on" and "off" recording function;~~

~~(1)(Q)(i)(e) have conference monitoring of recorded audio;~~

~~(1)(Q)(i)(f) have external record archiving from the unit with local access;~~

~~(1)(Q)(i)(g) be capable of being integrated with the courts public address system; and (1)(Q)(ii) For Class III and Class IV justice courts, the system must, at a minimum:~~

~~(1)(Q)(ii)(a) be a stand-alone unit that records and audibly plays back the recording;~~

~~(1)(Q)(ii)(b) index, back-up and archive the recording and enable the record to be retrieved; and~~

~~(1)(Q)(ii)(c) have at least two recording channels.~~

~~(1)(Q)(iii) The Board of Justice Court Judges may create a list of products that meet these criteria.~~

**(2) Judicial Council Minimum Requirements.** In addition to those requirements which are directly imposed by statute, ~~Section 78A-7-103 directs~~ the Judicial Council has established additional to promulgate minimum requirements for the creation and certification of Justice Courts, ~~as follows. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:~~

(2)(A) ~~That the Court be opened~~ A clerk shall be available for at least one hour each day that the court is required to be open ~~and during court hearings, as required by the judges as provided by law (Section 78A-7-213). These hours shall be posted on the court's website.~~

(2)(B) ~~That the judge~~ shall be available to ~~attend court and~~ conduct court business as needed, performing all duties required and exercising ultimate responsibility for the administration of justice as an independent branch of government.

(2)(C) All court hearings shall be conducted in a designated courtroom, including remote transmission, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.

(2)(~~DC~~) ~~That~~ the minimum furnishings for a courtroom shall include: a desk and chair for the judge (on a ~~six-inch~~ riser at least six inches above the well), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public, as well as a ~~(A suggested courtroom configuration is attached).~~

(2)(D) A judicial robe, a gavel, ~~current fine schedules, a copy of the Code of Judicial Administration,~~ and necessary forms and supplies.

(2)(E) Office space for the judge and clerk shall be appropriate (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box for each clerk performing cashiering duties, a ~~typewriter or computer with~~ word processing ~~software~~, and access to a scanner and copy machine.

~~(2)(F) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.~~

(2)(F) The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration.

(2)(G) The entity ~~must~~shall have at least one peace officer (which may be contracted).

(2)(H) A court security plan ~~must~~shall be submitted ~~and approved consistent with C.J.A. as required by~~ Rule 3-414 of the Code of Judicial Administration.

(2)(I) Each court ~~must~~shall have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.

(2)(J) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in ~~number 9-~~ Section (2)(I) above.

(2)(K) Clerks' education hours shall be reported to the AOC on an annual basis.

(2)(L) The appointment of the clerk(s) assigned to serve the court shall be subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion.

(2)(M) Court staff shall be certified as contemplated by Rule 3-303 of the Code of Judicial Administration.

(2)(N) Any interlocal agreement relating to court operations, as amended to date, shall be provided to the Justice Court Administrator.

(2)(O) The court shall accept credit and debit cards through a system that integrates with CORIS.

(2)(P) The court shall have access to UCJIS.

(2)(Q) An audio recording system shall maintain a digital recording of all court proceedings (Section 78A-7-103).

(2)(Q)(i) For Class I and Class II justice courts, the system must:

(2)(Q)(i)(a) be a stand-alone unit that records and audibly plays back the recording;

(2)(Q)(i)(b) index, back-up and archive the recording and enable the record to be retrieved.

(2)(Q)(i)(c) have at least four recording channels;

(2)(Q)(i)(d) have a one-step "on" and "off" recording function;

(2)(Q)(i)(e) have conference monitoring of recorded audio;

(2)(Q)(i)(f) have external record archiving from the unit with local access;

(2)(Q)(i)(g) be capable of being integrated with the court's public address system; and

(2)(Q)(ii) For Class III and Class IV justice courts, the system must, at a minimum:

(2)(Q)(ii)(a) be a stand-alone unit that records and audibly plays back the recording;

(2)(Q)(ii)(b) index, back-up and archive the recording and enable the record to be retrieved; and

(2)(Q)(ii)(c) have at least two recording channels.

(2)(Q)(iii) The Board of Justice Court Judges may create a list of products that meet these criteria.

**(3) Classification of Courts Based on Case Filings.** In establishing minimum requirements, the Judicial Council has determined that Justice Courts with higher case filings require greater support services. To accommodate the great differences in judicial activity between Justice Courts within the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification.

**(3)(A) Class IV Courts.** Courts which have an average of less than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court ~~are stated above. (These requirements are also attached as Class IV-~~

~~minimum requirements). These requirements~~ include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

(3)(B) **Class III Courts.** Courts which have an average of more than 60 but less than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week ~~(see attached Class III minimum requirements)~~, and court must be scheduled at least twice per month every other week.

(3)(C) **Class II Courts.** Courts which have an average of more than 200 but less than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours ~~(see attached Class II minimum requirements)~~, the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his own use, clerical space may not be shared, at least one full-time clerk must be provided ~~(see attached Class II minimum requirements)~~, and the courtroom, judge's chamber and clerk's office must be in the same building.

(3)(D) **Class I Courts.** Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three full-time clerks, at least one of whom is available it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

**(4) Waivers.** The State Legislature has provided that any Justice Court which continues to meet the minimum requirements for its class is entitled to be recertified. However, the Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the Legislature (i.e. requirements ~~(1)(A) -- (1)(Q)~~ above, ~~which have been adopted by the Judicial Council pursuant to Section 78A-7-103~~). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified and, the fact that a waiver has been previously granted, will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas;



297 | ~~and~~ in such circumstances a waiver may be requested.

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299 | **(5) Extensions.** The statute also provides that the Judicial Council may grant an extension  
300 | of time for any requirement which is not specifically required by statute. An extension may  
301 | be granted at the discretion of the Judicial Council where individual circumstances  
302 | temporarily prevent the entity from meeting a minimum requirement. An extension will be  
303 | for a specific period of time and the certification of the court will terminate at the end of the  
304 | extension period. In order for the court to continue to operate beyond the extension period,  
305 | the court must be certified as meeting all requirements, obtain an additional extension, or  
306 | obtain a waiver as provided above.

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308 | **(6) Judge Certificate.** Applications for existing courts for recertification shall be accompanied  
309 | by a certificate of the judge, on a form approved by the Judicial Council, certifying that the  
310 | operational standards for the court have been met during the prior year. Any exceptions to  
311 | compliance with the minimum requirements or operational standards shall be noted on the  
312 | above form. In addition, individual Justice Court Judges must meet with the governing body  
313 | of the entity which created the court at least once a year to review the budget of the court,  
314 | review compliance with the requirements and operational standards of the court, and discuss  
315 | other items of common concern and shall certify that this meeting has been held, and that the  
316 | operational standards for the court have been met during the prior year.

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318 | **(7) Justice Court Standards Committee.** Upon submission of an application, the Board of  
319 | Justice Court ~~Judges Standards Committee~~ will conduct an appropriate independent  
320 | investigation and notify the entity of its initial recommendations, whether in favor or against  
321 | certification. If the ~~Committee Board~~ intends to recommend against certification, it shall  
322 | specify the minimum requirements which have not been met. The entity may then present  
323 | additional information to the ~~Committee Board~~, request an extension, or request a waiver.  
324 | After making an appropriate investigation based upon any additional information or request  
325 | made by the entity, the ~~Committee Board~~ will then submit its recommendations to the Judicial  
326 | Council. The recommendations shall specify whether or not a waiver or extension should be  
327 | granted, if either has been requested. If the recommendation is against recertification, or  
328 | against waiver, or against extension, the entity may request that it be allowed to make an  
329 | appearance before the Judicial Council. Any request to appear before the Judicial Council  
330 | must be filed within 15 days of notification of the ~~Committee's Board's~~ recommendations.

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332 | If you have any questions concerning this application, please contact James Peters, Justice  
333 | Court Administrator, by calling counsel to the Justice Court Standards Committee, at P. O.-  
334 | Box 140241, Salt Lake City, Utah 84114-0241, telephone: (801) 578-3824 or emailing  
335 | jamesp@utcourts.gov.

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337 | *Effective: ~~May 18~~ November 1, 2022*