

SALT LAKE COUNTY JUSTICE COURT  
**JUDGE PEGGY ACOMB**  
2001 S State St #S4200  
Salt Lake City, Utah 84190-1500  
(801) 468-3429



March 3, 2000

Utah Judicial Council  
c/o Administrative Office of the Courts  
P.O. Box 140241  
Salt Lake City, UT 84114-0241

Dear Council Members:

I write at the request of the judges of the Salt Lake County Justice Court, and we would appreciate your soonest response to our question.

As most of you are aware, the disposition of traffic tickets in the various court systems across the state is cause for concern because the process varies so much from court to court. In some courts (both District and Justice) a defendant can go in, get a referral to traffic school without seeing the judge, pay an amount of money (called by various names) and have the matter dismissed. In other courts (mine and some others I can name), the defendant must appear and see the judge, be advised of all their rights under Rule 11 and enter a plea. If that defendant desires the ticket off their record they are advised to enter a not guilty plea and receive a trial setting in order to meet with a prosecutor. and still not receive the same fast, easy result as they would receive with one short visit in other courts. Somehow this seems unfair.

We have been concerned about uniformity of practice regarding traffic tickets across the state for years. That is the reason for the Uniform Bail Schedule. How can we allow such a lack of uniformity to continue in an area of procedure which clearly affects the public and their perception of the judiciary, as does the ultimate processing of their tickets for points/insurance penalties? Many more people come for traffic matters than for felonies.

The rules of Judicial Administration offer no guidance in this area. The statutes are only slightly more help by delineating the categories of offenses, penalties, pleas and procedure when a person does come before the judge. Driver's License statutes are clear about what is required when convictions or pleas in abeyance are entered.

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The statutes become somewhat more vague when you begin to talk about dismissals, and/or inherent authority of the judge. It's pretty clear commissioners can't dismiss cases without a judicial order.

There was a memo sent sometime ago from the AOC regarding this issue. The judges of the courts who continue to do this (District and Justice) suggested that memo carried no force of law or rule.

Meanwhile, the people who come before me complain that they can go to the Salt Lake, West Valley or other District and Justice courts, pay their money, and go to school to have their ticket dismissed in half the time it takes them just to get in to see me. Most often my response is "then get your tickets in those areas", but I imagine this is a less than satisfactory response. Sometimes I'm so frustrated I just tell them there is no provision in the law for what those courts are doing but that I do things "by the book". This doesn't help either.

The purpose of this letter is to ask the official position of the Utah Judicial Council as to these practices. It seems to me that a letter indicating the council had met, discussed the issue and taken a vote giving a directive one way or the other, and over the signature of Chief Justice Howe would be helpful. Then, perhaps a rule of Administration.

We appreciate your attention to this matter.

Sincerely,

Peggy Acomb  
Justice Court Judge  
Salt Lake County

cc: Hon. Richard C. Howe, Chief Justice Utah Supreme Court  
Judge Shauna Graves-Robertson, Presiding, Salt Lake County Court  
Judge Kim Adamson  
Judge Joanne Rigby