

Utah Justice Court Reform Task Force

Quick Fact Sheet

The Utah Justice Court Reform Task Force has proposed changes to the Utah court system. The Task Force was created in 2019 and its membership included judges, legislators, prosecutors, defense attorneys, representatives from the governor's office, members of the bar, and others. The proposal was presented to the Utah Judicial Council which accepted the recommendations and tasked leadership to develop a strategic plan to move forward with the recommendations. The proposed changes would require amendment and enactment of statutes, the Rules of Judicial Administration and Utah Court Rules. They would not require a constitutional amendment. The full proposal can be found here: <https://www.utcourts.gov/utc/jc-reform/documents>. The proposed recommendations, if implemented, would result in the following changes:

For Misdemeanor Cases:

- Create a new division within the District Court that would hear misdemeanor and small claims cases.
- Have all misdemeanor and small claims cases heard on the record.
- Eliminate de novo appeals and provide for an expedited appeal process to the Utah Court of Appeals for small claims and misdemeanor cases.
- Place responsibility for indigent defense services at the county level.
- Provide a structure by which mental health and substance abuse services could be more readily made available at the misdemeanor level.
- Provide that all interested and currently serving justice court judges that are members of the Utah Bar would become judges of the new division.

For Small Claims Cases (in addition to the changes included under Misdemeanor Cases):

- Eliminate restrictions on third-party debt collection, so those cases could proceed under rules of small claims procedure.
- Provide for limited legal representation to unrepresented defendants in landlord-tenant, debt collection, and other commercial small claims cases.
- Make online dispute resolution available for all small claims cases statewide.
- Have all small claims cases heard by an appointed judge who is a member of the Utah Bar.
- Eliminate the use of *pro-tem* judges and would encourage those individuals to serve as facilitators in the online dispute resolution program.

For Infractions:

- Keep justice courts in place, having jurisdiction over infractions.
- Provide for a more informal and efficient process for the resolution of infractions, to possibly include an online resolution process.
- Shift some workload, along with some resources and interested staff, to the new court level.
- Remove magistrate responsibilities (search warrants and release/bail determinations) from justice court judges.
- Set judicial salaries at a fixed amount determined by statute.
- Clarify that justice courts are a part of the judicial branch of state government, authorized under Article VIII of the Utah Constitution.

For District Courts:

- Eliminate de novo appeals heard by District Court judges.
- Remove cases in which the highest charge is a Class A misdemeanor from the District Court judges' workload.
- Remove magistrate duties (search warrants and release/bail decisions) from the District Court judges' workload.
- By reducing the District Court workload, as described above, balance the number of District Court judges with the current caseload.

For the Utah Court of Appeals

- Increase the number of appeals filed in the court, as small claims and misdemeanor cases that were not previously eligible for on-the-record appeals could be filed directly with the court.
- Require additional appellate court resources (judge, staff attorney, clerk, etc. . .) to handle the additional workload.
- Require the enactment of new expedited and efficient rules of appellate procedure applicable to small claims and misdemeanor cases.