

JUDICIAL COUNCIL MEETING

AGENDA

Monday, November 25, 2013

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 9:15 a.m. Administrator's Report. Daniel J. Becker
4. 9:30 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Justice Jill Parrish
Policy and Planning Judge Paul Maughan
Bar Commission. John Lund, esq.
(Tab 2 - Information)
5. 9:40 a.m. Open and Public Meeting Law Orientation. Alison Adams-Perlac
(Tab 3 - Information)
6. 9:55 a.m. Legislative Update and Interim Highlights. Rick Schwermer
(Information)
7. 10:10 a.m. Judicial Outreach Committee Update. Judge Carolyn McHugh
(Tab 4 - Information) Nancy Volmer
- 10:30 a.m. Break
8. 10:40 a.m. Summit County Courtroom Expansion. Alyn Lunceford
(Tab 5 - Action)
9. 10:50 a.m. UTA EcoPasses. Alyn Lunceford
(Action)
10. 11:00 a.m. ADR Committee Update. Judge Royal Hansen
(Information) Nini Rich
11. 11:20 a.m. Third District Commissioner Appointment. Judge Royal Hansen
(Action)

12. 11:30 a.m. Presentation to ASTAR Fellows. Chief Justice Matthew B. Durrant
13. 11:40 a.m. Council Photo – Rotunda
- 12:05 p.m. Lunch
14. 12:35 p.m. Language Access in the Trial Courts of Record. . . . Alison Adams-Perlac
(Tab 6 - Action)
15. 12:55 p.m. Executive Session.
16. 1:30 p.m. Adjourn

Consent Calendar

The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.

TAB 1

JUDICIAL COUNCIL MEETING

Minutes
Monday, October 28, 2013
Matheson Courthouse
Salt Lake City, UT

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Hon. Kimberly K. Hornak, Vice Chair
Justice Jill Parrish
Hon. James Davis
Hon. Glen Dawson
Hon. George Harmond
Hon. Thomas Higbee
Hon. David Marx
Hon. Paul Maughan
Hon. David Mortensen
Hon. Reed Parkin
Hon. John Sandberg
Hon. Randall Skanchy
John Lund, esq.

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Alison Adams-Perlac
Dawn Marie Rubio
Debra Moore
Jody Gonzales
Rick Schwermer
Tim Shea
Joanne Vandestreek
Jessica Van Buren
Liz Knight

GUESTS:

Judge Kevin Allen

EXCUSED:

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting. He extended a special welcome to the new Council members to include: 1) Judge James Davis, 2) Judge Thomas Higbee, 3) Judge David Marx, and 4) Judge Randall Skanchy. He mentioned that a new-member orientation was held this morning prior to the Council meeting.

Motion: Mr. Lund moved to approve the minutes from the September 10, 2013 Judicial Council meeting. Judge Sandberg seconded the motion, and it passed unanimously.

2. NEW MEMBER – OATH OF OFFICE: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant administered the oath of office to the new members to include: 1) Judge James Davis, 2) Judge David Marx, and 3) Judge Thomas Higbee. Judge Randall Skanchy was administered the oath of office at the September meeting.

3. CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant reported on the following:

He acknowledged the passing of Judge Anthony Quinn, Third District Court Judge.

Chief Justice Durrant expressed disappointment regarding the non-vote to confirm Commissioner Conklin as a district court judge. He mentioned that a meeting to discuss systemic issues regarding the Senate confirmation process with Senate leadership will be scheduled at a later date.

Chief Justice Durrant, Mr. Becker, Mr. Wahl and Mr. Schwermer met with the Lt. Governor to review the court's FY 2015 proposed budget.

He and Mr. Becker attended a meeting with the Legislative Retirement Committee and provided information on the importance of the present judicial retirement system.

4. ADMINISTRATOR'S REPORT: (Daniel J. Becker)

Mr. Becker reported on the following items:

Juvenile Court Administrator. Mr. Becker introduced Ms. Dawn Marie Rubio, new Juvenile Court Administrator. He noted her background and experience. She began working for the courts on September 30. Mr. Wahl was thanked for providing coverage during the interim.

Court Technology Conference. Ms. Debra Moore and Mr. Bowmaster presented on what the Utah Courts have done to advance technologically at the Court Technology Conference held in Baltimore, Maryland last month.

Judicial Retirements and Appointments. Judge James Shumate has announced his upcoming retirement, effective March 31, 2014. Judge Andrew Valdez's effective date for retirement is November 1, 2013. The following Governor appointees are awaiting Senate confirmation: 1) Ms. Sharon Sipes, Second District Juvenile Court; 2) Mr. John Pearce, Court of Appeals; and 3) Mr. Brent Bartholomew, Fourth District Juvenile Court.

Ogden Juvenile Courthouse. The construction bid has been awarded to Jacobsen Construction. It was noted that the bids came in higher than anticipated. Modifications were made to the design to bring the bid in budget. The groundbreaking for the Ogden Juvenile Courthouse is scheduled to be held on November 4 at noon.

Third District Juvenile Court TCE. Mr. Duane Betournay has announced his upcoming retirement, effective January 1, 2014.

Appellate Court Administrator. Ms. Diane Abegglen has resigned from her position as Appellate Court Administrator. Mr. Tim Shea will serve as the acting Appellate Court Administrator for the next six months. The following committee assignments of Mr. Shea's have been reassigned as follows: 1) Ms. Alison Adams-Perlac will staff the Policy and Planning Committee, 2) Ms. Jessica Van Buren will staff the Resources for Self-Represented Parties Committee, and 3) Mr. Corrie Keller will staff the Remote Access Committee.

National Treatment Advocacy Center Study. Utah was noted to have the best access to mental health court and diversionary practices in the country in this study. A copy of the study was circulated among the Council members.

Executive Session. An executive session will be held later to discuss matters of professional competency.

Judicial Council Photo. The Judicial Council photo will be taken at the end of the November meeting.

Justice Center – The Council of State Governments. Mr. Wahl provided an update of the meeting held with this group last week. The Council of State Governments will be drafting a white paper on the implementation of evidence-based practices. An overview of Utah's juvenile justice system and the history behind the adoption of its assessment tool was presented during

the meeting. The Council of State Governments would like to develop checklists for implementation of evidence-based practices and is looking to Utah as a best practices model.

PEW Charitable Trusts. CCJJ invited members of the PEW Charitable Trusts to visit with members of the executive, legislative and judicial branches in Utah regarding a potential improvement project of the corrections and criminal justice system. Each branch of government was visited. They are requesting support and participation from each branch of government in Utah.

Mr. Becker provided background on the project. The Judicial Council was in agreement to support and participate in the project.

Judge Quinn. Flags will be flown at half mast at all court locations on Friday, November 1 in honor of Judge Anthony Quinn. His funeral is scheduled on Saturday, November 2.

5. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

No meeting was held in October.

Policy and Planning Meeting:

No meeting was held in October.

Bar Commission Report:

Mr. Lund reported on the following: 1) the Commission met on Friday, October 25 at the BYU Law School, 2) the Bar would like to honor Judge Quinn in some way, 3) the Bar expressed concern and has discussed the matter of the non-vote for Commissioner Conklin by the Senate, 4) referrals to the Modest Means Program has doubled, 5) 300 lawyers have been admitted to the Bar, and 6) the Bar would like to assist the Council in any way to encourage a Council meeting in conjunction with the Bar's 2014 Summer Conference in Snowmass, Colorado.

6. COUNCIL COMMITTEE APPOINTMENTS: (Chief Justice Matthew B. Durrant)

The proposed Council Committee appointments would allow current Council members to retain their appointments, and the three new members would be appointed to fill the vacancies left by the outgoing Council members. It was noted that the chair for the Policy and Planning Committee and the Liaison Committee will be selected by members of the committees at their first meeting.

The proposed Council committee appointments included: 1) Judge James Davis is being recommended to fill the vacancy on the Management Committee which would restore representation of all court levels on the Committee, 2) Judge Randall Skanchy is being recommended to serve on the Policy and Planning Committee, 3) Judge Thomas Higbee is being recommended to serve on the Liaison Committee and on the Policy and Planning Committee as an ex-officio member, and 4) Judge David Marx is being recommended to serve on the Liaison Committee.

Judge Maughan requested that Judge Randall Skanchy be appointed to serve on the Management Committee as a Third District Court judge representative. He mentioned that a Third District Court Judge has served on the Management Committee for the past 15 years.

Mr. Becker provided an explanation to the exception of every court level being represented on the Management Committee with Judge Gregory Orme's desire to serve on the Policy and Planning Committee during his two terms on the Council. Discussion took place.

Motion: Judge Maughan moved to appoint Judge Randall Skanchy to serve on the Management Committee. Judge Dawson seconded the motion, and it passed unanimously.

Motion: Judge Mortensen moved to release Judge Skanchy from the proposed recommendation to serve on the Policy and Planning Committee. Judge Dawson seconded the motion, and it passed unanimously.

Motion: Justice Parrish moved to approve the proposed committee appointments as amended. Judge Hornak seconded the motion, and it passed unanimously.

7. 2014 COUNCIL CALENDAR APPROVAL: (Ray Wahl)

Mr. Wahl reviewed the 2014 Judicial Council calendar.

He highlighted the following in his Judicial Council calendar review: 1) the March meeting is held in conjunction with the Bar's Spring Conference in St. George; 2) the April meeting is scheduled to be held in the newly completed Juab County court facility in Nephi; 3) with Memorial Day the last Monday in May, it is being recommended to hold the meeting on May 19; 4) noted the date for the August Budget and Planning Session; 5) the September meeting will be held in conjunction with the Annual Judicial Conference, awaiting a finalized date; and 6) provided costs and options for consideration in determining whether the Council and/or Boards should hold their July 2014 meetings in Snowmass, Colorado in conjunction with the Bar's Summer Conference. Discussion took place.

Motion: Judge Maughan moved to allow the Management Committee to work out the details for holding their July 2014 meeting in conjunction with the Bar's Summer Conference in Snowmass, Colorado. Judge Higbee seconded the motion. The motion passed with Judge Hornak, Judge Parkin, Judge Sandberg, Judge Harmond, Justice Parrish, and Judge Skanchy voting no.

Motion: Judge Hornak moved to approve the remainder of the 2014 Judicial Council calendar as recommended. Judge Mortensen seconded the motion, and it passed unanimously.

Mr. Becker, Mr. Wahl, and Mr. Lund will meet to work out the details for the July 2014 Council meeting to be held in Snowmass, Colorado.

8. 2013 ACCESS AND FAIRNESS SURVEY RESULTS: (Joanne Vandestreek)

Chief Justice Durrant welcomed Ms. Vandestreek to the meeting.

Ms. Vandestreek provided an update, to the Council, on the 2013 Access and Fairness Survey. She highlighted the following in her update: 1) the survey has been taken five times since 2006; 2) the questions asked are standard questions as developed by the National Center

for State Courts (NCSC); 3) three surveyors at 38 court locations over a nine week period; 4) a full day of the busiest calendar at each court location was selected; 5) the survey was available in English and Spanish; 6) the survey was available online or on paper; 7) 1,392 people took the survey; and 8) the survey was taken by defendants, respondents, family members or friends, plaintiffs or petitioners; lawyers; witness; law enforcement or probation officers; potential jurors and DCFS caseworkers.

She reviewed responses to each survey question and highlighted the following relative to the survey results: 1) the question regarding the court hours being adequate jumped from an 87% positive response in 2011 to a 94% positive response during the current survey, 2) reviewed demographic data, and 3) comments regarding the need for daycare services.

Questions were asked with responses provided and discussion took place. Ms. Vandestreek mentioned that the survey results will be posted on the courts website and distributed to court executives and court-level administrators. It was noted that the employee satisfaction survey is currently underway.

Ms. Vandestreek was thanked for the update.

9. LEGISLATIVE UPDATE AND INTERIM HIGHLIGHTS: (Rick Schwermer)

Mr. Schwermer provided background on the frequency of legislative updates for new Council members. He mentioned that a legislative interim day is typically held the third Wednesday of each month.

He highlighted the following in his update: 1) court system modifications, 2) judges' retirement systems, 3) postretirement employee restrictions, 4) Senate judicial confirmations, 5) DUI annual report, 6) Veterans Reintegration Task Force, and 7) Veterans' Courts.

Discussion took place regarding judicial retirement.

10. JUVENILE FINE AND BAIL SCHEDULE: (Alison Adams-Perlac)

Chief Justice Durrant welcomed Ms. Alison Adams-Perlac to the meeting.

Ms. Adams-Perlac mentioned that the current Juvenile Court Fine and Bail Schedule was approved in June 2012. Concern was expressed regarding the standards for minor traffic and wildlife offenses being higher than set in the Uniform Fine and Bail Schedule. The issues were considered, and the Board of Juvenile Court Judges has adopted recommendations for the noted offenses that the court take into account a youth's limited earning potential and fairness.

Motion: Judge Hornak moved to accept the recommended amendments to the Fine and Bail Schedule. Judge Davis seconded the motion, and it passed unanimously.

11. GAL OVERSIGHT COMMITTEE UPDATE: (Liz Knight)

Chief Justice Durrant welcomed Ms. Knight to the meeting.

Ms. Knight highlighted information from the 2013 Annual Report of the Office of Guardian ad Litem and CASA to include the following: 1) over 13,263 children in juvenile and district court were represented by the Office of Guardian ad Litem in FY 2013, 2) Office of Guardian ad Litem attorneys were present for 26,025 hearings, 3) participated in 4,806 child and family team meetings, 4) participated in 109 cases on appeal, and 5) the request to the Legislature for a building block to address the issue of salary parity has been submitted.

The areas of focus for FY 2014 include: 1) establishing permanency for older youth who are in the custody of the State of Utah, and 2) increasing efficiencies in the office by establishing

standards and measuring performance in relation to those standards and conducting performance reviews of all GAL attorneys.

Ms. Knight highlighted the following information on the CASA program: 1) 668 volunteers in the CASA program in FY 2013, 2) 1,246 children were served, 3) 36,062 hours were donated by CASA volunteers on behalf of abused and neglected children in Utah.

The following information was highlighted relative to the private Guardian ad Litem Program: 1) currently 107 private GAL attorneys statewide who have agreed to take cases for a fee, 2) 69 attorneys have agreed to serve as pro bono private GAL attorneys, and 3) the GAL office is working with Legislators to reach a compromise that would allow them to continue to be responsible for all protective order hearings involving abuse or neglect; and district court proceedings where abuse or neglect is pled and reported, both adult parties are indigent, and there is no private GAL attorney reasonably available.

Ms. Knight was thanked for her update.

12. BOARD OF DISTRICT COURT JUDGES RECOMMENDATION FOR MANDATORY E-FILE OF CRIMINAL CASES: (Debra Moore)

The Board of District Court Judges is recommending that all documents in district court criminal cases be filed electronically, except for the information with an effective date of March 31, 2014. By January 1, 2015, all information will be filed electronically by any means permitted by the courts.

Ms. Moore provided an update on PIMS as reported by Mr. Mark Nash, Director of the Prosecution Council.

If the rule is approved for mandatory e-filing of criminal cases, it will go out for public comment.

Motion: Mr. Lund moved to adopt Rule 4-603 – Mandatory electronic filing, with a March 31, 2014 effective date for all documents to be filed electronically for criminal cases, except for the information which would have an effective date of January 1, 2015 to be filed electronically. Justice Parrish seconded the motion, and it passed unanimously.

13. BOARD OF DISTRICT COURT JUDGES UPDATE: (Judge Kevin Allen and Debra Moore)

Chief Justice Durrant welcomed Judge Allen to the meeting.

Judge Allen provided an update to the Council on the activities of the Board of District Court Judges. He highlighted the following in his update: 1) provided the names of the current Board of District Court judges, 2) reported on the 2012-2013 accomplishments, and 3) 2013-2014 goals being considered.

The following 2012-2013 accomplishments were highlighted: 1) support mandatory e-filing in civil cases, 2) monitor judicial workspace development, 3) monitor civil discovery reform, 4) support an increase in clerical compensation, 5) develop fee waiver guidelines, and 6) study best practices for managing cases involving self-represented parties.

Judge Allen mentioned the study of the effectiveness of mental health courts and standardization of best practices is being considered by the Board of District Court Judges as one of their 2013-2014 goals.

Mr. Becker suggested the Board of District Court Judges consider discussing the issue of Veterans' Courts further and determine if it would be beneficial to expand this type of court further.

Judge Allen mentioned the change in the term of office from two years to five years for the ABA representative has been approved by the Board of District Court Judges. He also reported that each state is allowed four voting representatives, of which Utah has only been providing one. A rule change will be made to fill all four spots, rotating them every two years.

The Board of District Court Judges continues to monitor Judicial Performance Evaluation Commission (JPEC) concerns.

Judge Allen was thanked for his update.

Motion: Judge Hornak moved to enter an executive session to discuss personnel matters. The motion was seconded and passed unanimously.

14. CERTIFICATION OF SENIOR JUSTICE COURT JUDGES: (Tim Shea and Alison Adams-Perlac)

This matter was discussed in an executive session.

Motion: Mr. Lund moved to approve the applications as submitted for active senior judge certification for Judge James E. Box, Judge Timothy C. Haveron, Judge Garry R. Sampson, and Judge Sara Watson. He moved to deny the application for active senior judge status for Judge Jack D. Peterson as he is technically still a sitting judge. He moved to conditionally approve the application, as submitted for active senior judge certification, for Judge Kim T. Adamson upon correctly completing the Senior Judge Application Form. Judge Dawson seconded the motion, and it passed unanimously.

15. GUARDIANSHIP AND CONSERVATORSHIP SIGNATURE PROGRAM: (Tim Shea)

Mr. Shea provided details on the Guardianship and Conservatorship Program. The objectives of the program include: 1) provide judges with a roster of attorneys to appoint, in compliance with Section 75-5-303 and Section 75-5-407, to represent adult respondents in guardianship and conservatorship proceedings; 2) provide a roster of attorneys willing to represent adult respondents in guardianship and conservatorship proceedings for no fee, but to be paid, as circumstances warrant, under Section 75-5-303; 3) eliminate the expectation that the petitioner will recruit an attorney to represent the respondent; and 4) eliminate the practice of an attorney representing the respondent after having given advice or having prepared pleadings for the petitioner.

The program will be available for use by district court judges to refer to when a respondent is in need of an attorney.

Mr. Shea will be reviewing program details with the clerks of court at their next meeting and obtain their feedback.

A meeting with the Board of District Court Judges will be scheduled in the future to review the program further.

Discussion took place.

MOTION: Judge Hornak moved to enter into an executive session to discuss personnel matters. Judge Dawson seconded the motion, and it passed unanimously.

16. CERTIFICATION OF MINIMUM PERFORMANCE STANDARDS FOR JUDGES UP FOR RETENTION IN 2014: (Tim Shea and Alison Adams-Perlac)
This matter was discussed in an executive session.

MOTION: Judge Maughan moved to forward the list compiled by Mr. Shea regarding the 2014 judges up for retention, excluding Judge Andrew Valdez, and certifying that those on the list meet the minimum performance standards. Judge Parkin seconded the motion, and it passed unanimously.

MOTION: Judge Higbee moved to authorize the Management Committee to supplement Judge Karla Staheli's information, if additional information is submitted by the November 12 Management Committee meeting. Judge Hornak seconded the motion, and it passed unanimously.

MOTION: Judge Hornak moved to enter into an executive session to discuss personnel matters. The motion was seconded, and it passed unanimously.

17. EXECUTIVE SESSION
An executive session was held at this time.

18. ADJOURN
The meeting was adjourned.

TAB 2

Management Committee Meeting

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

Tuesday, November 12th, 2013

**Matheson Courthouse
450 South State Street
Salt Lake City, Utah**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant, Chair
Hon. Kimberly K. Hornak, Vice Chair
Hon. James Davis
Hon. George Harmond
Hon. John Sandberg
Hon. Randall Skanchy

EXCUSED:

GUESTS:

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Alison Adams-Perlac
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Tim Shea
Carol Price
Brent Johnson

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting. After reviewing the minutes, the following motion was made:

Motion: Judge Sandberg moved to approve the minutes. Judge Harmond seconded the motion, and it passed unanimously.

2. ADMINISTRATOR'S REPORT: (Daniel J. Becker)

He reported on the following items:

Ogden Juvenile Court. The groundbreaking ceremony for the Ogden Juvenile Courthouse was held on Monday, November 4. Chief Justice Durrant and Judge Frost spoke at the event. The projected time to occupancy is 18 months.

Kanab City. After the Kanab City Justice Court was dissolved, the city filed a declaratory action against the Kanab City Justice Court Judge regarding his pay through his term of office. The Board of Justice Court Judges has requested assistance from Mr. Brent Johnson, in that this issue concerns judicial independence and is likely to occur again.

Judge Sandberg provided the opinion of the Board of Justice Court Judges relative to the matter. The Management Committee was in agreement to allow Mr. Johnson to participate in a limited role, in this matter. He will not be counsel of record.

Executive Session. Mr. Becker noted that an executive session would be needed at the end of the meeting with Judge Higbee joining by phone.

3. SECURITY REVIEWS: (Carol Price)

Chief Justice Durrant welcomed Ms. Price to the meeting.

Ms. Price provided background information on what a security review consists of. The security reviews are modeled from the financial audit process. The security review includes the following: 1) an unannounced visit to the court location being reviewed, 2) determine how the court security functions are being maintained by court security officers and court staff, 3) weapon screening practice, 4) provide a written report of the security review to the respective court executive, 5) response from court executive with corrective action plan, and 6) follow-up in a year to determine if deficiencies have been remedied.

The summary of the most recent security reviews were provided to members of the Management Committee for review. They include: 1) Heber City, 2) West Jordan, 3) Layton, 4) Orem Juvenile, 5) Cedar City, 6) St. George, and 7) Matheson.

Ms. Price made particular note of the weapon screening process.

The Management Committee suggested that Ms. Price work with the sheriffs, court executives and presiding judges to determine the best course of action in dealing with the deficiencies identified in the security audits.

4. JULY 2014 COUNCIL MEETING: (Ray Wahl)

Mr. Wahl provided details for consideration by the Management Committee related to travel to/from Snowmass, Colorado in July to attend the Council/Board meetings in conjunction with the Bar's 2014 Summer Conference. He mentioned that he spoke with Mr. Richard Dibblee, Utah State Bar representative, to get an overview of the conference agenda to help with planning purposes.

Mr. Wahl highlighted the following to be considered in planning the travel details for Council and Board members. They include the following: 1) Council members travel on Tuesday, July 15; meet on Wednesday, July 16; available to attend Bar functions on Thursday and Friday; 2) Boards travel on Wednesday, July 16; meet on Thursday, July 17; available to attend Bar functions once the Board meetings have adjourned; 3) reviewed average lodging costs found in Snowmass; 4) driving time to Snowmass is 5.5 to 6 hours; 5) 408 miles one way; 6) out-of-state per diem per day of \$46; 7) number of days/nights to reimburse Council and Board members for; 8) mileage rate to reimburse Council and Board members for; and 9) total travel costs anticipated were provided. Discussion took place.

The Management Committee was in agreement that Council and Board members be reimbursed for their travel date to the conference, the date of their respective meetings, the entire Bar conference, and that mileage reimbursement be set at 38 cents per mile.

Mr. Wahl will attend the Bar's conference planning meeting when scheduled.

5. **APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant reviewed the proposed Council agenda for the November 25 Council meeting.

Motion: Judge Hornak moved to approve the agenda as amended for the November 25 Council meeting. Judge Harmond seconded the motion, and it passed unanimously.

Motion: Judge Hornak moved to enter into an executive session to discuss personnel matters. Judge Harmond seconded the motion, and it passed unanimously.

6. **KANE COUNTY ISSUE: (Rick Schwermer and Brent Johnson)**

This matter was discussed in an executive session.

7. **EXECUTIVE SESSION**

An executive session was held at this time.

8. **ADJOURN**

The meeting was adjourned.

Policy and Planning Committee Meeting

Minutes of the Policy and Planning Committee

November 1, 2013

Draft. Subject to approval

Members Present

Glen R. Dawson, John R. Lund, Paul G. Maughan, Reed S. Parkin

Members Excused

Thomas Higbee

Staff

Alison Adams-Perlac, Tim Shea

Guests

Rick Schwermer

(1) Election of chair.

Mr. Shea stated that the committee needed to elect a new chair. Judge Dawson moved to elect Judge Maughan as the new chair. Judge Parkin seconded the motion, and the motion passed unanimously.

(2) Approval of minutes.

The minutes of September 6, 2013 were approved as prepared.

(3) Rule 4-101. Calendaring court sessions.

Mr. Shea stated that the comment period for CJA 4-101 had closed and that no comments were received. The committee unanimously agreed that the original proposal be forwarded to the Judicial Council for its approval.

(4) Performance evaluation of senior judges and court commissioners.

Ms. Adams-Perlac reviewed Mr. Shea's memo regarding the attorney survey method for senior judges. Mr. Shea stated that the senior judge process should be significant enough to IT that they know when to check the senior judge flag. Judge Dawson stated that quality control review is the most important step in the process to ensure surveys are complete.

Mr. Shea recommended continuing the current methodology. He stated that Court Services and IT are reviewing the process to ensure that emails are going out consistently.

The committee discussed whether the surveys should apply to senior justice court judges. Judge Parkin stated that court size seems to be the standard for determining whether surveys are used with current justice court judges. Mr. Shea stated that justice court judges have never been included in the attorney surveys before. Mr. Schwermer stated the rule requires that they be included. Mr. Shea stated now may

be the time to require justice court judges to be evaluated through attorney surveys. Mr. Schwermer stated that more information is better, so that the justice court judges are subject to a similar process as other judges.

Judge Maughan asked whether senior justice court judges can be flagged in the system.

Judge Dawsom recommended that the committee let the council know that the committee thinks we should follow the same process, with the added reviews and protections in place, and that we should continue to monitor the situation. He also stated that all levels of the court should be evaluated through attorney surveys. Mr. Lund agreed with Judge Dawson's recommendation.

Ms. Adams-Perlac reviewed her memo addressing the performance evaluation process for senior judges and commissioners, how the issue arose, and the suggestions made by presiding judges and TCEs for improving the process.

Judge Dawson stated that he thought the suggestions by the presiding judges and TCEs were excellent. He recommended that the presiding judge observe the commissioner's performance, and that all judges who countersign or review the commissioner's work have input in the commissioner's evaluation. Judge Maughan stated that the Third District used to have a similar process where they would spend an entire bench meeting on the commissioners' evaluations. Mr. Shea stated that period review is appropriate.

Judge Dawson stated that the purposes of the evaluation should include: 1) self-improvement for the individual; 2) assisting the presiding judge; and 3) creating a standard to hold up to those who might question whether the process.

Mr. Schwermer stated that evaluations are important for self-improvement, but also for input to the presiding judge as a direct supervisor, for information to the bench who much vote to retain the commissioner, and to the Judicial Council who certifies the commissioner as eligible for reappointment.

Judge Dawson stated that the process requires procedural rather than rule changes.

Mr. Shea stated that Ms. Adams-Perlac's recommendation to invite presiding judges, commissioners, and TCEs to discuss these issues at upcoming meetings would be helpful.

Judge Dawson recommended that before presiding judges, commissioners, and TCEs attend the meeting, Ms. Adams-Perlac should develop a formal performance plan and evaluation form, with objective criteria, and include any proposed rule changes and bring it back to the next meeting.

Judge Maughan suggested that the proposal include information about what CORIS and CARE data could be used as objective measures.

Judge Dawson stated that he agrees that judges who review a commissioner's work have input on a routine basis. He suggested that the presiding judge or TCE could send out a periodic form email stating the evaluation criteria and asking whether they have any information to provide.

Judge Maughan stated that six months is too often. He stated that information should go to the Bench, but it should not occur too often.

Mr. Shea stated that performance evaluations are annual, and that the presiding judge receives the attorney survey for a commissioner every two years, in the middle and at the end of a commissioner's term. He also stated that there is no local bench vote if the Judicial Council does not certify the commissioner.

Judge Maughan asked what the standard should be for senior judges.

Mr. Shea stated that the process for senior judges is different. He stated that one question for the senior judge process is whether Utah residency should be required.

Mr. Schwermer stated that the committee needs to assess the administrative side at the local courthouse level. He recommended that TCEs and presiding judges should be surveyed regarding senior judges.

Judge Maughan stated he is concerned about overdoing it, but there should be some accountability. He suggested that presiding judges could interview senior judges once per year. He stated that they should not be too rigorous, but should ask how things are going.

Judge Dawson stated that TCEs and staff should provide a questionnaire to a clerk right after he or she has a hearing with the senior judge inquiring as to the senior judge's performance.

Judge Maughan stated that conducting these surveys mid-term is probably often enough, and Judge Dawson agreed.

Rick Schwermer asked how this would affect justice court, since there is no staff person to conduct the surveys. Judge Parkin suggested that clerks could collect the information, and the information could then go to the Board of Justice Court Judges.

Ms. Adams-Perlac will prepare proposed performance plans with evaluation forms, and any proposed rule changes and will circulate them for the next meeting.

Judge Maughan will be unable to attend the December meeting. Judge Dawson will conduct the meeting in his place.

TAB 3

OPEN AND PUBLIC MEETINGS

Key Rules and Statutes:

CJA 2-103 and 2-104

UTAH CODE § 52-4-103(7)

UTAH CODE § 52-4-201

UTAH CODE § 52-4-305

Key Principles:

Meetings

- Include gatherings of a quorum of the Council to discuss or act upon any matter over which the Council has jurisdiction. CJA 2-103(1).
- Do not include chance or social meetings. *Id.*
- Include a workshop or executive session. Utah Code § 52-4-201(2)(a).

Council Meetings Generally

- Open to the public unless closed by rule. CJA 2-103(3).
- The AOC shall publish the date, time, and place of the Council's meetings on the court's website and the Utah public notice website. CJA 2-103(2)(A).
- 24 hours before the meeting, the AOC shall post on the website the meeting agenda and notify at least one newspaper of general circulation within the state of the postings. *Id.*
- A workshop or executive session held on the same day as a Council meeting may only be held at the location where the Council is holding the meeting, unless the meeting is a site visit or traveling tour, and notice is given. UTAH CODE § 52-4-201(2)(b).

Open Council Meetings

- May be recorded by any person, provided the recording does not interfere with the meeting. CJA 2-103(8).
- The Council may remove any person who disrupts a meeting. *Id.*
- The AOC shall make an audio recording and shall prepare minutes. CJA 2-104(1).

Closed Council Meetings

- May be held to discuss any of the following:
 1. The character, competence, or physical or mental health of an individual;
 2. Collective bargaining or litigation;
 3. The purchase, exchange or lease of real property;
 4. The sale of real property;
 5. Deployment of security personnel or devices; or
 6. Allegations of criminal misconduct.

UTAH CODE § 2-103(4).

- Require a quorum. CJA 2-103(5)(A).
- Require an affirmative vote of two-thirds of the members present. *Id.*
- The AOC shall make an audio recording. CJA 2-104(1).
- A recording and minutes shall not be made if the meeting is closed to discuss the character, competence, or physical or mental health of an individual, or to discuss the deployment of security personnel or devices. CJA 2-103(5)(B).

In that case, the presiding officer shall make a sworn statement affirming that the sole purpose of the meeting was to discuss one of the above issues.

- No one in attendance may disclose information or distribute materials, except with others who participated in the meeting, and with Council members. CJA 2-103(7).
- No contract, appointment, rule or resolution may be approved, but one of these may be discussed for vote in an open meeting. CJA 2-103(6).

Minutes

Shall include:

- The date, time, and place of the meeting;
- The names of members present, in person or by electronic communication, the names of members absent and the names of staff and guests who testify to the Council;
- The substance of all matters proposed, discussed, or decided;
- The substance of the testimony of guests and the reports of staff or a summary reference to such testimony or report if a copy thereof is filed with the minutes;
- A record of the vote taken on any question, and, if the vote is a roll call vote, a record of the vote of individual members by name;
- The reason for holding a closed meeting; and
- Any other information that any member requests be entered in the minutes.

CJA 2-104(1).

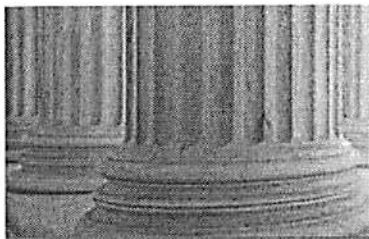
Access to Meeting Records

- The recording of a closed meeting is a protected record.
- The recording and minutes of an open meeting awaiting approval are public records.
- The approved minutes of an open meeting are public records.

Violations of the Open and Public Meetings Act

A knowing or intentional violation, or knowing or intentional abetting a violation is a class B misdemeanor. UTAH CODE § 52-4-305.

TAB 4



Utah State Courts

FY 2013-2014

Strategic Communication Plan

Compiled by
Nancy Volmer, Public Information Office
October 2013

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**Utah State Courts
Strategic Communication Plan
2013-2014**

I. NARRATIVE

Introduction

The Strategic Communication Plan addresses how to build public trust and confidence in the Utah State Courts through traditional public information programs, while exploring new methods of communicating through social media.

Under the direction of the Utah Judicial Council and the Standing Committee on Judicial Outreach, the Strategic Communication Plan serves to engender public trust and confidence in the judiciary by strategically directing the communication, public information, and outreach programs for the Utah State Courts. This plan identifies proactive avenues for reaching out to the public through the media and other channels of communication.

The plan will be executed by the Public Information Office, which is responsible for media relations, judicial outreach, and publications.

2013-2014 Plan

When preparing the 2013-2014 Strategic Communication Plan, the results and recommendations of the 2012 Public Trust and Confidence Survey were considered and strategies incorporated. (Detailed survey results and recommendations are listed on page 12 of this plan.)

The survey results play an important role in developing the direction for the Strategic Communication Plan. Building a more positive view of the courts with populations such as ethnic minorities, lower income households, and those with less educational attainment isn't something that is accomplished in a one year period. This is an ongoing effort that the Communication Plan will continue to address. As noted in last year's plan, the survey found that these populations are best reached through non-traditional communication sources, such as social media, online and in person.

Survey results indicated that while TV news programs, the Internet, and newspapers/news magazines are still the most frequently-used information sources for how the public learns about the courts, print communication is becoming less influential compared to digital communication. Plus, traditional media reach primarily older and better-educated residents of Utah. Work on a new integrated marketing mix will be advanced in this year's plan.

The survey results also found that the public felt it was important for the courts to report regularly on performance, but that the courts did not do an adequate job of doing so. Ways to better inform the public on the court's performance measures was not addressed as planned last year, but will be explored in the coming year.

II. CHALLENGES AND STRENGTHS

A. Challenges

1. Public trust and confidence in the court system
2. Changing face of media, increase in use of social media, generalist versus specialist reporters, fewer reporters covering the courts
3. Consistent and professional look of the court's public materials
4. Limited resources available for schools and the courts to teach about the judiciary

B. Strengths

1. Judicial Council members and judges
2. Knowledge and dedication of committee and subcommittee members
3. Dialogue between the courts and the media
4. Awareness of court outreach programs by teachers

III. TARGET AUDIENCES

A. The Public

1. Court users
2. Voters
3. Ethnic Minorities

B. Attorneys

1. Utah State Bar members
2. Other law-related associations

C. Employees

1. Courtwide
2. Boards of judges
3. Trial court executives
4. Clerks of court

D. Media

1. Print
2. Broadcast
3. Web-based
4. Social media

E. Education

1. Teachers and students
2. Community members

F. Government Officials

1. Legislative branch
2. District and county attorneys
3. Executive branch, police and sheriff public information officers

IV. GOALS

1. Enhance public trust and confidence in the Utah State Courts through media relations and outreach efforts.
2. Educate target audiences about the judiciary through outreach efforts.
3. Inform and recognize court employees through internal communications.
4. Communicate a consistent and professional court look through public materials.

V. KEY MESSAGES

An important aspect of creating and maintaining a positive image of the courts is delivering the right message. The public perception of the courts is influenced by a number of factors—from media coverage to first-hand experience with the court system. This plan addresses specifically the court’s public materials, judicial outreach, and media reports of court activities.

It is important to deliver a professional, clear, concise, and consistent message in any court communication. To effectively enhance the court’s image requires a commitment by all staff. In addition, it requires a commitment by designated court spokespersons to stay on message in media interviews.

The mission statement is the overriding message.

The mission of the Utah Courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law.

The core message is as follows:

Utah’s courts are committed to open, fair, and independent justice.

The court’s vision is as follows:

Ensuring Justice for All.

VI. STRATEGIES

- A. Utilize media coverage proactively to create a better understanding of the Utah State Courts and the Judicial Branch.
- B. Foster an understanding of the role of the judiciary as an open, fair, and independent branch of government through judicial outreach efforts.
- C. Use communication tools effectively and maintain avenues of communication to relay the Utah State Court’s key messages to target audiences.
- D. Maintain avenues of internal communication to recognize employee contributions and accomplishments, advance PIO services, and support judges.

VII. TACTICS

- A. Utilize media coverage proactively to create a better understanding of the Utah State Courts and the Judicial Branch.**
- 1. Media Outreach**
 - Search out and pitch newsworthy and feature story ideas that humanize the bench, focus on unique court programs, and illustrate the alliances in the community.
 - Issue media advisories or news releases and/or pitch stories to the media when newsworthy events occur that generate positive press about the Utah State Courts.
 - Track coverage of the courts and distribute relevant clippings through email and post on the court's intranet site.
 - Compile media clippings and provide report to the Judicial Council.
 - 2. Media Support**
 - Support judges on media-related issues and media interviews.
 - Provide assistance to judges and coordinate media in high-profile cases, which includes drafting Decorum Orders.
 - 3. Media Interviews, Accessibility, and High-profile Case Tracking**
 - Coordinate media interviews and photo opportunities with court personnel. Develop key messages and talking points when responding to the media.
 - Remain accessible to the media and respond to media requests in a timely manner.
 - Maintain tracking system for high-profile court cases.
 - Maintain a current, comprehensive media database of reporters statewide.
 - 4. Editorial Boards**
 - Schedule meetings with editorial boards to address important court-related issues that arise.
 - Distribute news releases or contact editorial boards on issues that have a broad impact on the judiciary.
 - Submit editorials for publication when timely and appropriate.
 - 5. Bench-Media Subcommittee**
 - Update the Media Guide to the Utah State Courts in FY 2014.
 - Explore holding a Law School for Journalists half-day update on a topic of interest to reporters.

- Determine response when public attacks on the judiciary occur in the media.
- Explore creating an online media training program.

B. Foster an understanding of the court's role as an open, fair, and independent branch of government through judicial outreach efforts.

- 1. Standing Committee on Judicial Outreach-Judge Carolyn McHugh, chair**
 - Perform duties as staff liaison to the committee.
 - Recruit new members to committee and subcommittees when terms expire.
- 2. Community Relations Subcommittee-Judge Robin Reece, chair**
 - Review the court's communication channels and messaging and consider new integrated marketing and communication components.
 - Increase awareness of the court's performance measurements.
 - Research how other states treat jurors and implement resources for improving jurors' experience at the courthouse.
 - Maintain existing tools for judges to use in presentations. Create additional resources as needed for judges to encourage participation in outreach.
 - Implement Law Day Programming to include Judge for a Day, newspaper insert, Hinckley Institute of Politics panel, Law Day Declaration, Law Day luncheon attendance, and Salt Lake County Bar's Art and the Law contest coordination to recruit judges and display winning artwork at the Matheson Courthouse.
 - Plan a Constitution Day celebration at the Matheson Courthouse. Work with the Utah State Bar to host students at the courthouse for their outreach program.
 - Continue oversight of court tours and speaker requests. Coordinate and host tours at the Matheson Courthouse.
 - Participate in teacher training programs, including the Hinckley Institute of Politics' Huntsman Seminar.
- 3. Diversity Subcommittee-Brent Johnson, chair**
 - Maintain and distribute the Guide to the Courts in English and Spanish. Consider translating into other languages as needed.
 - Plan community forums with ethnic communities.
 - Improve communication with minority communities.

4. Divorce Education for Children Subcommittee-Judge Elizabeth Hruby-Mills, chair
 - Continue holding classes twice a month in 3rd District and once a month in the 1st District.
 - Expand program to the 2nd and 4th Districts. Provide materials necessary to conduct classes and train assistants on procedures to register and assist with the classes. Recruit, select, and train instructor for these districts.
 - Generate interest and attendance at the classes through advertising, media, and other publicity efforts.
5. Public Materials
 - Write, produce, and distribute the 2014 Annual Report to the Community.
 - Update publications that assist the public to better understand the court system.
 - Encourage staff to incorporate the court's look in all public materials.
 - Support districts with PIO-produced collateral materials.

C. Use communication tools effectively and maintain avenues of communication to relay the Utah State Court's key messages to target audiences.

1. Social Media
 - Implement proactive uses of social media to promote judicial programs and communicate with stake holders.
 - Maintain the court's Facebook, Twitter, and YouTube pages.
2. Website Updates
 - Maintain the media section of the website to be useful and current.
 - Post media advisories and news releases to the website in a timely manner.
 - Post and update judge's biographies to the website.
3. Court Image and Messaging
 - Incorporate the court's central message in all forms of communication.
 - Continue efforts to implement a consistent look in the public materials.
 - Keep the Graphic Standards Manual on producing court public materials current.

- D. Maintain avenues of internal communication to recognize employee contributions and accomplishments, advance PIO services, and support new judges.
1. Internal Communication
 - Produce employee newsletter—*Court News*—monthly.
 - Update email-based newsletter format in Gmail
 2. Public Information Office-General
 - Maintain the Utah State Court's Crisis Communication Plan.
 - Maintain Court Media Guidelines and communicate to employees at New Employee Orientations.
 - Update board of judges, TCE's, and Clerks of Court on an annual basis.
 3. Support New Judges and Employees
 - Request biography and photo for website posting.
 - Produce invitations for oath of office ceremonies.
 - Present at the new judge orientations on working with the media.

IX. BUDGET

The Strategic Communication Plan will be administered within the approved Public Information Office budget. Additional funds will be solicited from non-state sources to produce the Law Day newspaper insert. The Divorce Education for Children Program is funded by monies from the Children's Legal Defense Fund.

X. EVALUATION

The effectiveness of the Strategic Communication Plan will be determined based on the criteria listed below. Some of the criteria are easily measured by the end product produced, such as a brochure or video. Intangible or non-quantitative changes such as increase in knowledge, attitudes, and perceptions are more difficult to measure.

1. Media coverage generated and tone of coverage.
2. Effectiveness of collateral materials produced.
3. Support of and response from key constituents.
4. Employee feedback to be determined through an in-house e-mail survey on the effectiveness of communication programs and tools.
5. Outreach effectiveness as measured by outcomes established by the Standing Committee Judicial Outreach and its subcommittees.

XI. CONCLUSION

The Utah State Courts is charged with providing an open, fair, efficient, and independent system for advancing justice. The Strategic Communication Plan is an integral component to advance the Utah State Courts mission.

This Strategic Communication Plan is designed to effectively implement internal and external communication tools to position the Utah State Courts in a favorable light and to educate constituents through judicial outreach efforts.

APPENDICES

2012 Survey Results

In 2012, the Utah Judicial Council commissioned a Public Trust and Confidence Survey to measure the public's knowledge, experience, and expectations of the courts. The courts selected OpinionWorks to conduct the survey, which was conducted by telephone July through August 2012. The survey firm was asked to compare the 2012 results to the baseline survey conducted in 2006.

Highlights from the survey follow:

- Overall confidence in the Utah State Courts rose from 78 percent in 2006, to 81 percent in 2012.
- Familiarity with the courts decreased from 50 percent in 2006, to 42 percent in 2012.
- One third (31%) of the public indicated needing to get information about the courts in 2012, which is nearly identical to 2006 (33%).
- Forty-one percent of those looking for information about the courts sought it directly from personnel at the courthouse, compared to 36 percent in 2006. The Internet was the next highest source for information at 32 percent, compared to 26 percent in 2006.
- TV news, the Internet, and newspapers/news magazines rated as the most frequently-used sources of information about the courts. Reliance on the Internet increased dramatically over the past six years from 22 percent to 51 percent.
- Forty-six percent of the state's households reported having had direct experience with a court case, with 35 percent having had experience directly in a criminal matter.
- Forty-four percent of those having experience with the courts served as jurors or prospective jurors. Jurors reported being more confident in the courts as a result of their experience.
- Twenty-nine percent of those surveyed reported becoming more confident in the courts based on their court experience, while 22 percent became less confident and 48 percent said the experience had no effect on their confidence in the courts. While a negative case outcome significantly decreases confidence, a positive case outcome does not significantly increased confidence.
- One in five Utahns reported having considered taking a case to court and decided not to do so because of the cost of hiring an attorney (69%). Sixty-seven percent said the availability of another way to solve their problem kept or might keep them from going to court. Two process issues, the length of time it might take for a decision and a process that people find confusing, were next on the list.
- Fifty-eight percent disagree that one of the purposes of the court is to raise revenue.
- Protecting constitutional rights was listed as the most important function of the state courts (92%) followed by ensuring public safety (78%), reporting on court performance (62%), and assisting those acting as their own attorney (30%). In

asking the public to rank how the court was performing on these measures, the court ranked low on reporting on its own performance.

- Groups that have traditionally had more influence in society—men, Whites, upper-income, and better-educated citizens—feel more positive towards the courts, while women, Hispanics, lower-income, and less-educated residents have a less positive view.

2012 Survey Recommendations

As a result of the 2012 Public Trust and Confidence Survey, the Survey Subcommittee reviewed the outcomes and has made the following recommendations to the Standing Committee on Judicial Outreach. These recommendations will be assigned to a newly-formed Special Projects Subcommittee, which will look at the best way to address the goals and implement changes.

Communication Messaging and Methods

Goal: Review the court's communication mechanisms and messaging.

Implementation: Explore ways to push information out via a variety of communication sources, including Facebook and YouTube.

Court Performance Reporting

Goal: Raise awareness of court performance measurements.

Implementation: Drive the public to the court's website CourTools section and other reporting sites, such as judges.utah.gov. Research the cost of implementing a marketing campaign.

Diversity Outreach

Goal: Improve communication with minority communities.

Implementation: Present information about the courts at community forums. Focus on Latino community initially. Partner with the Minority Bar Association.

Employees as Ambassadors

Goal: Review current employee customer service training to ensure it is current and relevant.

Implementation: Enlist the court's Education Department to conduct a review of available classes.

Juror Experience

Goal: Improve the juror experience.

Implementation: Research how other states treat jurors and implement resources for improving a juror's experience at the courthouse.

RULE 3-404. PUBLIC INFORMATION PROGRAM

Intent:

- To establish a public information program within the Administrative Office.
- To identify the Administrative Office as primarily responsible for the administration and management of the public information program.
- To establish criteria governing the type of public information services that shall be provided to the judiciary, the media, and the public.

Applicability: This rule shall apply to the judiciary.

Statement of the Rule:

(1) A public information program is established within and administered by the Administrative Office. The goal of the public information program is to establish strategies that promote the judiciary's missions, goals, and activities in a manner that reflects a positive image of the courts.

(2) The public information program shall include: (a) the development and maintenance of internal communication within the judiciary; (b) the development and maintenance of external communications and relations; (c) the development of technical resources and expertise and the identification of methods for providing technical advice in specific cases; (d) the development and maintenance of public education programs; and (e) the publication of a report on the operations of the courts, including financial and statistical data, recommendations for legislative or administrative action, and a general review of the activities of the judiciary.

RULE 3-114. JUDICIAL OUTREACH

Intent:

- To foster a greater role for judges in service to the community.
- To provide leadership and resources for outreach.
- To improve public trust and confidence in the judiciary.

Applicability: This rule shall apply to all justices and judges.

Statement of the Rule:

(1) The Committee on Judicial Outreach shall:

(1)(A) create and promote model outreach programs;

(1)(B) promote local outreach programs;

(1)(C) develop policies and rules that encourage judicial participation in outreach programs;

(1)(D) work with educators to incorporate civic education into school curriculums;

(1)(E) work with the Utah State Bar to develop joint outreach programs; and

(1)(F) communicate judicial outreach efforts.

(2) Consistent with the Code of Judicial Conduct and to increase public understanding of and involvement with the administration of justice, the judiciary is encouraged to:

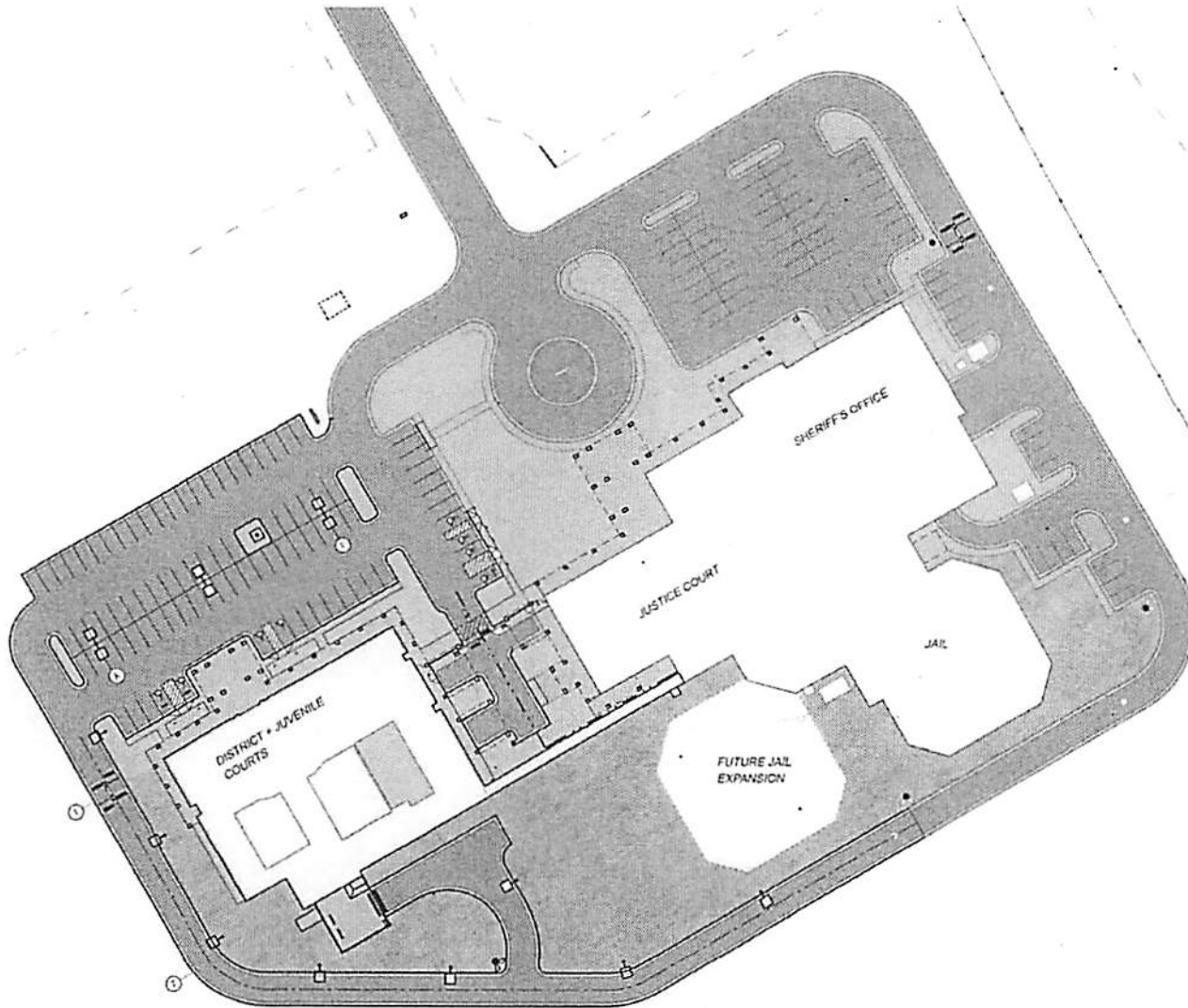
(2)(A) educate civic, educational, business, charitable, media, and other groups about the court system and judicial process; and

(2)(B) take an active part in the community where the participation of the judiciary will serve to increase public understanding and promote public confidence in the integrity of the court system.

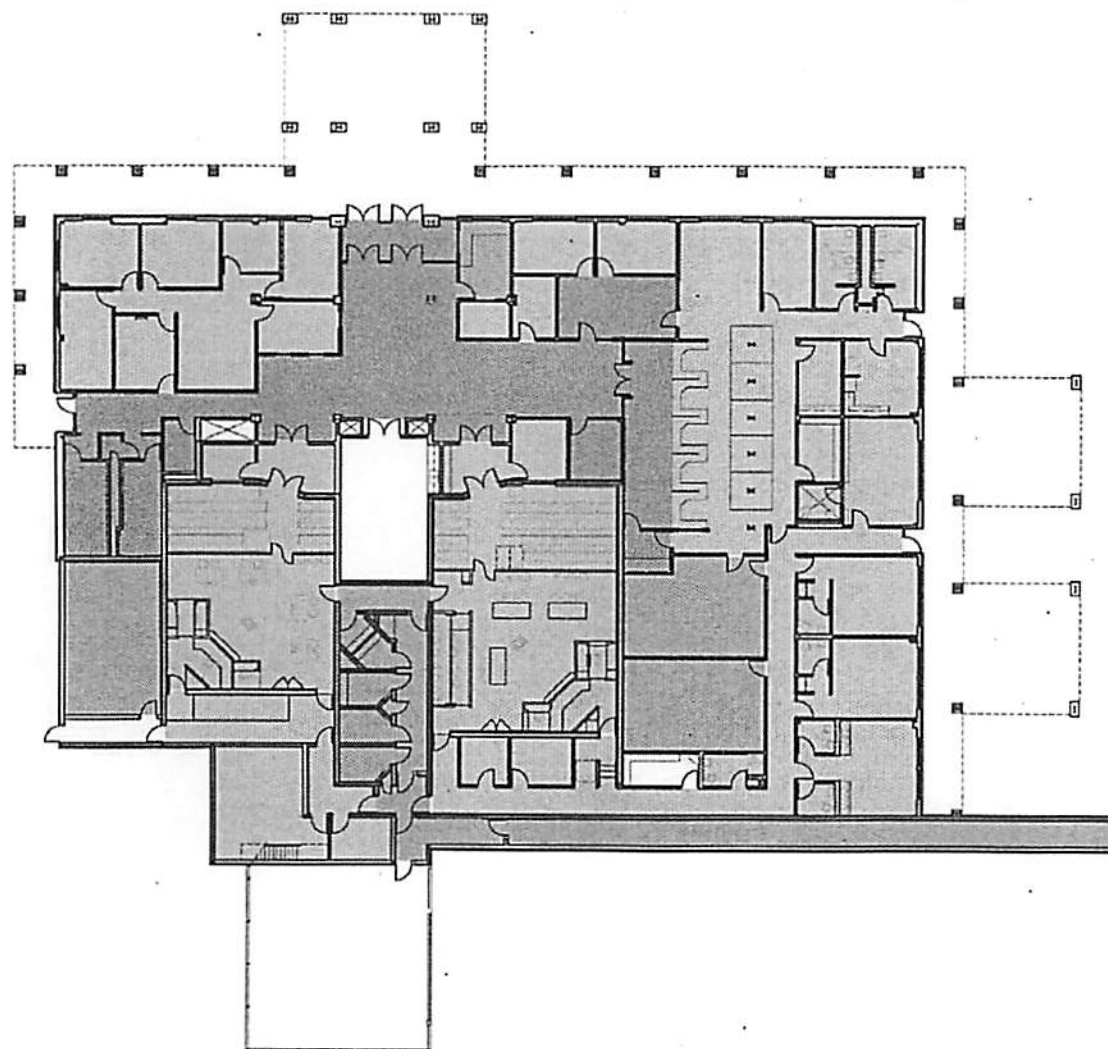
TAB 5



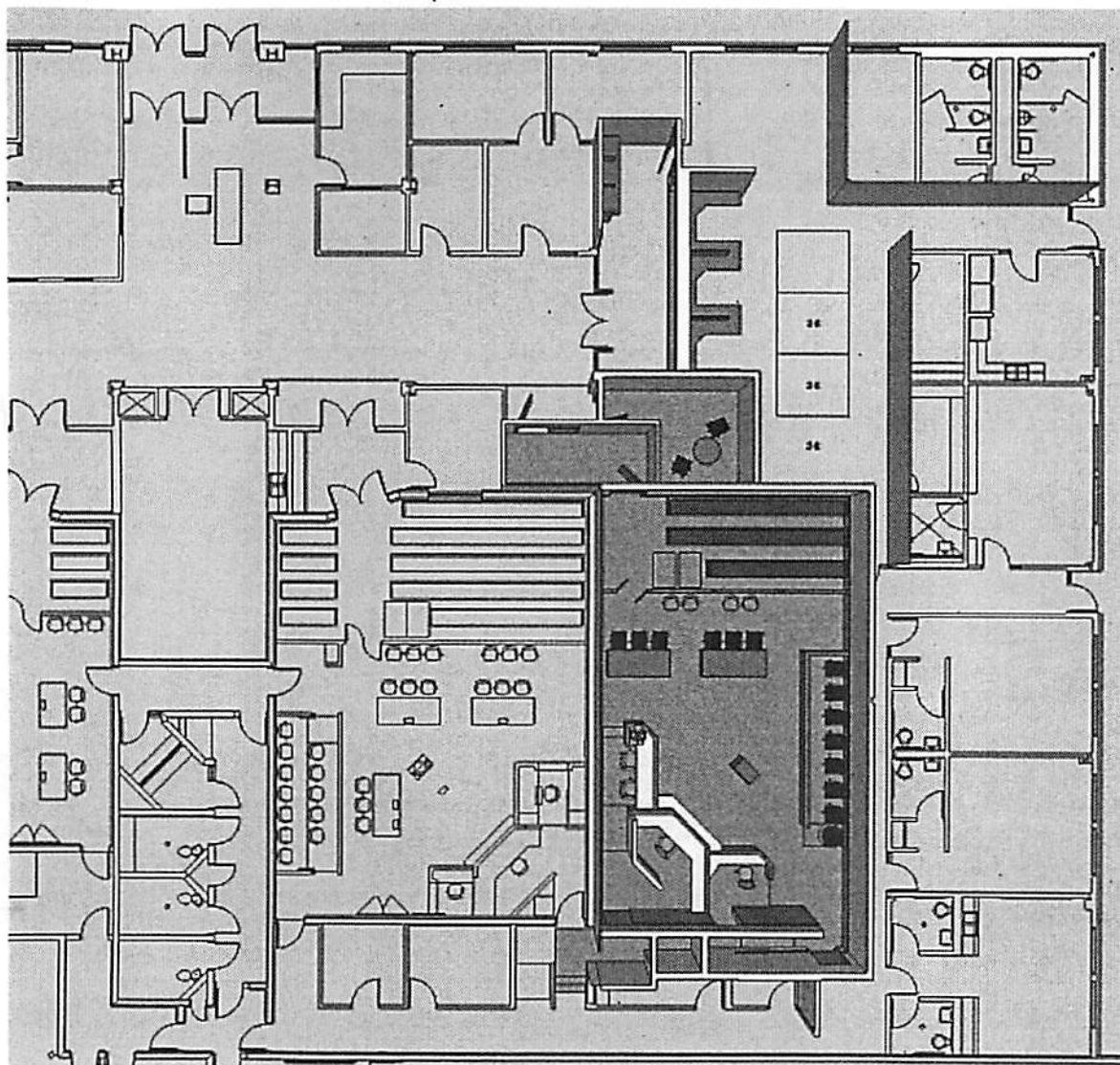
Summit County 3rd District Court Expansion Study



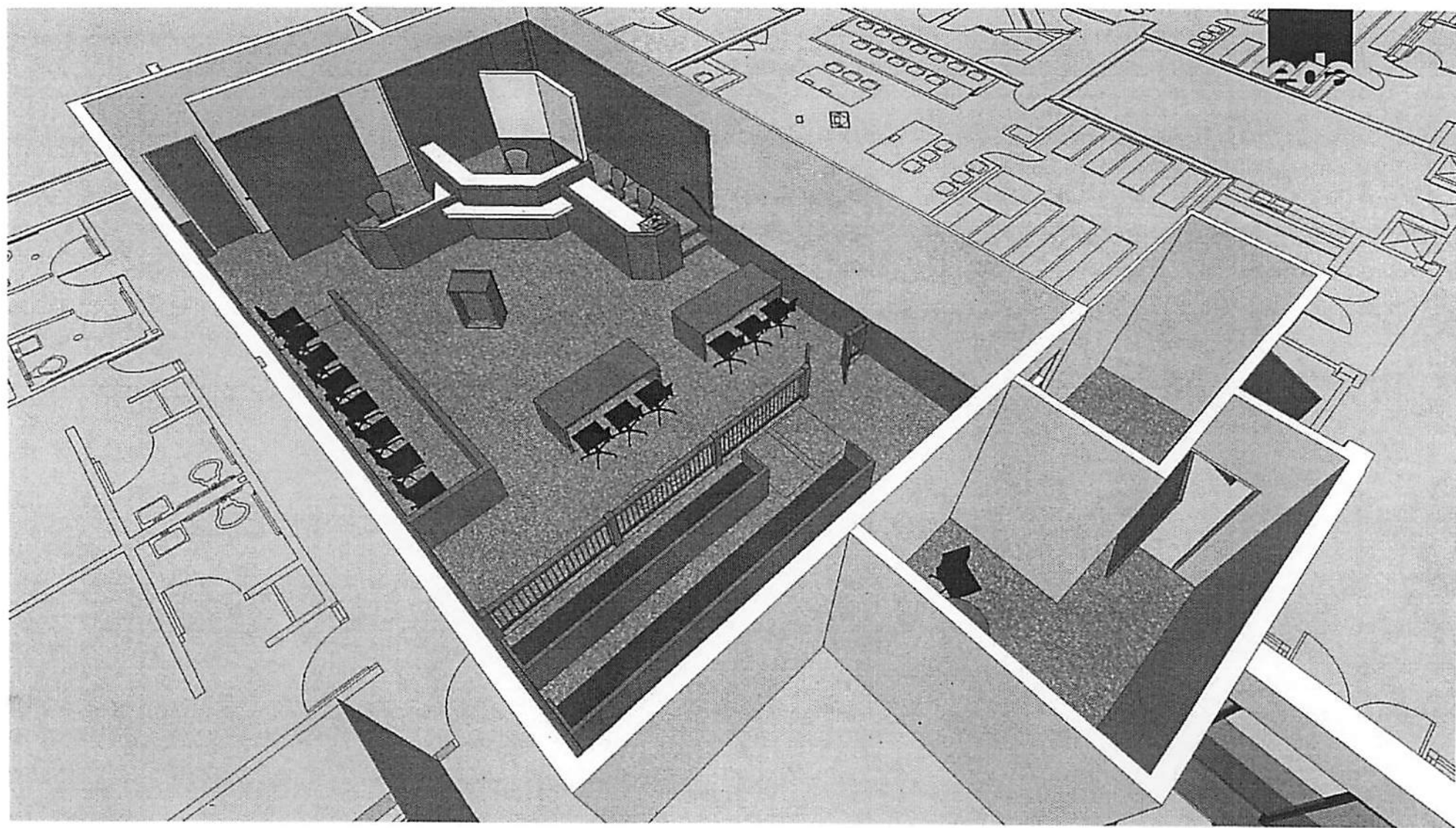
Current Site



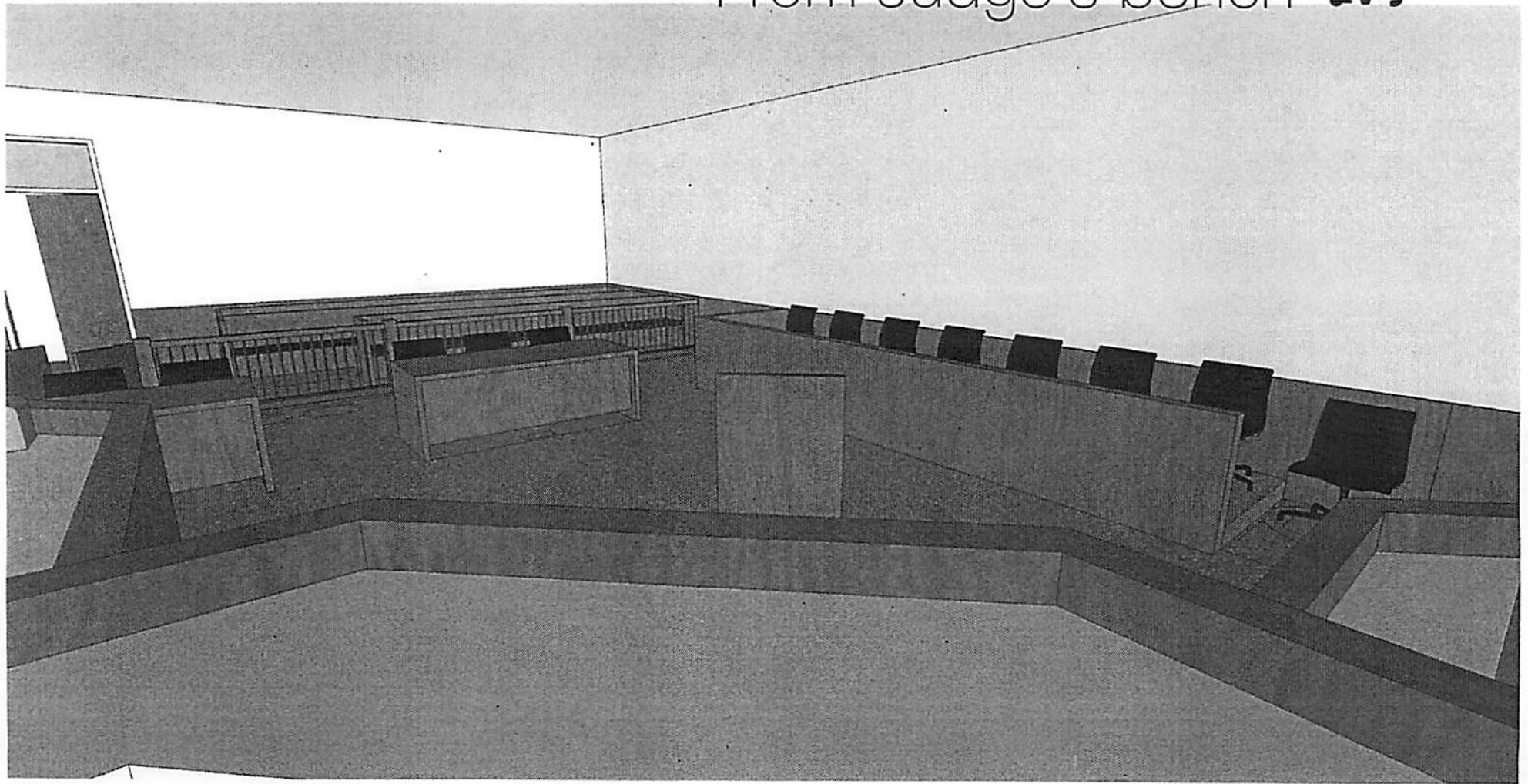
Existing
Overall Plan

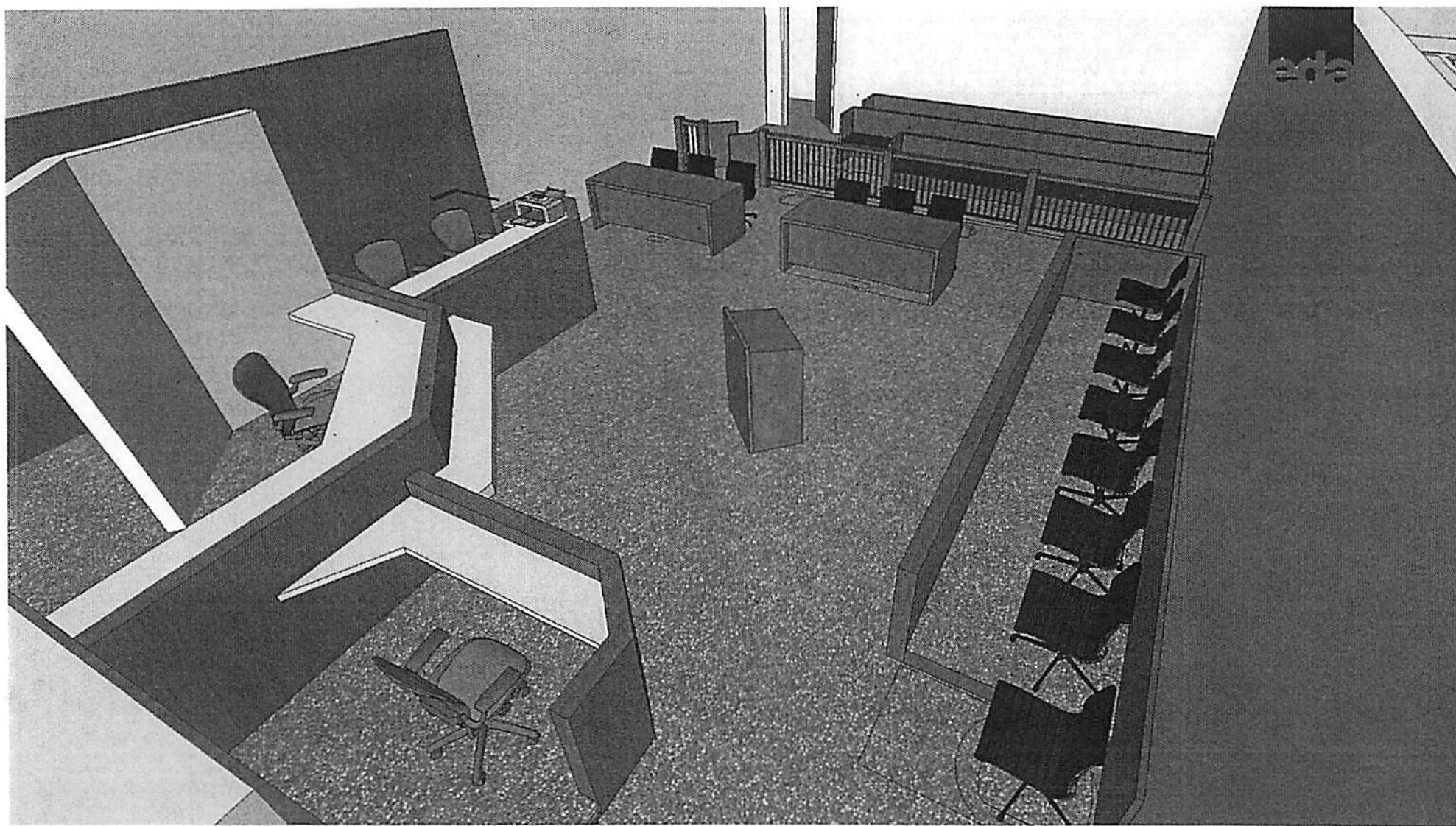


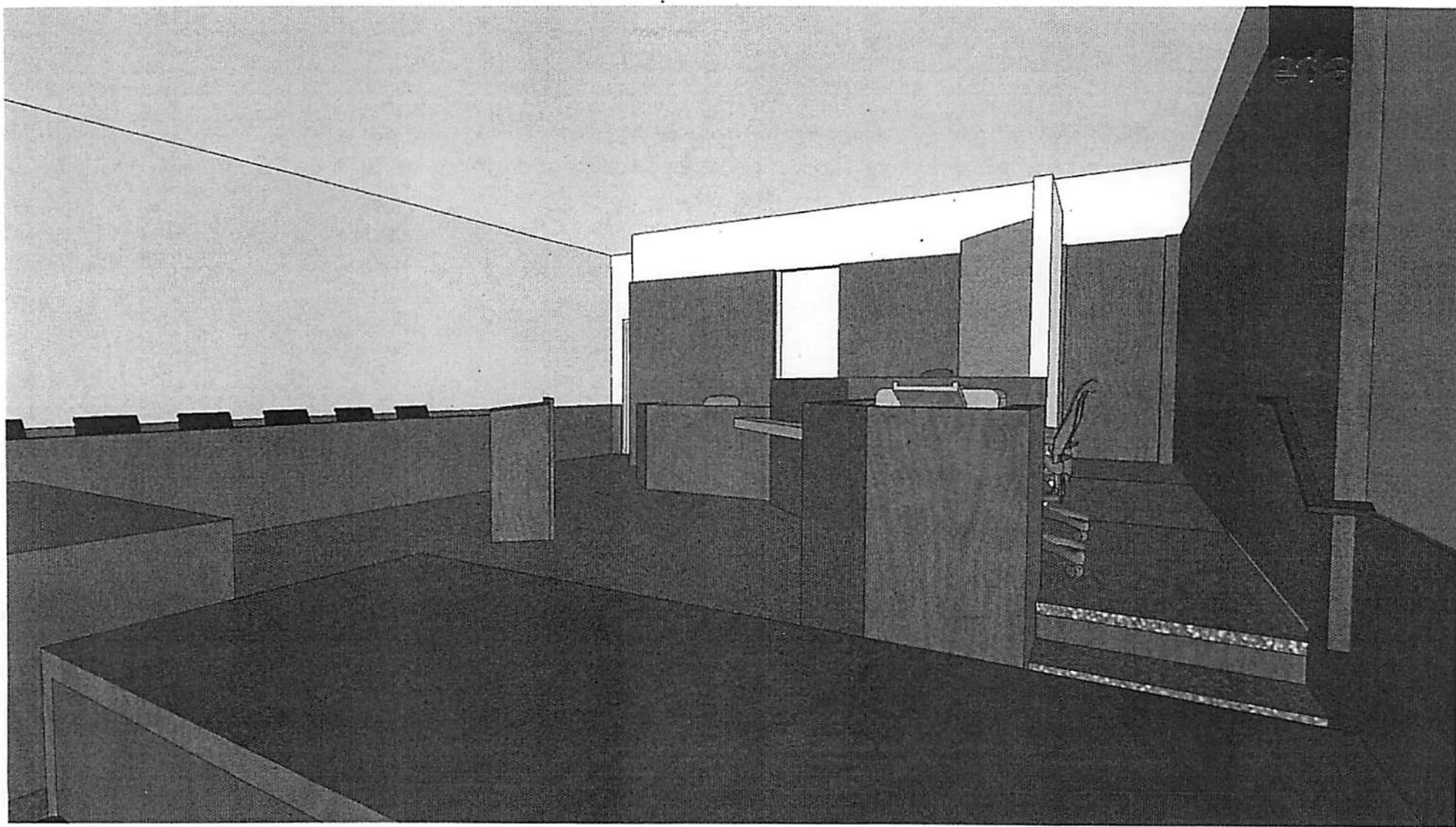
Proposed
Plan

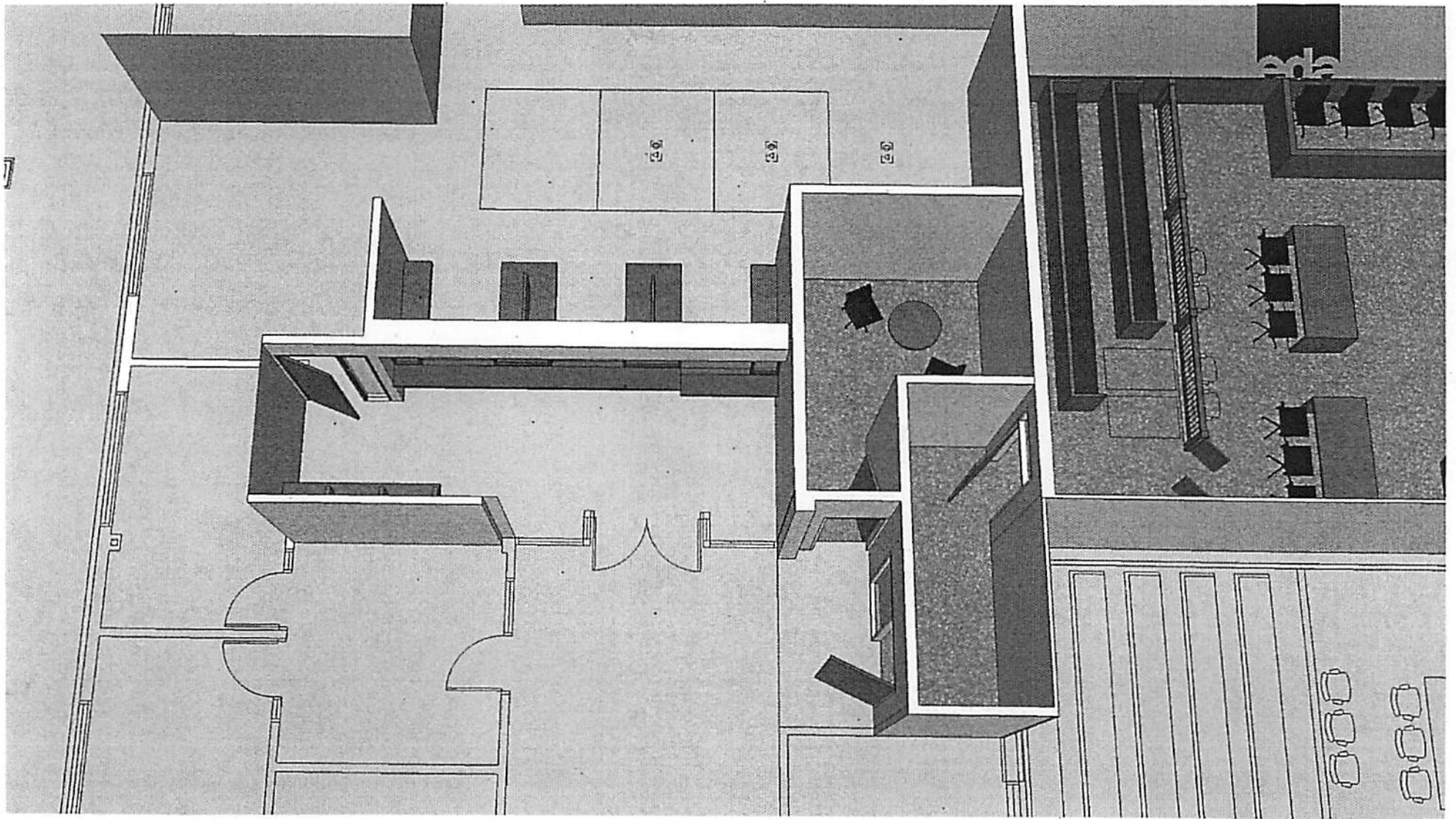


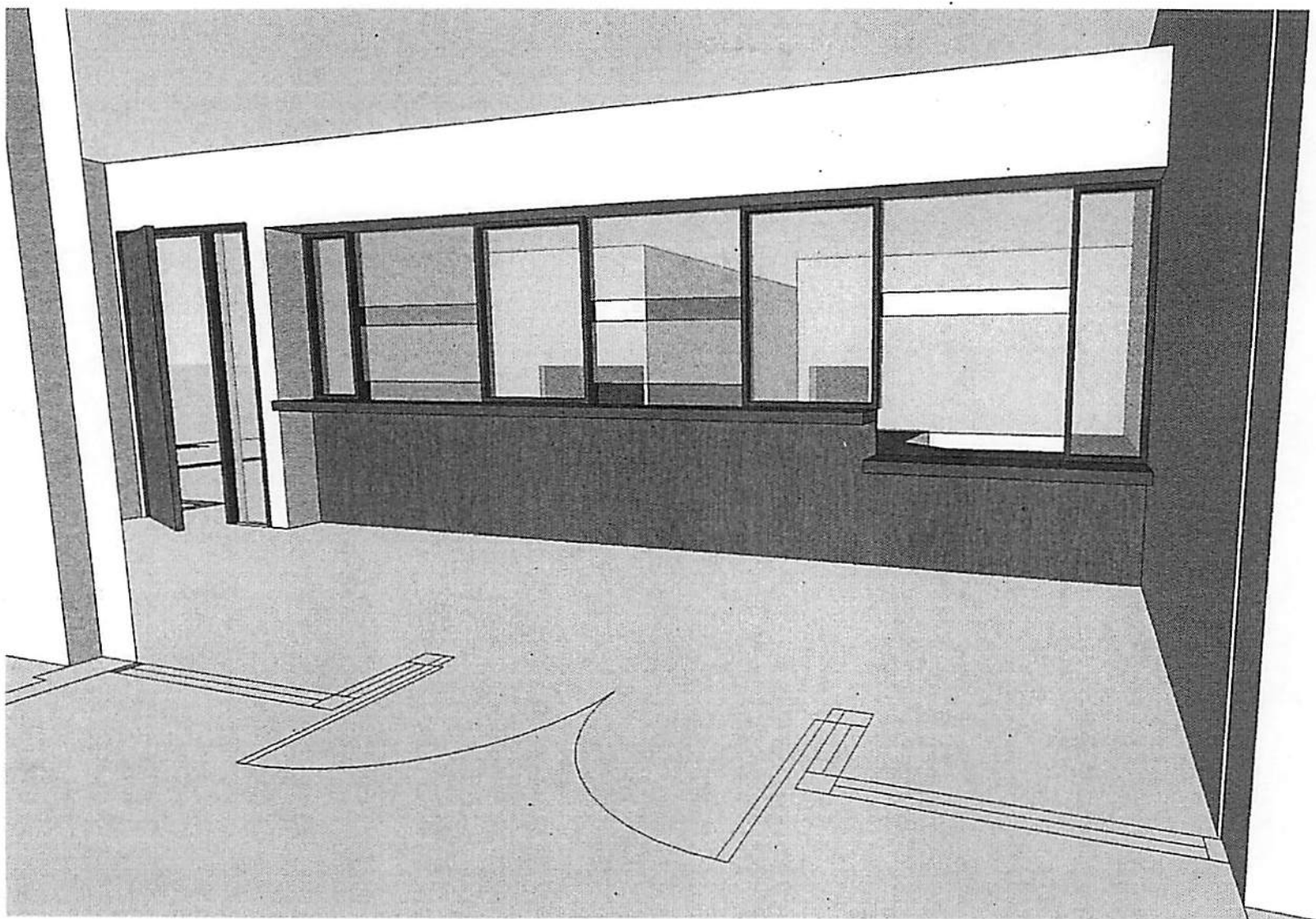
From Judge's bench



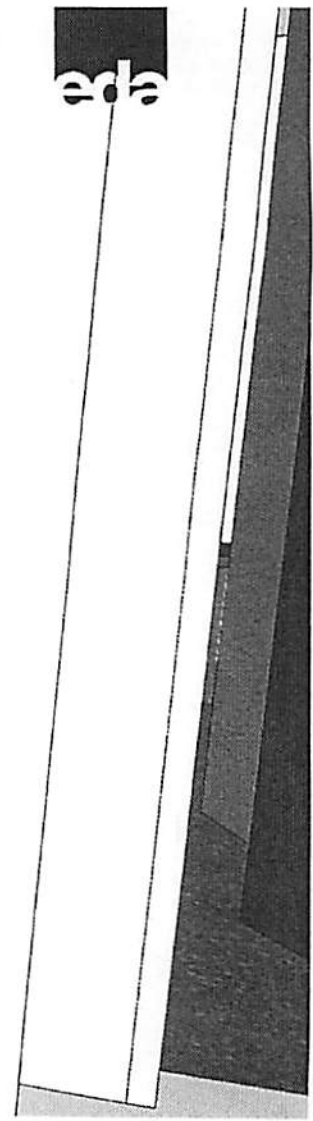








eda



**CONSTRUCTION COSTS**

Construction Cost Estimate		\$599,012
Construction Estimate Contingency	10%	\$59,901
Building Permit:		included
Plan Review Fee:		included
<u>Subtotal Construction Cost:</u>		<u>\$658,913</u>

DESIGN FEES

A/E Fee (per DFCM schedule):	7.75%	\$51,066
Courts A/V Design		\$12,000
Security System Design		Incl. in A/E
<u>Subtotal Design Fees:</u>		<u>\$63,066</u>

MISCELLANEOUS PROJECT COSTS

Builders Risk Insurance		\$5,000
Reimbursables (printing, advertising, mileage)		\$5,000
<u>Subtotal Miscellaneous Costs:</u>		<u>\$10,000</u>

FF&E

Computers/Teledata Equipment		\$20,000
Courts A/V		\$75,000
Security System		\$20,000
Court Room Furniture		\$20,000
<u>Subtotal Miscellaneous Costs:</u>		<u>\$135,000</u>

<u>TOTAL PROJECT COSTS:</u>		<u>\$868,979</u>
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TAB 6



Utah State Courts

Language Access in the Trial Courts of Record 2011-2013



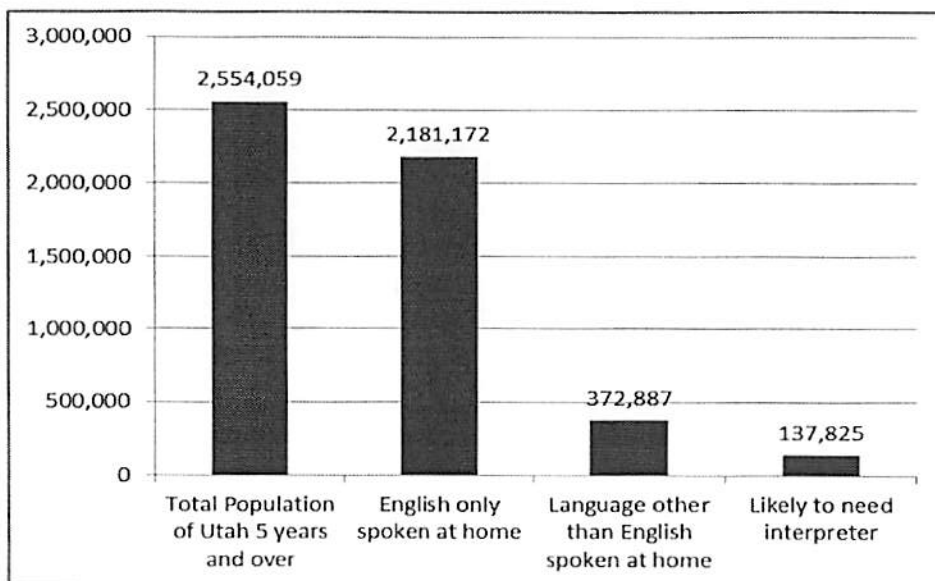
November 18, 2013

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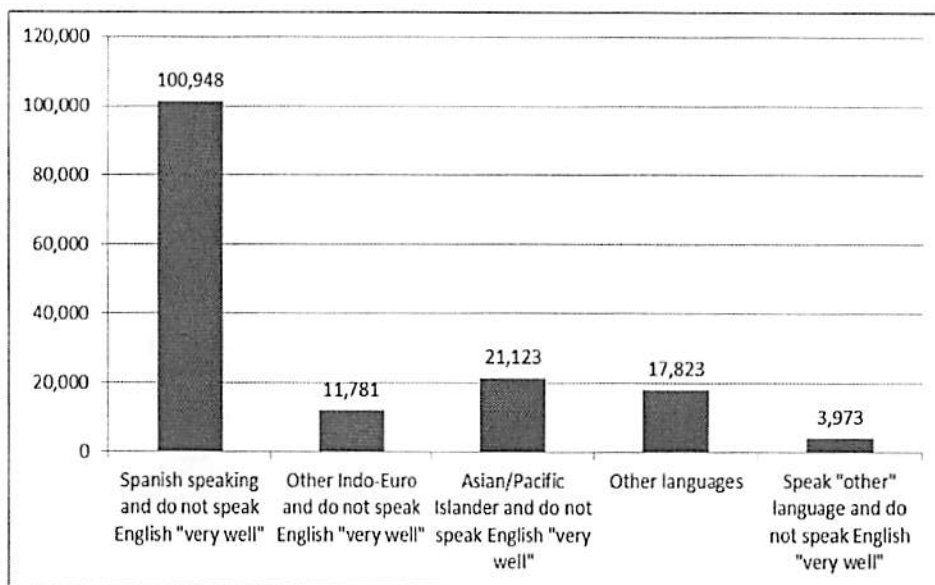
1. Language in Utah

a. English Fluency by Utah Population¹



Source: U.S. Census Bureau, 2010-2012 American Community Survey

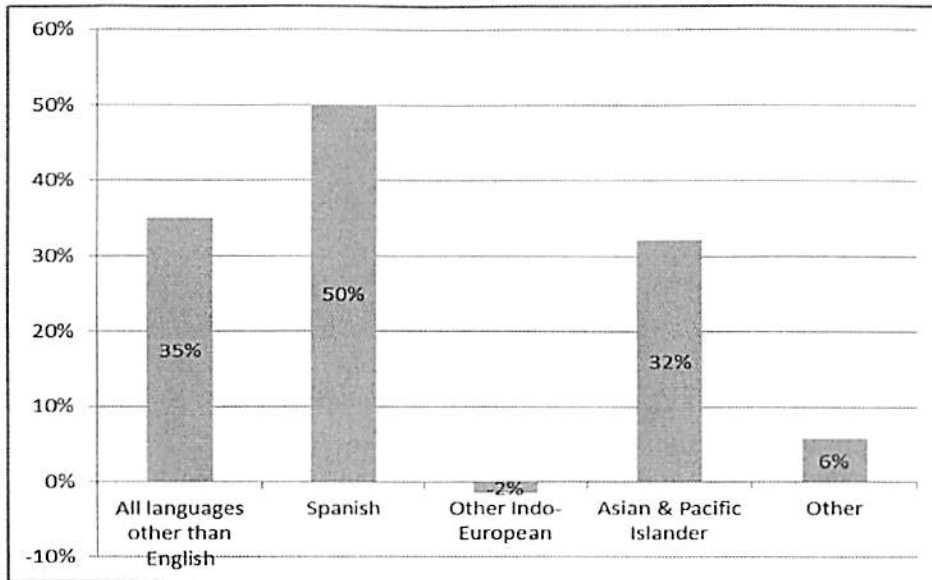
b. Language Spoken at Home



Source: U.S. Census Bureau, 2010-2012 American Community Survey

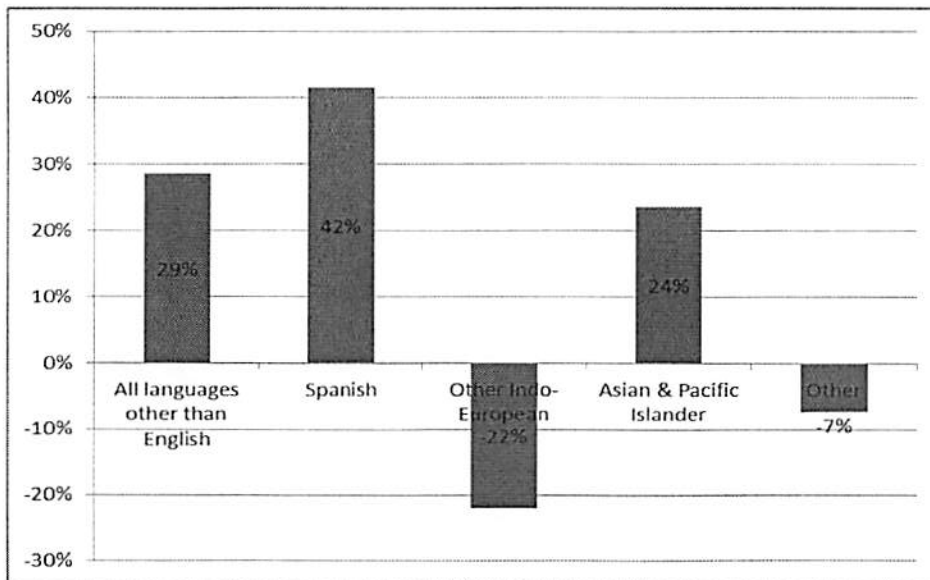
¹ Individuals who do not speak English at home and speak English "less than very well" are considered likely to need an interpreter.

c. Change in Language Spoken at Home, 2000-2010



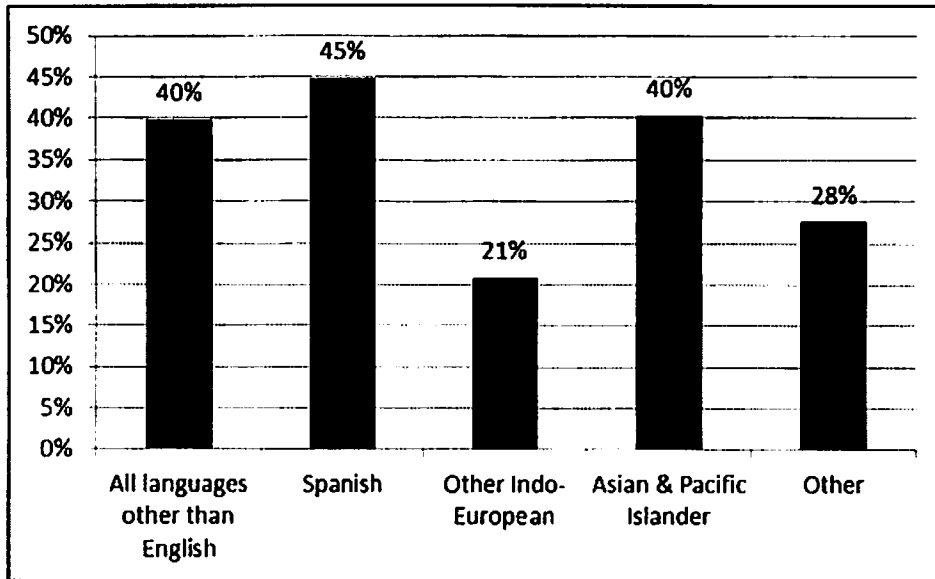
Source: Migration Policy Institute

d. Change in "Speaks English less than very well," 2000-2010



Source: Migration Policy Institute

e. "Speaks English less than very well" as Percent of Language Spoken at Home, 2010



Source: Migration Policy Institute

2. Interpreters

a. Credentialing

i. Certified

- Most highly qualified interpreter.
- **Requirements:** Must pass an English diagnostic test and a test on the Interpreter Code of Professional Responsibility; attend a one-day orientation workshop; complete a background check; and complete 10 hours of observation. The interpreter must also complete a seven-day training course and pass a three-part examination offered by the National Center for State Courts.

ii. Approved

- **Requirements:** Must pass an English diagnostic test and a test on the Interpreter Code of Professional Responsibility; attend a one-day orientation workshop; complete a background check; and complete 10 hours of observation. The interpreter must also pass an oral proficiency interview offered by Language Testing International.

iii. Registered

- **Requirements:** Must pass an English diagnostic test and a test on the Interpreter Code of Professional Responsibility; attend a one-day orientation workshop; complete a background check; and complete 10 hours of observation.
- Designated as "Registered 1" if there is no examination available in the language for certified or approved credentials.
- Designated as "Registered 2" if the interpreter has not taken or has not passed the examination available for certified or approved credentials.

iv. Conditionally Approved

- Vetted by the appointing authority for suitability in a particular hearing.
- Any languages listed for which there are no interpreters will have been interpreted by a conditionally approved interpreter.

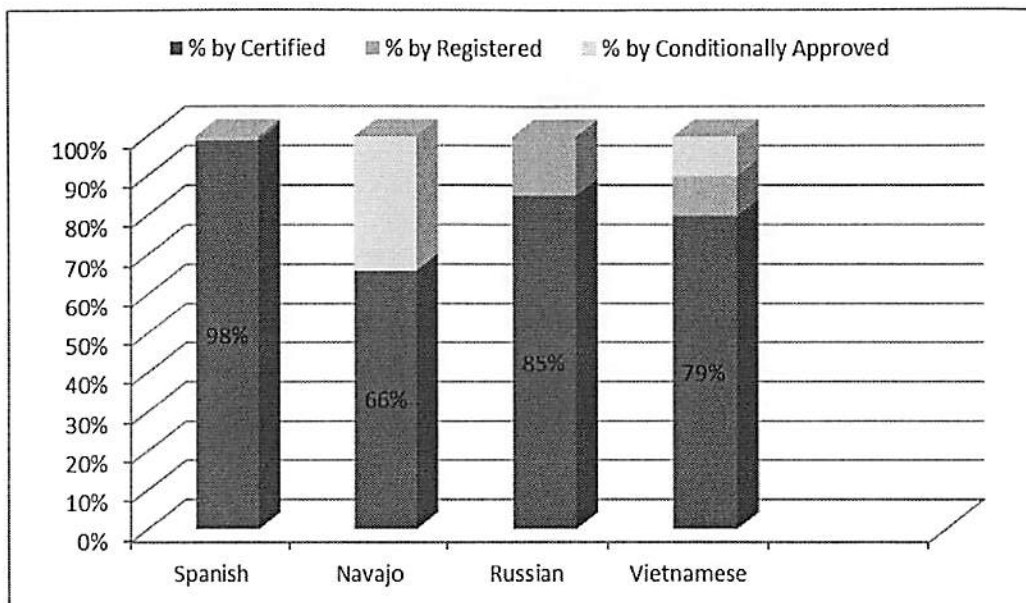
b. Interpreter Availability

Language	Hours Interpreted 2013	Frequency of Language	Interpreters				Frequency of Interpreters
			Certified	Approved	Registered	Total	
Spanish	16,022	83.10%	42	6	14	62	45%
Arabic	439	2.30%		1	3	4	3%
Somali	296	1.50%			2	2	1%
Burmese	284	1.50%		1	1	2	1%
Vietnamese	269	1.40%	1		1	2	1%
Bosnian	154	0.80%			2	2	1%
Farsi	154	0.80%		1	3	4	3%
Tongan	151	0.80%			1	1	1%
Mandarin	129	0.70%		1	4	5	4%
Laotian	127	0.70%		2	1	3	2%
Dinka	122	0.60%					0%
Russian	116	0.60%	1		4	5	4%
Swahili	108	0.60%			1	1	1%
French	105	0.50%			7	7	5%
Samoan	80	0.40%			2	2	1%
Nuer	73	0.40%					0%
Kirundi	65	0.30%					0%
Korean	61	0.30%			4	4	3%
Hmong	57	0.30%					0%
Navajo	54	0.30%	1		2	3	2%

Language	Hours Interpreted 2013	Frequency of Language	Interpreters				
			Certified	Approved	Registered	Total	Frequency of Interpreters
Panjabi	52	0.30%			2	2	1%
Chuukese	46	0.20%					0%
Cambodian	43	0.20%					0%
Tigrigna	28	0.20%			2	2	1%
Tagalog	27	0.10%					0%
Nepalese	26	0.10%					0%
Kurdish	25	0.10%					0%
Uduk	22	0.10%					0%
Cantonese	21	0.10%		1	2	3	2%
Hindi	21	0.10%			2	2	1%
Liberian	18	0.00%					0%
Trampa	13	0.00%					0%
Marshallese	11	0.00%			1	1	1%
Portuguese	11	0.00%			5	5	4%
ASL	8	0.00%					0%
Thai	8	0.00%			2	2	1%
Karen	6	0.00%					0%
Armenian	4	0.00%					0%
Igbo	4	0.00%					0%
Japanese	4	0.00%		1	3	4	3%
Ute	4	0.00%					0%
German	3	0.00%			3	3	2%
Italian	3	0.00%			3	3	2%
Urdu	3	0.00%			2	2	1%
Mabaan	2	0.00%					0%
Tibetan	2	0.00%					0%
Total	19,281	100%	45	14	79	138	100%

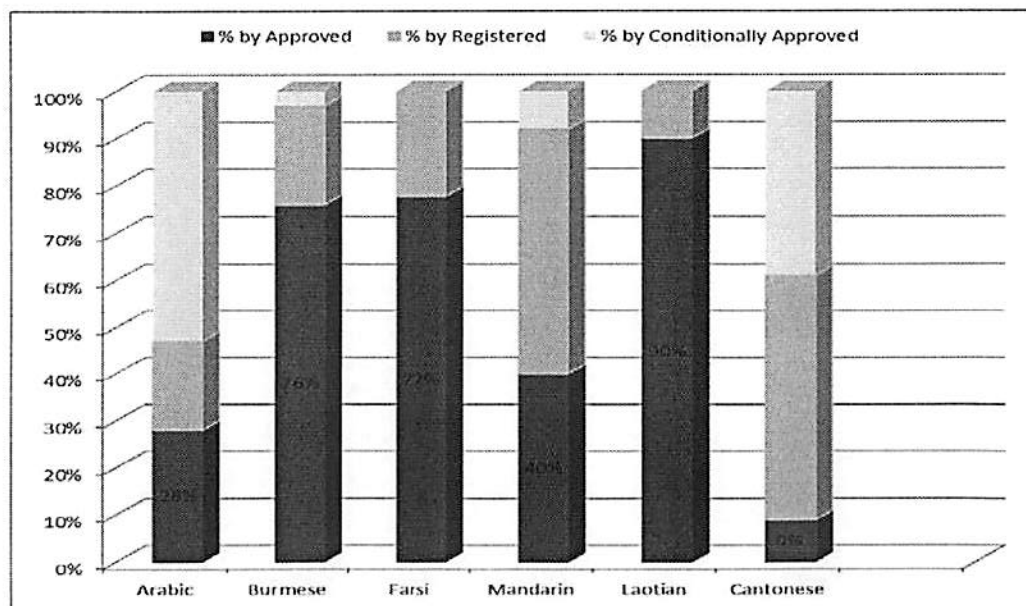
Source: FINET

c. Percent of Hours Interpreted by Highest Credentials Available - Certified



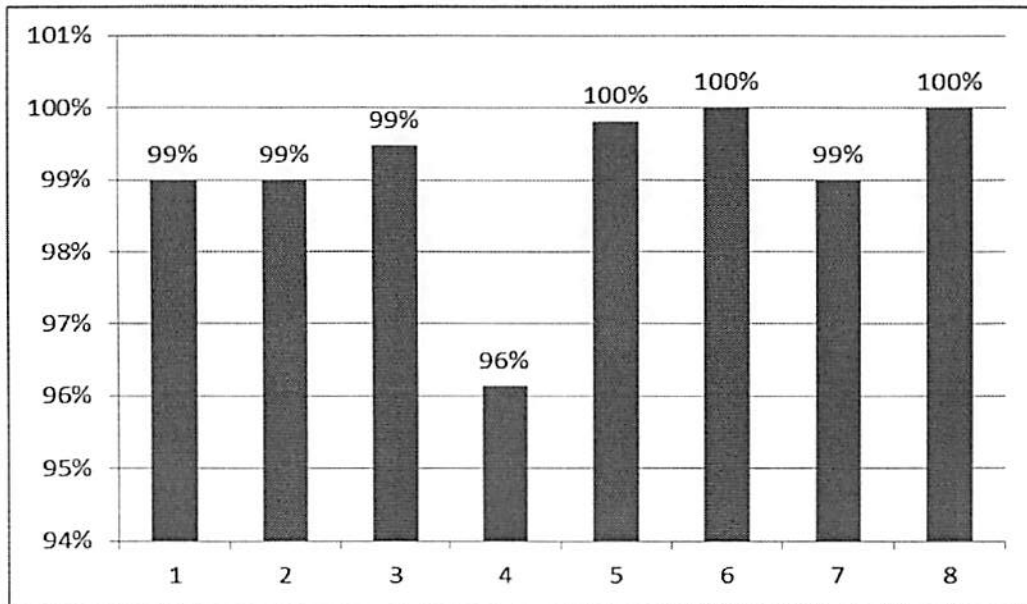
Source: FINET

d. Percent of Hours Interpreted by Highest Credentials Available - Approved



Source: FINET

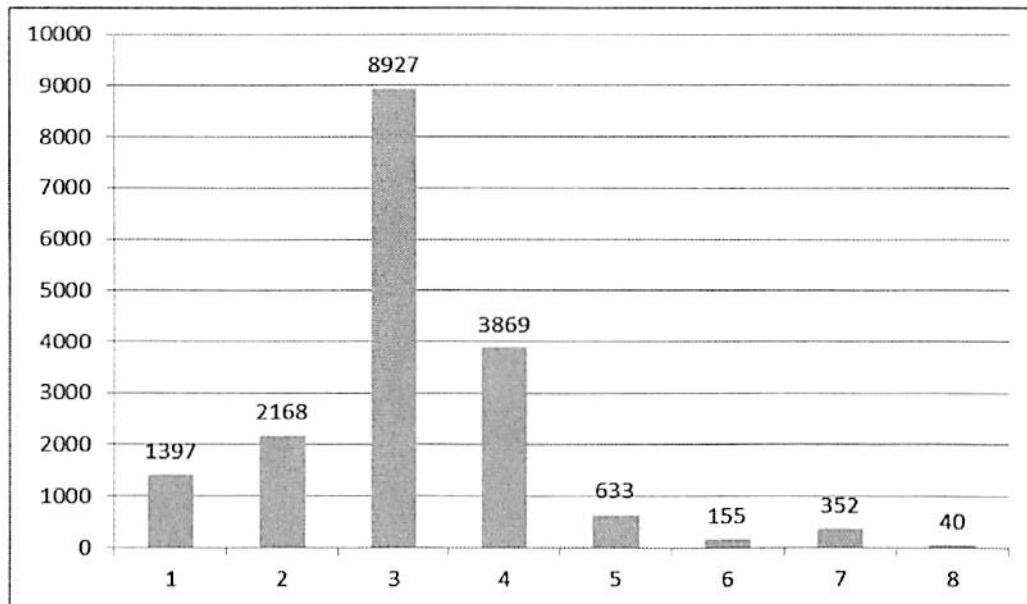
e. Percent of Spanish Language Hours Interpreted by a Certified Interpreter



Source: FINET

3. Interpreting

a. Hours Interpreted by District, 2013

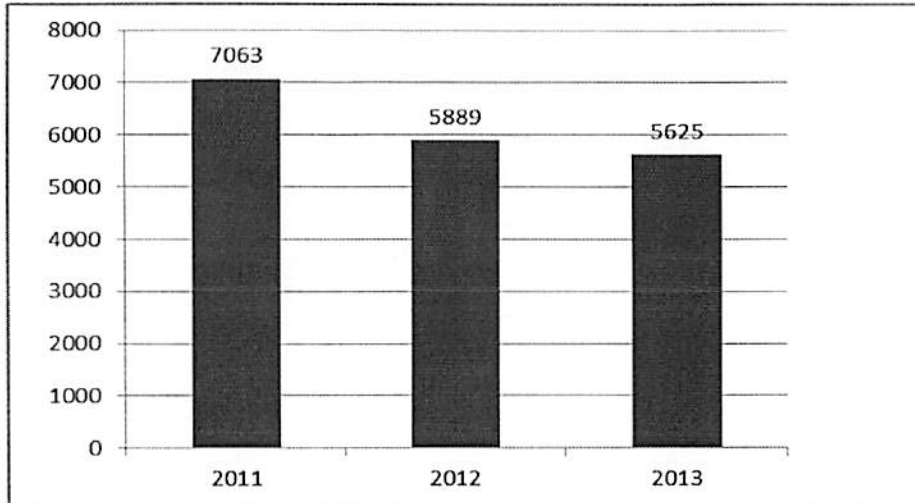


Source: FINET

The reported time spent interpreting is the accumulation of the actual or minimum time for which the interpreter was paid.²

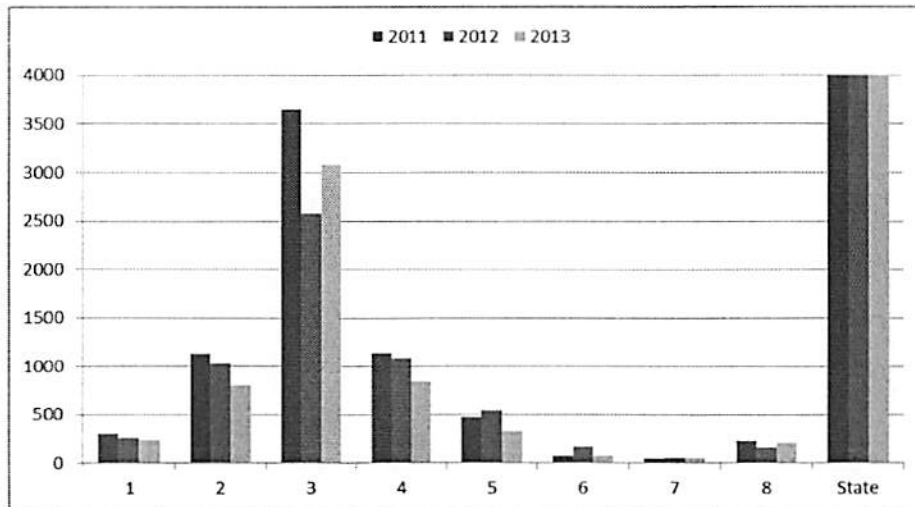
b. District Court

i. Total Interpreted Hearings



Source: CORIS

ii. Interpreted Hearing by District



Source: CORIS

² Interpreters are paid in half-hour increments for the actual time interpreting or a minimum time based on the distance traveled to the hearing, whichever is greater.

iii. Interpreted Hearings by Case Type

Case Type	2011	2012	2013
Administrative Agency		1	1
Adoption		2	7
Common Law Marriage			2
Conservatorship		3	1
Contracts		5	
Custody & Support	4	5	23
Debt Collection	2	30	24
Divorce	8	57	100
DUI	148	108	167
Estate		2	
Eviction	2	14	15
Felony	5497	4386	4000
Foreign Judgment			1
Guardianship		12	17
Infraction		10	1
Minor's Settlement		3	4
Miscellaneous			2
Misdemeanor	962	810	813
Name Change		7	5
Not Applicable	4	10	17
Paternity		9	16
Personal Injury		4	2
Post Conviction Relief		1	
Probate		1	
Property Rights			2
Protective Order	50	81	103
Small Claims Appeal		6	2
Stalking		7	6
SC de novo Justice Court			5
Traffic		241	288
UIFSA		3	1
TOTAL	6677	5818	5625

Source: CORIS

iv. Interpreted Hearings by Hearing Type

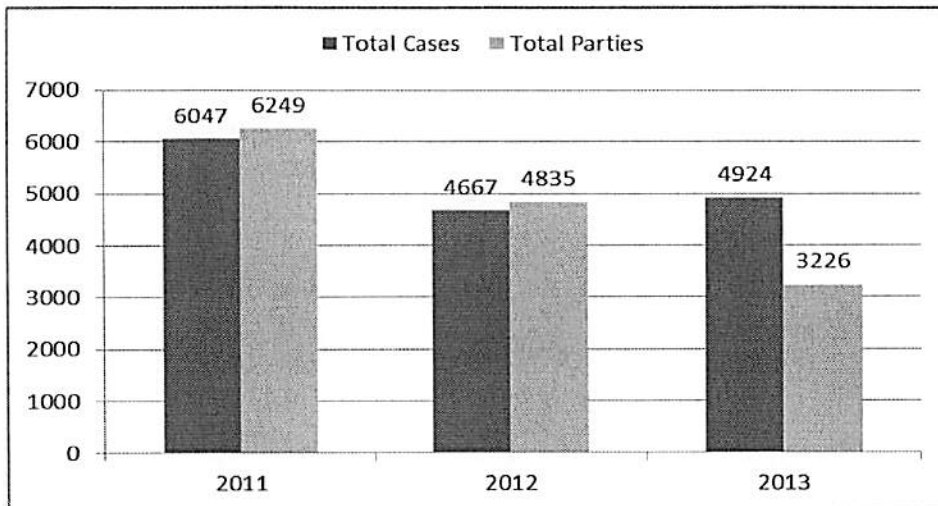
Hearing Type	2011	2012	2013
Appoint Counsel	710	514	372
Arraignment	573	448	498
Bail Forfeiture		8	5
Bail Hearing	36	52	23
Bench Trial	8	27	21
Bench Warrant	79	36	50
Bond Hearing	2		1
Change of Plea	586	386	358
Competency Hearing	10	6	5
Disposition Hearing		4	1
Drug Court	84	3	
ECR Status Conference	2	31	32
Evidentiary Hearing		6	
Hearing		24	
Hearing Default		8	
Immediate Occupancy		5	4
Initial Appearance	683	599	413
Jury Trial	44	35	32
Law and Motion	870	911	855
Motion Hearing		8	5
Order to Show Cause	81	70	75
Plea Bargain		8	5
Preliminary Hearing	354	301	331
Pretrial Conference	375	281	277
Probable Cause			
Probation Report	68	69	57
Probation Revocation	68	69	57
Protective Order	45	71	94
Remand Hearing	1	3	4
Resolution Hearing	12	1	
Restitution Hearing	5	2	3
Review Hearing	135	155	161
Roll Call	556	158	80
Sanctions		1	2
Scheduling Conference	96	268	809
Sentencing	1284	978	838
Status Conference	17	2	4
Sufficiency Bond	2		1
Summary Judgment		1	
Supplemental Order			1
Support Order		6	
Temporary Restraining Order		1	1
Trial de Novo		2	
Waiver of Preliminary Hearing	182	261	128

Hearing Type	2011	2012	2013
Unknown	1		22
TOTAL	6968	5819	5625

Source: CORIS

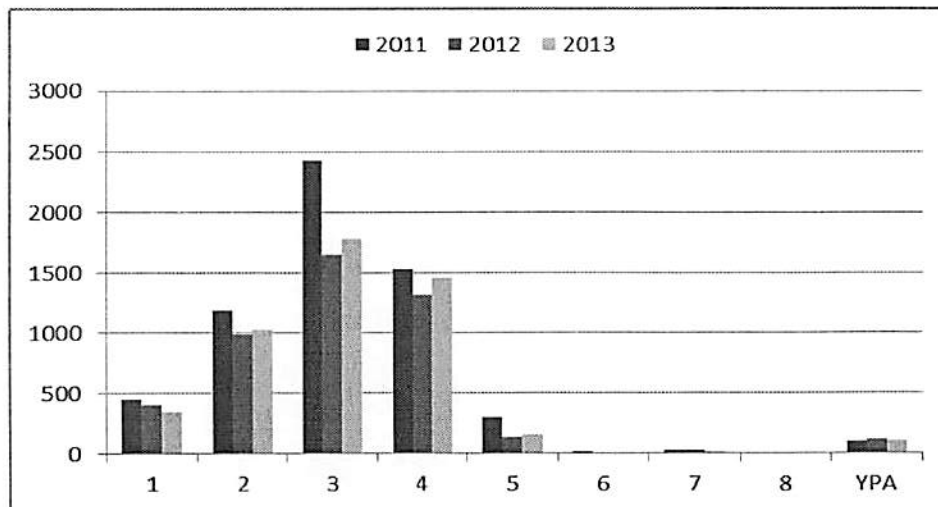
c. Juvenile Court

i. Total Cases and Parties Using Interpreter(s)



Source: CARE

ii. Total Cases by District³



Source: CARE

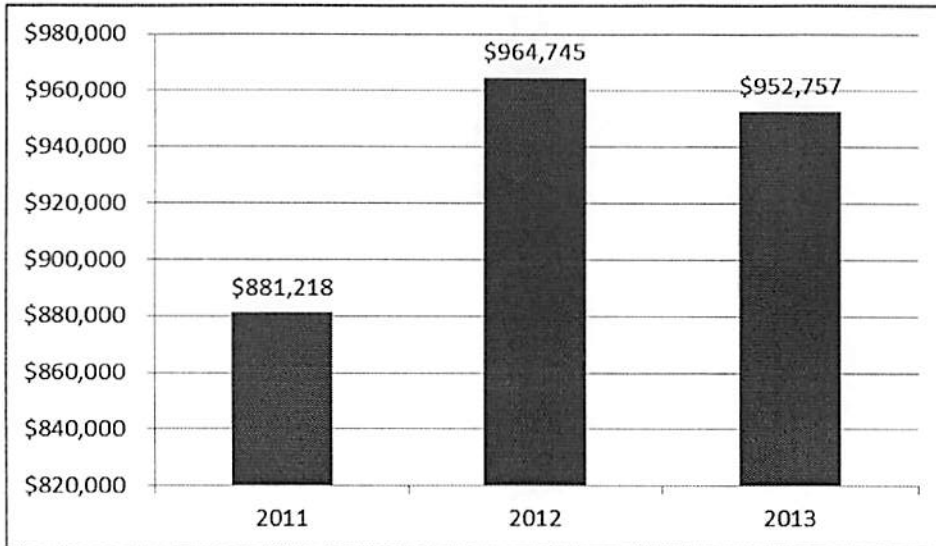
³ There are several cases associated with the Youth Parole Authority (YPA) each year. These are interpreted hearings held at the YPA, but recorded in CARE. In these cases, the court does not pay the interpreter.

Juvenile court data are compiled on a calendar year basis, and the data for calendar year 2013 include hearings scheduled through the end of 2013.

4. Language Access Program Costs

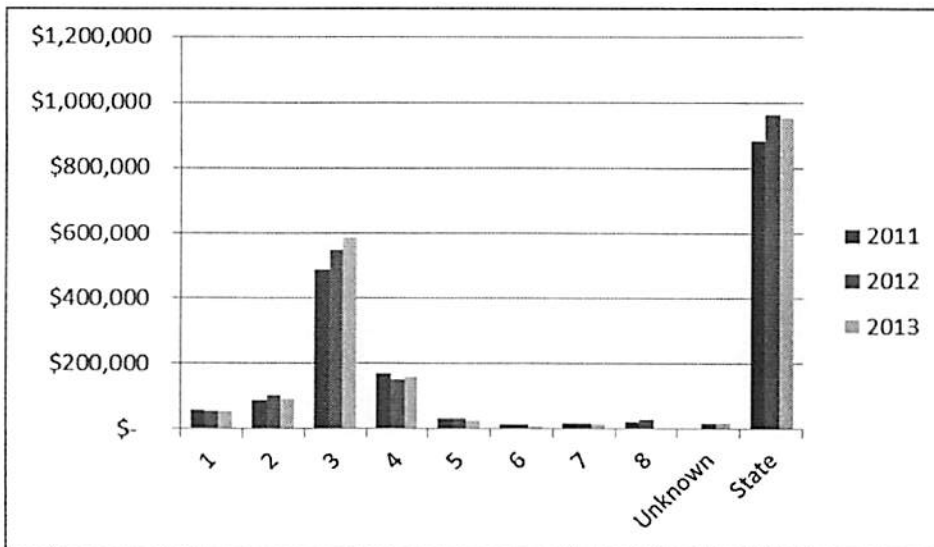
a. Language Interpreting

i. Interpreting Costs, 2011-2013



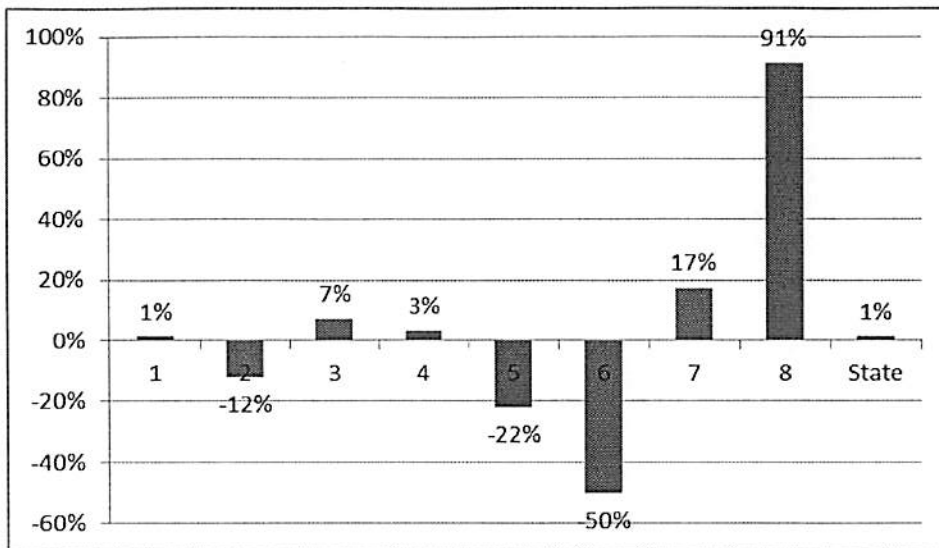
Source: FINET

ii. Interpreting Costs by District, 2011-2013



Source: FINET

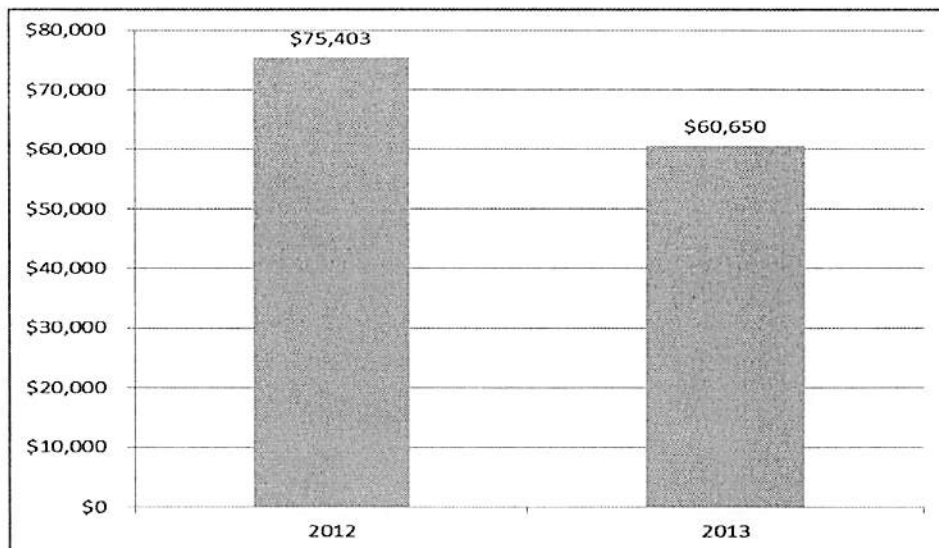
iii. Change in Language Interpreting Costs, 2012-2013



Source: FINET

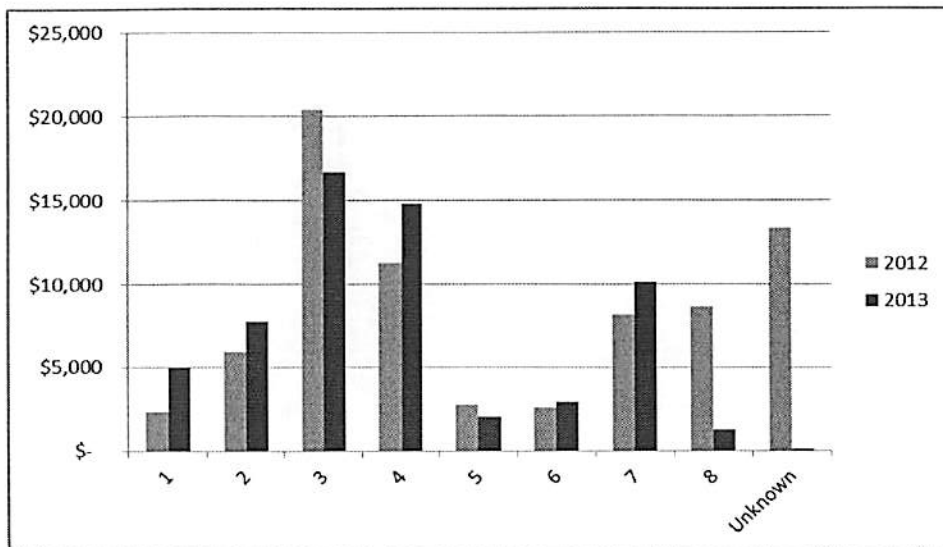
b. Travel

i. Travel Costs, 2012-2013



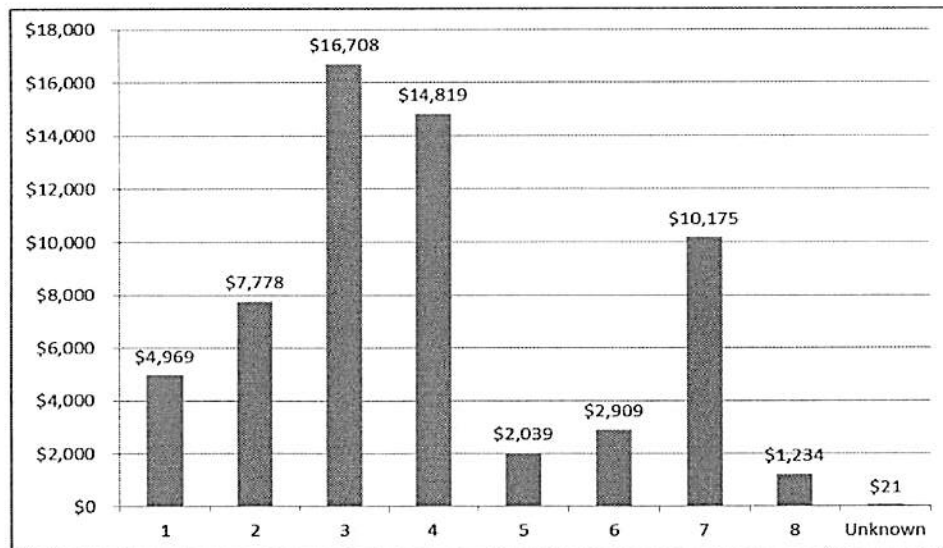
Source: FINET

ii. Travel Costs by District, 2012-2013



Source: FINET

iii. Travel Costs by District, 2013



Source: FINET

Coding for travel reimbursement has dramatically improved since 2012. In 2012, over \$13,000 was “unknown” or not attributed to a particular district. As the above graph shows, in 2013 only \$21 of over \$60,000 is not attributed to a particular district.

5. Analysis

a. Data Sources

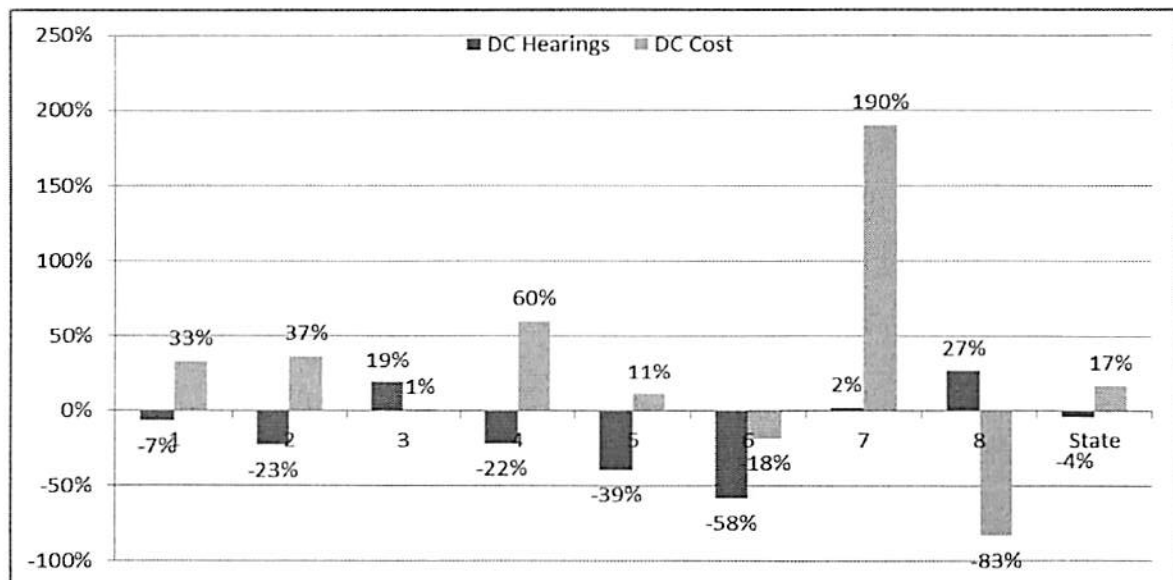
FINET is the most reliable source for data because the court and the interpreter have an interest in paying and being paid an accurate amount.

CORIS data are likely underreported, but not substantially. Judicial assistants are typically good about recording the presence of an interpreter. However, from a case management perspective, there is no difference between recording an interpreter, and failing to record an interpreter. Additionally, there are interpreting assignments for which an interpreter is paid that occur outside of a court hearing, so that they are not captured in CORIS.

CORIS shows that the number of interpreted hearings has continued to decline. Because CARE does not provide comparable hearing data, it is omitted from this analysis.

b. Program Costs vs. Number of Hearings

There does not seem to be a correlation between costs and hearings among districts. Only in the Third District did costs and hearings both increase, and only in the Sixth District did costs and hearings both decline. When the Third District (the only district to have staff interpreters) is removed from the analysis, the number of district court interpreted hearings declined by 23%, while costs increased by 36%.



Although the number of interpreted hearings in the Third District increased by 19%, costs increased only marginally at 1%, likely due at least in part, to interpretation provided by interpreters on staff.

It is unclear why costs in the Seventh District increased so dramatically, while the number of hearings increased only marginally.

Statewide, costs have declined, although not significantly. Interpretation costs have declined by about \$12,000, or 1%. Travel costs have declined by \$15,000, or nearly 20%. The decline in travel costs can likely be attributed, at least in part, to remote interpreting. This is evidenced by the nearly \$7,500 decrease in travel costs for the Eighth District alone.

6. Interpreter Information on the Court's Website

Information about the following topics can be found on the court's website:

- [American Sign Language Interpreters](#)
- [Find a Court Interpreter](#) (list of interpreters by language and credentials)
- [How to Become a Court Interpreter](#)
- [Request a Court Interpreter](#) (includes forms and instructions in English, Spanish, and Vietnamese)
- [English-Spanish Legal Terminology](#)
- [Language Access Committee](#)

7. Remote Interpreting Program

The remote interpreting project allows interpreters in the Third District to interpret hearings in Manti, Moab, Richfield, Roosevelt, and Vernal. Although the program still needs fine-tuning, it has resulted in measurable benefits to the courts, including cost-savings. As an example, travel costs associated with the Eighth District decreased from \$8,657 in 2012, to \$1,234 in 2013.

There are two offices located in the Matheson Courthouse, dedicated to remote interpreting. These offices contain all the equipment an interpreter needs to communicate with the equipment in the remote courtrooms. Unfortunately, there are periodic problems with the equipment. Equipment should be tested in order to discover problems before they occur during a hearing.

It is recommended that the remote interpreting program be further studied to determine whether expansion to other areas is feasible and whether it would result in additional benefits and savings to the courts.

8. Staff Interpreter Pilot Program

a. Estimated Savings

The Third District currently employs four staff interpreters through written agreements that are set to expire on June 30, 2014. Staff interpreter pay ranges from \$21.90 to \$30.30 per hour including benefits compared to \$39.02 per hour with no benefits for contract interpreters.⁴ The staff interpreters work full-time. Two of the interpreters have been on staff since mid-April 2011, one since mid-April 2012, and one since February 2013.

Staff interpreters keep track of their time and tasks on their calendars. Although the court's staff interpreters keep track of most of their time, they do not all keep track of all of their hours, all of the time. As a result, estimated savings were based on an average of the hours of the two staff interpreters with the most complete calendars.

Task	Average Hours Spent	Staff Interpreter @ \$30.30/hr	Contract Interpreter @ \$39.02/hr	Difference
Filing In	17	\$515	\$663	\$148
Front Counter/Library	21	\$636	\$820	\$184
Regular Interpretation	1756	\$53,201	\$68,519	\$15,318
Remote Interpretation	36	\$1,091	\$1,405	\$314
Translation	58	\$1,740	\$4,355 ⁵	\$523
Holiday	88	\$2,667		\$(2,667)
Vacation	108	\$3,272		\$(3,272)
Meetings	15	\$455		\$(455)
Total	2099	\$63,574	\$73,670	\$10,093

- Estimated annual savings per interpreter are negligible, particularly when benefits are taken into account.⁶
- Actual savings are likely higher, since this analysis does not include mileage reimbursement to contract interpreters. Staff interpreters are reimbursed for miles driven in a private vehicle, but they usually use a state vehicle.
- Webpage translation is a need that would largely go unmet if the court did not employ staff interpreters.

⁴ After the Legislature approved a 1% cost of living adjustment for fiscal year 2014, the staff interpreters' wages were increased, along with those of all other employees, to \$30.60 per hour. The Judicial Council approved a 1% increase for contract interpreters to \$39.41 per hour.

⁵ Contract interpreters who translate webpages, forms, and court documents are paid by the word. This amount is the cost for a contract interpreter to translate the webpages and forms translated by the staff interpreters in 2013.

⁶ In fiscal year 2014, wages and benefits for the four staff interpreters equaled \$267,831.71. Those paid at the highest rate, make roughly \$70,000 per year including benefits.

b. Third and Eighth District Collaboration

Through an agreement between the Third and Eighth Districts, the Third District interpreter coordinator schedules all interpreters for hearings in the Eighth District. Eighth District judicial assistants communicate the need for an interpreter and in which language, and the Third District coordinator schedules the interpreter.

If an in-person interpreter is needed, the coordinator schedules one of the staff interpreters to the hearing in the Eighth District, and then schedule a contract interpreter to cover any Third District hearings that would have been covered by the staff interpreter.

c. Recommendations

The savings resulting from the pilot program continue to be modest. However, in addition to savings, the court continues to benefit from the program in other ways including:

- No minimum fees.
- No travel reimbursement when the staff interpreter uses a state vehicle.
- Reduced reimbursement when the staff interpreter uses a private vehicle as compared to reimbursement to a contract interpreter.
- Increased translation of court webpages and forms.
- Unscheduled and short-term needs are better met, resulting in improvements in language access to the courts.
- Use of staff interpreters for remote and in-person interpreting in the Eighth District, and for remote interpreting in Richfield, Roosevelt, Manti, and Moab.
- Time in between hearings is productive.

Four staff interpreters have not exceeded the demand for their time. It is important that staff interpreters be trained to better understand the importance of keeping accurate and complete time records to ensure better data for future reference.

While it is recommended that the court retain the four staff interpreters as full-time, full-benefited employees, no additional staff interpreters in the Third District are recommended at this time. It is recommended that these positions be analyzed to ensure that staff interpreters are making the best use of their time. Further, it is recommended that we begin analyzing whether there are needs in other districts that warrant hiring staff interpreters.

9. Strategic Plan

The Language Access Committee (formerly the Court Interpreter Committee) has developed a strategic plan for addressing language access in the courts. The strategic plan focuses on cultural awareness, community outreach, quality interpretation, the role of the Language Access Committee, and education.

10. Expected Impact on Program Costs in 2014

a. Additional Judges in Eighth District

The Legislature recently authorized funding for two additional judges in the Eighth District, one in juvenile court and one in district court. It is difficult to determine what impact these positions will have on programs costs, but it is likely that there will be one.

b. Third District Aggravated Murder Case Requiring Karen and Burmese Interpreters

The Third District currently has an aggravated murder trial scheduled in a case that requires Karen and Burmese interpreters. Because there are no qualified Karen and Burmese interpreters in the state, coordinators have had to contract with interpreters outside of the state. The interpreting costs for this case are expected to exceed \$22,000, including interpreting for the entire trial, lodging, and per diem.