

## JUDICIAL COUNCIL MEETING

### AGENDA

Friday, March 14, 2014

Sabra G

Lexington Hotel

St George, Utah

*Chief Justice Matthew B. Durrant, Presiding*

Lunch will be served at 12:00 p.m.

1. 12:30 p.m. Welcome & Approval of Minutes . . . . Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 12:35 p.m. Chair's Report. . . . . Chief Justice Matthew B. Durrant
3. 12:45 p.m. Administrator's Report. . . . . Daniel J. Becker
4. 1:00 p.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. 1:10 p.m. Remarks from Utah State Bar President/President Elect. . . . Curtis Jensen  
(Information) Tom Seiler  
Angelina Tsu  
John Baldwin
6. 1:30 p.m. Fifth District Update. . . . . Judge John Walton  
(Information) Judge Thomas Higbee  
Rick Davis
7. 1:50 p.m. TCE Update. . . . . Shane Bahr  
(Information) Terri Yelonek
- 2:10 p.m. Break
8. 2:25 p.m. Proposed Rule for Final Action. . . . . Alison Adams-Perlac  
(Tab 3 - Action)
9. 2:35 p.m. Senior Judge Certification. . . . . Alison Adams-Perlac  
(Tab 4 - Action)
10. 2:40 p.m. Board of District Court Judges Update. . . . . Judge Kevin Allen

(Information)

11. 3:00 p.m. Legislative and Budget Update/Interim Highlights. . . . . Rick Schwermer  
(Information) Daniel J. Becker
12. Executive Session. . . . .
13. 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.*

1. Committee Appointments Jessica Van Buren  
(Tab 5) Alison Adams-Perlac
2. Rules Published for Comment Alison Adams-Perlac  
(Tab 6)

# TAB 1

# JUDICIAL COUNCIL MEETING

## Minutes

Monday, February 24, 2014

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. Carolyn McHugh for 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.

### **EXCUSED:**

Hon. James Davis

### **STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Alison Adams-Perlac  
Dawn Marie Rubio  
Debra Moore  
Jody Gonzales  
Rick Schwermer  
Tim Shea  
Brent Johnson  
Ron Bowmaster  
Heather Mackenzie-Campbell  
Derek Byrne  
Alyn Lunceford  
Charlie Bird  
Jymn Edwards  
Rosa Oakes  
Kim Allard

### **GUESTS:**

Judge James Brady, video conf  
Judge Vernice Trease  
Bruce Larsen, Cisco

### **1. WELCOME AND APPROVAL OF MINUTES: (Judge Kimberly K. Hornak)**

Judge Hornak welcomed everyone to the meeting.

**Motion:** Justice Parrish moved to approve the minutes from the January 27, 2014 Judicial Council meeting. Judge Harmond seconded the motion, and it passed unanimously.

### **2. CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**

Mr. Becker reported on behalf of Chief Justice Durrant:

Chief Justice Durrant, Mr. Becker and Mr. Schwermer met with House and Senate Leadership to discuss proposed legislation and other legislative matters.

### **3. ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

Mr. Becker reported on the following items:

2014 Legislative Session. Mr. Becker reviewed the appropriations process and highlighted the following: 1) the Appropriations Subcommittees spent the first week reviewing base budgets and identifying funds that could be reallocated, 2) four lists were created relative to funding needs, 3) funding for the Duchesne County courtroom expansion project, through a revenue bond, is being considered.

The four lists, created by the Appropriations Subcommittees, used for funding considerations include: 1) interagency reallocation list, 2) mandatory items list, 3) additional reallocations list, and 4) request for new funding recommended to Executive Appropriations Committee.

Funding for the Jury/Witness/Interpreter – FY 13 Deficit Supplemental is being addressed on the interagency reallocation list.

Funding for the Lease, O & M Increases is being considered on the mandatory items list.

Funding for courtroom and interpretation equipment is being considered on the additional reallocations list.

Funding for GAL attorney salary parity increases is being considered on the request for new funding list.

Funding for the Jury/Witness/Interpreter – ongoing increase will not be addressed this legislative session.

Conference of Court Public Information Officers (CCPIO). Ms. Nancy Volmer, courts public information officer, is slated to become the CCPIO present in May, and she will serve a two-year term.

Juab County Courthouse. The Juab County Courthouse opened on February 18. The Council is scheduled to hold their April 28 meeting in the new courthouse.

Judicial Retirement. Judge Ben Hadfield has announced his upcoming retirement, effective August 15.

E-Filing Exemption Request in Criminal Cases. A request for exemption from the electronic filing deadline of March 31, 2014 for criminal cases was received from Mr. Blake Nakamura of the Salt Lake District Attorney's office. The Management Committee scheduled the item to the February 24 Judicial Council agenda for consideration and requested Ms. Moore invite Mr. Nakamura to present his request for exemption to the Council.

The request was withdrawn and the court staff has been working with the Salt Lake County District Attorney's office to meet the e-filing deadline for criminal cases.

Executive Session. An executive session will be held later in the meeting.

Management Committee Meeting. A short Management Committee meeting will be held upon the completion of the Council meeting.

State of the Judiciary Address Photo. Mr. Becker presented to Chief Justice Durrant a photo from the State of the Judiciary Address.

#### **4. 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:***

Justice Parrish reported on the following:

The January 31 and February 7 minutes are included in the Council material. Further updates will be provided with Mr. Schwermer's legislative update.

***Policy and Planning Meeting:***

Judge Maughan reported on the following:

The February Policy and Planning Committee meeting minutes are included in the Council material. Several rules being considered by the committee will be placed on the March Judicial Council consent calendar.

***Bar Commission Report:***

Mr. Lund reported on the following:

A video clip advertising the Bar's Pro Bono and Modest Means program was viewed by members of the Council.

Plans are underway for the Bar's Spring Conference to be held in St George March 13-15.

**5. ETHICS ADVISORY COMMITTEE UPDATE: (Brent Johnson)**

Chief Justice Durrant welcomed Mr. Johnson to the meeting.

Mr. Johnson provided an update to the Council on the activities of the Ethics Advisory Committee. He highlighted the following in his update: 1) membership of the committee, 2) no opinions were prepared in 2013, 3) an opinion regarding the ability of a judge to send a letter of commendation to a supervisor is being addressed in the current year, 4) amendments to the Code of Judicial conduct submitted to the Supreme Court for approval, and 5) updating the annotations in the Code of Judicial Conduct.

Chief Justice Durrant thanked Mr. Johnson for his update.

**6. SENIOR JUDGE CERTIFICATION: (Alison Adams-Perlac)**

Judge Shumate has applied to be appointed as an active senior judge. He is in compliance with the minimum performance standards.

**Motion:** Judge Higbee moved to forward the recommendation, on behalf of the Council, to the Supreme Court to certify Judge James Shumate as an active senior judge – effective April 1. Judge Sandberg seconded the motion, and it passed unanimously.

**7. FINAL REPORT OF THE REMOTE SERVICES SUBCOMMITTEE: (Judge James Brady)**

Chief Justice Durrant welcomed Judge Brady, who joined the meeting remotely.

Judge Brady reported on the findings of the Remote Services Subcommittee. He highlighted the following in his report: 1) the committee's charge to examine the options available for remote hearings and services now that the judiciary relies on electronic filing, electronic records and electronic case management; 2) the committee focused their study on 16 court sites (contract sites included) that have fewer than 1,000 district court case filings annually; 3) county and district officials and local attorneys were surveyed with 13.8% responding; 4) reviewed the current statutes and rules in place in Utah and in other states with regard to remote

hearings; 5) review of federal law requirements regarding remote hearings; 6) current available technology for use with remote hearings was reviewed and analyzed; 7) future use of video conferencing needs was addressed; 8) the use of remote clerical services was addressed; and 9) more accessibility to XChange, My Case and OCAP by patrons.

The subcommittee determined that the video system used for remote services should mimic personal attendance as much as possible. The following points were highlighted in this regard: 1) the remote participants should be able to see and hear the courtroom participants and vice-versa; 2) the remote participants should be able to see and hear each other; 3) the public should be able to see and hear the remote participants from the courtroom; 4) if counsel and client are in different locations, they should be able to communicate confidentially; 5) documents, photos, and the like that are delivered in the courtroom should be delivered previously or simultaneously to the remote participants; 6) there should be a verbatim record of the proceedings; and 7) the system should support remote interpreting.

Recommendations from the Remote Services Committee include the following: 1) create a foundation for the present uses of remote technology and expand its use by amending statutes and rules to support it; 2) request the IT department to continue researching the most effective systems for use in courtrooms; 3) enhance the technologies currently in place; 4) modify XChange to allow a court user access to his or her case information and records without charge, similar to the access provided to lawyers in district court cases and similar to access provided to parties through the juvenile court's My Case; and 5) explore and expand other self-service options, like OCAP and internet-based information and forms.

Questions were asked how the following would be addressed: 1) change of plea, and 2) evidentiary proceedings. Discussion took place.

Mr. Becker noted that funding for courtroom and interpretation equipment has been set aside by the Appropriations Committee, which could be used to address remote services needs.

Chief Justice Durrant thanked Judge Brady for his presentation and expressed his appreciation to the Remote Services Committee for their work in researching and preparing the findings of their study.

**Motion:** Judge Maughan moved to accept the report, on behalf of the Committee on Remote Hearings and Services, and refer it to the Policy and Planning Committee to consider further recommendations. Judge Harmond seconded the motion, and it passed unanimously.

#### **8. LEGISLATIVE AND BUDGET HIGHLIGHTS: (Daniel J. Becker and Rick Schwermer)**

Mr. Schwermer highlighted, in his update, the following bills being considered this legislative session: 1) SB 108 – Judiciary Amendments, 2) HB 251 – Unsworn Declaration Amendments, 3) HB 70 – Forcible Entry Amendments, 4) SB 132 – Human Services Amendments, 5) HB 85 Electronic Filing of Traffic Citations and Accident Reports Amendments, 6) SB 159 – Bail Amendments, 7) HB 319 – Court System Modification Amendments, 8) SB 54 – Elections Amendments, 9) HB 128 – Electronic Device Location Amendments, 10) HB 325 – Judicial Performance Evaluation Commission Amendments, 11) HB 120 Continuing Education on Federalism, 12) HB 303 – Driving Under the Influence Amendments, 13) HB 318 – Right of Parents and Children Amendments, 14) grand jury panel proposal, 15) HB 404 – Court Security Fee Amendments, 16) mental health court funding, and 17) Legislative subpoena authority.

Discussion took place.

**9. LANGUAGE ACCESS COMMITTEE UPDATE: (Judge Vernice Trease and Alison Adams-Perlac)**

Chief Justice Durrant welcomed Judge Trease to the meeting:

Judge Trease provided an update to the Council on the activities of the Language Access Committee. She highlighted the following in her update: 1) current members of the committee were noted, 2) strategic plan objectives, 3) language access standards of importance, 4) current items of focus, 5) period review and amendments to Rule 3-306 and the accounting Manual, 6) federal language access regulation awareness, and interpreter usage.

The strategic plan objectives being addressed by the Language Access Committee include: 1) cultural awareness, 2) community outreach, 3) quality interpretation, 4) role of the committee, and 5) education.

Standards of importance to the committee include: 1) providing language access to people with limited English proficiency, 2) elevating the quality of interpreters, and 3) ensuring that Rule 3-306 and the Accounting Manual are consistent with best practices and meet federal language access regulations.

The current focus of the Language Access Committee included the following: 1) review and update interpreter scheduling process, 2) review and reorganize training and testing practices, and 3) development of curriculum on language and culture for court staff.

Chief Justice Durrant thanked Judge Trease for her update.

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

**10. EXECUTIVE SESSION:**

An executive session was held at this time.

**11. ADJOURN**

The meeting was adjourned.



# TAB 2

# **Management Committee Minutes**

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

**Monday, February 24th, 2014  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**MEMBERS PRESENT:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Thomas Higbee for Hon. Kimberly Hornak  
Hon. Carolyn McHugh for Hon. James Davis  
Hon. George Harmond  
Hon. John Sandberg  
Hon. Randall Skanchy

**EXCUSED:**

Hon. James Davis  
Hon. Kimberly Hornak

**STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Alison Adams-Perlac  
Jody Gonzales  
Dawn Marie Rubio  
Rick Schwermer  
Tim Shea  
Jessica Van Buren

**GUESTS:**

**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 Skanchy moved to approve the minutes. Judge Harmond seconded the motion, and it passed unanimously.

**2. COMMITTEE APPOINTMENTS: (Jessica Van Buren and Alison Adams-Perlac)**

The Committee on Resources for Self-Represented Parties recommended the approval of Judge Ryan Evershed as the juvenile court judge representative, with the expiration of Judge Scott Johansen's term on the committee.

**Motion:** Judge Skanchy moved to approve the recommendation, on behalf of the Committee on Resources for Self-Represented Parties, to appoint Judge Ryan Evershed to fill the vacancy as the juvenile court judge representative on the committee and place it on the March Judicial Council consent calendar. Judge Sandberg seconded the motion, and it passed unanimously.

The Committee on Resources for Self-Represented Parties recommended the approval of Mr. Eric Mittelstadt, as the OCAP representative, with the expiration of Mr. Russ Minas' term on the committee.

**Motion:** Judge Skanchy moved to approve the recommendation, on behalf of the Committee on Resources for Self-Represented Parties, to appoint Mr. Eric Mittelstadt to fill the vacancy as the

OCAP representative on the committee and place it on the March Judicial Council consent calendar. Judge Harmond seconded the motion, and it passed unanimously.

The Language Access Committee recommended the approval of Ms. Mary Kaye Dixon to fill the interpreter coordinator vacancy on the committee.

**Motion:** Judge Sandberg moved to approve the appointment of Ms. Mary Kaye Dixon to serve as the interpreter coordinator representative on the Language Access Committee and place it on the March Judicial Council consent calendar. Judge Skanchy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reviewed the proposed Council agenda for the March 14 Council meeting.

**Motion:** Judge Skanchy moved to approve the agenda for the March 14 Council meeting as amended. Judge Harmond seconded the motion, and it passed unanimously.

**4. ADJOURN**

The meeting was adjourned.

# **Liaison Committee Minutes**

# JUDICIAL COUNCIL LIAISON COMMITTEE MEETING

Minutes  
Friday, February 14, 2014  
Matheson Courthouse  
Council Room

Honorable Jill Parrish, Presiding

## ATTENDEES:

Hon. Thomas M. Higbee  
Hon. David Marx  
Hon. David Mortensen  
Justice Jill Parrish

## STAFF PRESENT:

Alison Adams-Perlac  
Daniel J. Becker  
Nancy Merrill  
Debra Moore  
Dawn Marie-Rubio  
Rick Schwermer  
Tim Shea

## EXCUSED:

## GUESTS:

Hon. Brendan McCullagh

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### 1. WELCOME: (Justice Jill Parrish)

Justice Parrish welcomed everyone to the meeting.

***Motion:** Judge David Mortenesen moved to approve the minutes from the Liaison Committee Meeting on February 7, 2014. Judge David Marx seconded the motion. The motion carried unanimously.*

### 2. H.B. 120 Continuing Education On Federalism (Chief Sponsor: Ken Ivory) (Justice Jill Parrish)

This bill requires the Commission on Federalism to create a curriculum for a seminar on federalism that will then be required for all state and local employees who are members of the Utah State Bar.

Mr. Schwermer explained to the committee that the commission is made up of legislators. The fiscal note is \$23,000. The committee had a lengthy discussion on the possible unintended application of the bill to the judiciary and if they should address their concerns now or wait for the bill to go to the Senate. Mr. Shea noted that currently on line 99 the bill requires the employee to attend one class in a two year period. The committee decided that if timing requires action before February 24, the next council meeting, Mr. Schwermer will address the committees' concerns. The bill will be back on the Liaison Agenda for February 21, 2014.

***Liaison Committee's position:** Defer the bill; it will be on the agenda next week*

**3. H.B. 128 Electronic Device Location Amendments  
(Chief Sponsor: Ryan D. Wilcox) (Judge David Mortensen)**

This bill requires that a governmental entity obtain a search warrant before obtaining the location information of an electronic device.

Judge Mortensen pointed out that lines 55-58 are a Rule of Criminal Procedure and lines 70-72 are a Rule of Evidence. The committee had further discussion on how the bill could possibly affect the administration of justice.

*Liaison Committee's position: No position but point out rule-making issues*

**4. H.B. 201 Visitation Amendments  
(Chief Sponsor: LaVar Christensen) (Judge David Mortensen)**

This amends provisions related to supervised parent-time.

The committee discussed various sections in the bill that contain contradictory wording.

*Liaison Committee's position: No position*

**5. H.B. 248 1<sup>st</sup> Sub. (Buff) Crime Victims Restitution Amendments  
(Chief Sponsor: Mike K. McKell) (Justice Jill Parrish)**

This bill allows a designated representative of a victim to pursue restitution claims.

The committee agreed that the bill has been successfully amended since the last draft.

*Liaison Committee's position: No position*

**6. H.B. 325 Judicial Performance Evaluation Commission Amendments  
(Chief Sponsor: Eric K. Hutchings) (Judge David Marx)**

This bill amends provisions related to the Judicial Performance Evaluation Commission Act.

Mr. Schwermer explained that there will be an amended draft of the bill changing the standard to be the same as the code of judicial administration rule.

*Liaison Committee's position: Support with the changes*

**7. H.B. 336 Court System Task Force  
(Chief Sponsor: Jeremy A. Peterson) (Justice Jill Parrish)**

This bill creates the Court System Task Force, composed of 15 members, and specifies study issues.

The substitute bill was amended to include judicial members on the task force. The study has been narrowed but the committee agreed that the bill still is very broad.

*Liaison Committee's position: No position but look for additional opportunities to amend*

**8. S.B. 46 2<sup>nd</sup> Sub. (Salmon) Administrative Subpoena Modifications  
(Chief Sponsor: Mark B. Madsen) (Judge David Mortensen)**

The bill amends provisions related to administrative subpoenas.

The committee discussed pointing out a specific concern on line 70 and possibly making the "requests" warrants.

*Liaison Committee's position: No position but there are drafting issues*

**9. S.B. 85 Driving Under the Influence Sentencing Revisions  
(Chief Sponsor: Scott K. Jenkins) (Judge David Marx)**

This bill modifies the Traffic Code by amending provisions relating to sentencing requirements for driving under the influence violations.

The bill would add a fiscal impact to the judiciary. Previously ordering interlock was an administrative function; the bill makes interlock a responsibility of the judiciary. Mr. Schwermer informed the committee that there is fiscal note of roughly \$32,000. The committee discussed the wording in the bill and decided keep the fiscal note and talk to NHTSA.

*Liaison Committee's position: No position*

**10. S.B. 88 Child Interview Amendments  
(Chief Sponsor: Ralph Okerlund) (Judge Thomas Higbee)**

This bill amends provisions relating to an interview conducted at a Children's Justice Center.

The committee agreed with the intention of the bill but the wording in the bill is unclear. They agreed that there are due process issues and discussed particular lines;

Line 580  
Line 612  
Line 625



*Liaison Committee's position: No position but there needs to be drafting clarifications*

**11. S.B. 159 Sub. (Green) Bail Amendments  
(Chief Sponsor: Scott K. Jenkins) (Judge David Mortensen)**

This bill allows a court to order bail money to be paid to a judgment creditor.

The committee discussed conflicting wording in the bill. The bill still has drafting issues despite the prior concerns that were addressed.

*Liaison Committee's position: No position but*

**12. Other Business:**

**H.B. 70 Enforceable Entry Amendments 1<sup>st</sup>. Sub. (Buff) Protected Draft  
(Chief Sponsor: Luz Robles) (Rick Schwermer)**

This bill modifies the Utah Code of Criminal procedure regarding the use of forceable entry by law enforcement officers when conducting a search or making an arrest.

Mr. Schwermer handed out H.B. 70sl to the committee. They discussed editing lines 71-78. It possibly conflicts with Rule 40 after line 70.

*Liaison Committee's position: No position but*

Mr. Schwermer reported that the Grand Jury Bill and H.B. 303 the DUI bill are dead. Mr. Schwermer discussed the Count My Vote issue and S.B 54 with the Liaison Committee. He is pursuing a fix with Sen. Bramble in cooperation with JPEC.

**NEXT MEETING:**

**February 21, 2014  
12:00 p.m.  
Council Room**

# JUDICIAL COUNCIL LIAISON COMMITTEE MEETING

Minutes  
Friday, February 21, 2014  
Matheson Courthouse  
Council Room

Honorable Jill Parrish, Presiding

## **ATTENDEES:**

Hon. Thomas M. Higbee  
Hon. David Marx  
Hon. David Mortensen  
Justice Jill Parrish

## **STAFF PRESENT:**

Alison Adams-Perlac  
Daniel J. Becker  
Brent Johnson  
Nancy Merrill  
Debra Moore  
Dawn Marie Rubio  
Rick Schwermer  
Tim Shea  
Ray Wahl

## **EXCUSED:**

## **GUESTS:**

Judge Brendan McCullagh

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### 1. **WELCOME: (Justice Jill Parrish)**

Justice Parrish welcomed everyone to the meeting.

***Motion:** Judge David Mortensen moved to approve the minutes from the Liaison Committee Meeting on February 14, 2014. Judge David Marx seconded the motion, and the motion carried unanimously.*

### 2. **HB 137 Amendments To Driver License Sanctions For Alcohol Or Drug Related Offenses (Chief Sponsor: John Knotwell) (Judge David Marx)**

This bill modifies provisions relating to driver license suspension requirements for certain alcohol related offenses.

The committee discussed the changes for alcohol convictions pertaining to minors and agreed there are no practical problems.

***Liaison Committee's position:** No position*

### 3. **H.B. 144 Elections Complaints Amendments (Chief Sponsor: Rebecca Chavez-Houck) (Justice Jill Parrish)**

This bill amends provisions of the Election Code relating to elections complaints and

creates the Utah Elections Board.

The committee discussed some of the concerns with several sections of the bill:

- line 234
- subpoena power section
- election matters are already being determined by the Supreme Court timely
- membership of the election commission includes active senior judges
- rights of appeal are one sided

The committee agreed the concerns are mainly policy. Mr. Schwermer pointed out that there is no fiscal note yet.

***Liaison Committee's position: No position but the processes are unusual and some of the provisions are contradictory***

**4. H.B. 351 Birth Certificate Amendments  
(Chief Sponsor: Johnny Anderson) (Judge David Mortensen)**

This bill allows an individual to petition a district court to change the name of a parent listed on the individual's birth certificate.

The committee was discussed how the bill affects the credibility of birth certificates.

***Liaison Committee's position: No position but point out the committee's concerns and suggest adding a provision to keep the original birth certificate accessible.***

**5. H.B. 366 Expungement Amendments  
(Chief Sponsor: Eric K. Hutchings) (Judge David Mortensen)**

This bill amends provisions related to the issuance of an expungement order.

Judge Mortensen explained that the bill expands the scope of expungement orders. The committee discussed the potential effects on specific databases and agreed the concerns with the bill are strictly policy.

***Liaison Committee's position: No position***

**6. H.B. 368 Jury Duty Amendments  
(Chief Sponsor: Craig Hall) (Judge David Mortensen)**

This bill amends provisions related to the Jury and Witness Act to address jury service requirements for specific counties.

The committee had discussion about the motive of the bill.

***Liaison Committee's position: No position***

**7. S.B. 201 Expungement Modifications  
(Chief Sponsor: Scott K. Jenkins) (Judge David Marx)**

This bill makes changes to the Utah Expungement Act.

*Liaison Committee's position: No position*

**8. S.B. 221 Indigent Counsel In Juvenile Court  
(Chief Sponsor: Todd Weiler) (Judge Thomas Higbee)**

This bill amends provisions related to the appointment of counsel for indigents in juvenile court proceeding.

Judge Higbee pointed out confusing language on line 112 and line 116-119. There may be unintended consequences regarding a delinquent child and the conflict of interest with a parent who is expected to pay for defense council. The committee had further discussion about concerns with child welfare issues.

*Liaison Committee's position: No position but point out concerns with requiring the parent's income.*

**9. Other Business:**

Mr. Schwermer discussed additional bills that may be presented; HB 117 Patent Infringements Issue. Mr. Schwermer reported that the language concerns in H.B. 201 have been removed.

**NEXT MEETING:**

**February 28, 2014  
12:00 p.m.  
Council Room**

# **Policy and Planning Committee Minutes**

## **Minutes of the Policy and Planning Committee**

March 7, 2014

Draft: Subject to Approval

### **Members Present**

Glen R. Dawson, Paul G. Maughan, Reed S. Parkin, Thomas Higbee

### **Members Excused**

John R. Lund

### **Staff**

Alison Adams-Perlac

### **Guests**

Tom Langhorne, Tim Shea, Jennifer Spangenberg, Ray Wahl

#### **(1) Approval of minutes.**

The minutes of February 7, 2014 were approved with a minor amendment to those present.

#### **(2) Senior Judge Education**

Mr. Wahl explained that some senior judges have a difficult time meeting the judicial education requirements when they are teaching out-of-state or overseas. These senior judges are available for service when they are in the country, and are more than willing to serve. He suggested that the rule be more flexible to allow a senior judge to obtain more CLE hours when they are providing training. He suggested that an exigent circumstances requirement be added to be determined by the Management Committee or the Executive Education Standing Committee.

Mr. Wahl also suggested that video trainings could be provided. He stated that some of the barriers to overcome are that the videos are sometimes poor quality, and provide no opportunity for interaction.

Judge Maughan stated that senior judges should be "available for service" if they are to remain on active status.

Mr. Langhorne explained that teaching can provide more of a learning opportunity than attending training. He stated there the current policy is that credit for training is limited to 1/3 of the 30 CLE hours. He suggested that any exception to the 10 hour rule be limited to senior judges.

Mr. Wahl quested whether the annual legislative update can be taped to allow senior judges to view it. The committee discussed that the legislative update is not currently mandatory for the senior judges to attend. Mr. Langhorne stated that taping the update is a priority. However, he stated his concern that there is a lack of efficacy for training done by video, and participants tend to tune out after 12 minutes.

Judge Parkin suggested that the rule be amended to state that an active senior judge be moved to inactive senior judge status if more than a year has passed since the judge performed service.

Ms. Adams-Perlac stated that the rule is quite flexible, as it provides a good cause exception for missing the annual judicial conference, and that it is the guidelines that need to address any changes.

Mr. Langhorne suggested that rule could be drafted so that the standing education committee could make a recommendation to the Management Committee regarding whether an exception under the guidelines has been met.

Mr. Langhorne offered to draft a proposed change to the guidelines for review by Policy and Planning, the Executive Standing Education Committee, and the Management Committee.

Judge Maughan stated that the guideline could be drafted so that a decision could be made by the Management Committee, but it could be put on the Council's consent calendar so that it would only be brought up if necessary.

Mr. Langhorne and Mr. Wahl will draft a proposed amendment to the guideline, and will provide it to Ms. Adams-Perlac for consideration at an upcoming Policy and Planning Committee meeting.

**(3) Rule 4-906. Continuing education for private attorney guardians ad litem.**

Ms. Spangenberg, of the Office of Guardian ad Litem discussed a proposed change to rule 4-906. The proposal allows the Office of Guardian ad Litem to remove a private guardian ad litem from its roster if the private guardian ad litem fails to meet the training requirements.

Ms. Adams-Perlac stated that the training is required by statute.

Ms. Spangenberg stated that the Office of Guardian ad Litem is working to make trainings more accessible to private GAL's, including posting some of the trainings online. She stated that the office will prepare a list every year and will make sure everyone has complied.

Judge Dawson moved to approve the amendment to rule 4-906, and to put it on the Council's consent calendar. Judge Higbee seconded the motion and it passed unanimously.

**(4) Rule 4-403. Signature stamp use for orders on unopposed DWS motions.**

Ms. Adams-Perlac discussed a proposed change to rule 4-403, which would allow a court clerk to use a judge's signature stamp for orders on unopposed motions for DWS to provide debtor information.

Judge Dawson stated that there are many of these motions arising, and DWS has determined not to oppose them any longer.

Judge Dawson suggested adding "debtor or defendant" to those who must not oppose it in order for a signature stamp to be used.

Ms. Adams-Perlac stated that she drafted the rule very narrowly, because she could not think of any other circumstances that would justify a broader application.

Judge Higbee asked whether there are any downsides to the rule. Judge Dawson stated that the rule would be positive as it would allow these motions to be dealt with more expeditiously.

Ms. Adams-Perlac stated that Judge David Mortensen, who had initially suggested the rule, had requested that the rule be recommended on an expedited basis.

Judge Dawson encouraged the committee to consider the rule on an expedited basis. The committee approved the rule and recommended that it be considered by the Judicial Council on an expedited basis.

## **(5) Remote hearings.**

Mr. Shea discussed the Remote Hearings Committee. He stated the Committee's desire to have Policy and Planning agree or disagree on whether the Committee's suggestions are an appropriate direction for the judiciary to go.

He reviewed the rule amendments for the Council's consideration, including Utah Code of Judicial Administration rules 4-106, 3-302, and 9-105.

Mr. Shea stated that the notion of remote hearings will be difficult and will require more outreach and convincing of the Bar and the Bench. He stated that the Cisco system is the level of quality that is needed for these hearings, but that it is estimated that it will cost \$10,000 to \$20,000 per courtroom to make this happen.

Mr. Shea expressed his concern about Viack being used to conduct video arraignments. He stated that when there is a rule or statute that permits someone to appear by audio or video, the courts are generally ok with it, as long as it does not interfere with some other constitutional right, e.g. the right to counsel.

Mr. Shea stated that if our current practices were challenged, that challenge would likely be successful, so we need rules to govern the process. Mr. Shea stated that the proposed rules go beyond what people may be comfortable with.

He stated that there are two overarching principles: 1) judicial discretion, and 2) under what circumstances do the parties have to agree to it.

Mr. Shea stated that there are opportunities for the court to save money using this process, e.g. remote interpretation.

Judge Parkin asked whether the policies apply to justice court. He stated that the focus should be on the entire judiciary, and that the policies should take into account the justice court.

Mr. Shea stated that the policy is meant to cover all courts. He stated that the main concerns are constitutional/due process related. He stated that the better we can recreate the in person experience by means of audio/video, the closer it will be to meeting constitutional requirements. He further stated that the constitution does not guarantee the "third dimension."

Judge Parkin recommended that the rule be focused on judicial discretion.

Judge Maughan stated that he is in favor of the amendments to rule 4-106, as long as it is limited to whether or not it can be done, and does not say anything about how to use it.



Judge Dawson stated that the first sentence does not make sense. Mr. Shea recommended removing the sentence from the rule, and Judge Maughan and Judge Dawson agreed.

Mr. Shea stated that something less than the proposed rule might satisfy the Constitution, but he knows the proposed rule definitely will. He stated that justice courts may not be able to do video arraignments the way they have been doing them.

The Committee discussed approving the rule in line with the other rule changes that will be made by the rules committees.

The Committee approved the concept of remote hearings and the proposed changes to the Utah Code of Judicial Administration. The Committee will wait to put the item on the Judicial Council's consent calendar until other rule changes can go out with it.

**(6) Other business.**

The Committee discussed scheduling for the next two meetings. The Committee will meet after the legislative update on April 4, at 1:15 p.m., with Judge Higbee appearing by phone.

The Committee will meet on May 2 at 10:00 a.m.

The meeting was adjourned at 1:30 p.m.

# TAB 3



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Alison Adams-Perlac *Alison Adams-Perlac*  
**Date:** March 10, 2014  
**Re:** Rule 4-403, Signature Stamp Use for Orders on Unopposed DWS Motions

---

The Policy and Planning Committee recommends an amendment to Utah Code of Judicial Administration Rule 4-403, Signature stamp use. The amendment would allow a clerk to use a judge's signature stamp on orders resulting from unopposed motions for the Department of Workforce Services (DWS) to release debtor information.

Multiple judges have raised this issue, as these motions are being filed by the tens and hundreds. For some time, DWS had opposed the motions, and the courts ruled on them. However, DWS has recently decided not to oppose such motions.

Due to the number of these motions, the fact that they are unopposed and the time that they take, judges have requested, and the Policy and Planning Committee recommends, that the amendment be considered by the Judicial Council on an expedited basis. If approved, the rule would be effective immediately and would be subject to change following public comment.

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efficient, and independent system for the advancement of justice under the law.

450 South State Street / POB 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3821 / Fax: 801-578-3843 / email: [alisonap@utcourts.gov](mailto:alisonap@utcourts.gov)

**Rule 4-403. Signature stamp use.**

Intent:

To establish a uniform procedure for the use of judges' and commissioners' signature stamps.

Applicability:

This rule shall apply to all trial courts of record and not of record.

Statement of the Rule:

(1) A clerk may, with the prior approval of the judge or commissioner, use a "signature stamp" in lieu of obtaining the judge's or commissioner's signature on the following:

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);

(1)(E) orders to show cause;

(1)(F) orders to take into custody;

(1)(G) summons;

(1)(H) supplemental procedure orders;

(1)(I) orders setting dates for hearing and for notice;

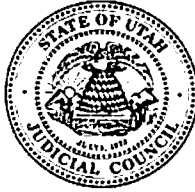
(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning debtors, where neither DWS nor the debtor opposes the motion; and

(1)(K) orders for transportation of a person in custody to a court hearing.

(2) When a clerk is authorized to use a signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the stamped imprint of the judge's or commissioner's signature.

29       (3) All other documents requiring the judge's or commissioner's signature  
30 shall be personally signed by the judge or commissioner, unless the judge or  
31 commissioner, on a document by document basis, authorizes the clerk to use the  
32 judge's or commissioner's signature stamp in lieu of the judge's or  
33 commissioner's signature. On such documents, the clerk shall indicate in writing  
34 that the stamp was used at the direction of the judge or commissioner and shall  
35 sign his or her name directly beneath the stamped imprint of the judge's or  
36 commissioner's signature.

# TAB 5



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

February 19, 2014

Daniel J. Becker  
State Court Administrator  
Ray Wahl  
Deputy Court Administrator

### MEMORANDUM

**TO:** Management Committee

**FROM:** Jessica Van Buren, State Law Librarian

**RE:** Nominees for Committee on Resources for Self-Represented Parties

---

We have a number of vacancies to fill on the Committee on Resources for Self-Represented Parties.

#### Juvenile Court Judge

Judge Scott Johansen's term has expired. The Board of Juvenile Court Judges recommends **Judge Ryan Evershed** for this vacancy.

#### OCAP Representative

**Eric Mittelstadt**, Deputy Director of Utah Legal Services, has submitted his application for the OCAP representative position, replacing Russ Minas whose term has expired. Mr. Mittelstadt's letter of interest and resume are included for your consideration.

Next month I will present candidates for additional vacancies on the committee, including

- Committee chair
- Community representative
- Law school representative
- Legal service organization representative (2 positions)

Thank you for your consideration of these candidates.

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

----- Forwarded message -----

From: **Eric Mittelstadt** <[eric@utahlegalservices.org](mailto:eric@utahlegalservices.org)>

Date: Mon, Feb 10, 2014 at 2:14 PM

Subject: RE: Committee on Resources for Self-Represented Parties

To: Jessica Van Buren <[jessicavb@utcourts.gov](mailto:jessicavb@utcourts.gov)>

Jessica,

Thank you for reaching out to me. I am a long time member of the OCAP board and agree that it is important that there be a strong connection between that group and the Self-Represented Parties Committee. For this reason, and also because my agency is involved in assisting many self represented parties, and in bridging gaps in service to ensure meaningful access to justice in Utah, I am interested in being considered for membership. I trust this email will serve to announce that interest and I've attached my resume. Please let me know if you need anything else from me.

Eric

Eric Mittelstadt

Deputy Director at

Utah Legal Services at

The Community Legal Center

205 North 400 West

Salt Lake City, Utah 84103

801-924-3388

fax 801-924-3194

cell 801-573-3636

[eric@utahlegalservices.org](mailto:eric@utahlegalservices.org)



# ERIC MITTELSTADT

## *Attorney at Law*

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Utah Toll Free: 1-800-662-4245  
National Toll Free: 1-800-945-9885  
E-Mail: [eric@utahlegalservices.org](mailto:eric@utahlegalservices.org)

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### EMPLOYMENT      UTAH LEGAL SERVICES

Deputy Director, 2009 -  
Salt Lake City, Utah

Director of Advocacy & Personnel, 2001 - 2009  
Salt Lake City, Utah

Director, Legal Assistance for Victims of Abuse, 1998 - 2001  
Chair, Domestic Task Force, 1999 - 2001  
Salt Lake City, Utah

Managing Attorney, Provo Office, 1995-1998  
Director, Legal Center for Victims of Domestic Violence, 1995 - 1998  
Provo, Utah

Housing Unit Supervisor, 1993 - 1995  
Chair, Housing Task Force, 1993 - 1999  
Salt Lake City, Utah

Staff Attorney, Neighborhood Attorney Project, 1991 - 1995  
Salt Lake City, Utah

Law Clerk, 1990-1991

### EDUCATION      UNIVERSITY OF UTAH COLLEGE OF LAW

Salt Lake City, Utah  
Juris Doctorate, May 1991

UNIVERSITY OF UTAH  
Salt Lake City, Utah  
Bachelor of Arts, August 1988  
English with Spanish minor

**EXPERIENCE**

**MANAGEMENT INFORMATION EXCHANGE**

Board Member, Chair, Administrator's Subcommittee, 2003 –  
Member, Training Subcommittee. Trainer on Legal Work Supervision  
and Legal Services Management Issues. Consultant for Legal Services  
Programs on Executive Director Hiring Searches.

**UTAH SUPREME COURT ETHICS & DISCIPLINE COMMITTEE**

2012 –

**ON LINE COURT ASSISTANCE PROGRAM COMMITTEE**

1994 -

**UTAH DOMESTIC VIOLENCE ADVISORY COUNCIL**

1998 - 2001

**DELIVERY OF LEGAL SERVICES BAR COMMITTEE MEMBER**

1997 - 1999

**LECTURER AND TRAINER**

Ethics, Communication, Management, Landlord/Tenant, Subsidized  
Housing and Domestic Law Trainer for Continuing Legal Education  
events locally and nationally.

**INTERESTS**

Family, camping and hiking in Utah and Montana. League organizer and  
player in a co-ed recreational soccer league.

**PERSONAL**

Born 1966, Shakopee Minnesota. Moved to Utah 1975.  
Married 1988. Three children: Alec 19, Cullen 15 and Ella 11.



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Management Committee  
**From:** Alison A. Adams-Perlac *Alison Adams-Perlac*  
**Date:** February 19, 2014  
**Re:** Language Access Committee Proposed New Member

---

The interpreter coordinator position on the Language Access Committee is vacant. The position was recently advertised and one interpreter coordinator expressed interest in serving on the Committee.

I have attached Mary Kaye Dixon's email of interest. She has been an interpreter coordinator for over three years, and has good insight into the challenges that arise in that role. Additionally, Ms. Dixon is very enthusiastic about the Language Access Committee and its responsibilities and goals.

Based on her experience and interest, I would recommend that Mary Kaye Dixon be appointed to serve on the Language Access Committee.

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efficient, and independent system for the advancement of justice under the law.

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----- Forwarded message -----

From: **Mary Kaye Dixon** <[marykd@utcourts.gov](mailto:marykd@utcourts.gov)>

Date: Mon, Feb 10, 2014 at 10:19 AM

Subject: Language Access Committee

To: Rosa Oakes <[rosao@utcourts.gov](mailto:rosao@utcourts.gov)>

Cc: Malia Bexell <[maliab@utcourts.gov](mailto:maliab@utcourts.gov)>, Maureen Magagna <[maureem@utcourts.gov](mailto:maureem@utcourts.gov)>

Good Morning, Rosa:

I am responding to your email that went out a while ago about locating a new committee member for the Language Access Committee.

I'd like to express a desire to become a committee member.

I have been the Interpreter Coordinator here in Weber County for approximately 3 years now and have loved every minute of it. I enjoy working with all the interpreters. They are all very professional and make it a job that I have enjoyed so much.

I was an in court clerk for many, many years and as an in court clerk, I knew the value of an interpreter for people with limited English proficiency. A court hearing can and is terminated if an interpreter is not available to assist the person who needs translation. It is also imperative we have interpreters for victims so they have the opportunity to express their feelings at time of sentencing (in a criminal case) or present their case or defend against a case in a civil suit. There's so much need for interpreters and their importance can not ever be overrated.

The Spanish language, at least in Weber County, is by far the most prominent language that we need interpreters for. In Weber County, we have two excellent, full-time, Spanish Interpreters that are very dependable. However, I find that if an interpreter is requested for a different language other than Spanish, it gets dicey in trying to find an interpreter for that particular language.

Case in point, there is a case set here in Weber County for February 26, 2014 where one party needs a Mandarin Interpreter. I have placed multiple calls trying to locate a Mandarin Interpreter ....so far, no luck.

As a committee member, I would like to assist in helping to develop a wider base for those languages other than Spanish. As mentioned in the Court Interpreter Committee Strategic Plan, the need to encourage Conditionally Improved Interpreters to proceed further in their accreditation is a must. I'd like to be part of a committee to consider options of how to make that happen.

I feel I can contribute to the committee because of my knowledge of the value of the Interpreter Program from both the ends of the spectrum, i.e. commencing from the Coris generated requesting email for an interpreter to the in court value of an interpreter.

Thank you in advance for considering my request.

Mary Kaye Dixon  
Judicial Asst. II

# TAB 6



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Alison Adams-Perlac *Alison Adams-Perlac*  
**Date:** March 10, 2014  
**Re:** Recommended Amendments to Utah Code of Judicial Administration

---

The Policy and Planning Committee recommends the following amendments to the Utah Code of Judicial Administration. If no concerns are raised, the proposed amendments will be opened for public comment. The proposed amendments are subject to change after the public comment period.

- **CJA 4-405. Juror and witness fees and expenses.** Raises the rate for jury snacks and breaks from \$3.00 to \$4.00 in accordance with the state rate.
- **CJA 3-306. Language access in the courts.** Adds a Utah residency requirement for interpreters seeking to be credentialed as court-certified interpreters.
- **CJA 4-202.02. Records classification.** Classifies records from cases involving minors seeking judicial consent for abortion as sealed.
- **CJA 4-906. Continuing education for private guardians ad litem.** Allows the Office of Guardian ad Litem to remove a private guardian ad litem who has not met the statutory continuing education requirements from their roster for case assignment.

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**Rule 4-405. Juror and witness fees and expenses.**

**Intent:**

To develop a uniform procedure for payment of juror and witness expenses.

**Applicability:**

This rule shall apply to all trial courts of record.

**Statement of the Rule:**

**(1) Fees.**

(1)(A) The courts shall pay the fee established by statute for all jurors of the courts of record. The courts shall pay the fee established by statute for witnesses subpoenaed by the prosecutor or by an indigent defendant in criminal cases in the courts of record and in actions in the juvenile court. The courts shall pay no fee to a witness appearing for a hearing that was canceled or postponed with at least 24 hours notice to the parties, excluding Saturdays, Sundays, and holidays. The parties shall notify witnesses when a hearing is canceled or postponed.

**(1)(B) A subsequent day of attendance shall be:**

(1)(B)(i) for a witness, attendance on a subsequent day of the hearing regardless of whether the hearing is continued to a contiguous business day, but only if the hearing was actually called on the first day; and

(1)(B)(ii) for a juror, attendance on a subsequent day during the juror's term of availability, as defined in Rule 4-404(3)(B), regardless of whether attendance is for the same trial.

(1)(C) A witness requesting payment shall present a subpoena on which appears the certification of the attorney general, county attorney, district attorney or legal defender of the number of days the witness attended court, as defined in subsection (1)(B).

(2) Mileage. The courts shall reimburse the cost of travel at the rate established by statute for those jurors and witnesses to whom the court pays a fee. A witness in a criminal case or juvenile court case traveling from out of state to whom the court pays a witness fee shall be reimbursed the cost of round trip airfare or round trip travel at \$.20 per mile, as determined by the court.

**(3) Meals and refreshments.**

(3)(A) Meals for jurors shall be provided if the case has been submitted to the jury and the jury is in the process of deliberating the verdict or if the jury is sequestered. A lunch meal may be provided to jurors impaneled to try a case if it is anticipated that the matter will not be concluded by 2:00 p.m. on the final day of trial and the trial judge finds that provision of a lunch meal will assist in expediting the conclusion of the trial.

(3)(B) A witness in a criminal case or a juvenile court case traveling from outside the county to whom the court pays a witness fee may be reimbursed for meals.

(3)(C) Payment for meals for jurors and eligible in-state witnesses shall not exceed the rates adopted by the Department of Administrative Services.

(3)(D) Refreshments may be provided to a jury during the course of trial, upon order of the judge. Payment for refreshments shall not exceed \$34.00 per person per day.

(4) Lodging. Lodging for jurors shall be paid if the judge orders the jury sequestered, if the juror must travel more than 100 miles one-way from the juror's residence to the courthouse and the judge orders that lodging be paid, or if the judge orders that lodging be paid due to inclement weather. A witness in a criminal case or juvenile court case to whom the court pays a witness fee traveling from outside the county shall be provided lodging only upon a determination by the court executive that returning to the point of origin on the date in question places a hardship upon the witness or that the reimbursement for travel for repeat appearances is greater than the cost of lodging. Unless unavailable, lodging costs shall not exceed the rates adopted by the Department of Administrative Services.

(5) Method and record of payment.

(5)(A) The payment of juror and witness fees and mileage shall be by check made payable to the individual, or the court may reimburse the county or municipal government for the payment of the fee or mileage allowance.

(5)(B) The court shall pay eligible expenses of jurors directly to the vendor. Jurors shall not be required to incur the expense and seek reimbursement. The court may pay the eligible expenses of witnesses directly to the vendor or may reimburse the witness or the county or municipal government for the expense.

(5)(C) Jurors. Jurors must present a summons for payment for the first day of service. If a juror does not present a summons, the clerk may certify that the juror was



62 summoned. The clerk shall file the summons and shall record the attendance of jurors  
63 for payment, including subsequent days of service.

64 (5)(D) Witnesses in criminal cases and juvenile court cases. Witnesses in criminal  
65 cases and juvenile court cases must present a subpoena for payment. If the subpoena  
66 is issued on behalf of an indigent defendant, it shall bear the certificate of defense  
67 counsel that the witness has appeared on behalf of the defendant at state expense,  
68 regardless of the number of days for which the witness is eligible for payment. If the  
69 subpoena is issued on behalf of the prosecution, the prosecutor shall certify the number  
70 of days and the number of miles for which the witness is eligible for payment. The clerk  
71 shall file the subpoena and record of attendance. If a witness does not present a  
72 subpoena, the clerk may record the witness' attendance and mailing address that is  
73 certified by the prosecutor or defense counsel.

74 (5)(E) The clerk of the court shall enter the payment due the juror or witness in the  
75 State Accounting System (FINET) within 10 calendar days after receipt of certification.  
76 The state will mail the payment to the juror or witness within 3 days. The clerk of court  
77 shall maintain both a list of undeliverable juror and witness checks and the checks. A  
78 payment is considered abandoned one year after it became payable and will be sent to  
79 the Division of Unclaimed Property pursuant to the Utah Code.

80 (6) Audit of records. At least once per month, the clerk of the court or a designee  
81 shall compare the jurors summoned and the witnesses subpoenaed with the FINET log  
82 of payments. Any unauthorized payment or other irregularity shall be reported to the  
83 court executive and the audit department of the Administrative Office of the Courts. The  
84 Administrative Office of the Courts shall include the audit of juror and witness payments  
85 within the scope of their regularly scheduled audits.

86

87

**Rule 3-306. Language access in the courts.**

**Intent:**

To state the policy of the Utah courts to secure the rights of people under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. in legal proceedings who are unable to understand or communicate adequately in the English language.

To outline the procedure for certification, appointment, and payment of interpreters for legal proceedings.

To provide certified interpreters in legal proceedings in those languages for which a certification program has been established.

**Applicability:**

This rule shall apply to legal proceedings in the courts of record and not of record. This rule shall apply to interpretation for non-English speaking people and not to interpretation for persons with a hearing impairment, which is governed by Utah and federal statutes.

**Statement of the Rule:**

**(1) Definitions.**

(1)(A) "Appointing authority" means a judge, commissioner, referee or juvenile probation officer, or delegate thereof.

(1)(B) "Approved interpreter" means a person who has been rated as "superior" in testing and has fulfilled the requirements established in paragraph (3).

(1)(C) "Certified interpreter" means a person who has successfully passed the examination of the Consortium for Language Access in the Courts and has fulfilled the requirements established in paragraph (3).

(1)(D) "Committee" means the Language Access Committee established by Rule 1-205.

(1)(E) "Conditionally-approved interpreter" means a person who, in the opinion of the appointing authority after evaluating the totality of the circumstances, has language skills, knowledge of interpreting techniques, and familiarity with interpreting sufficient to interpret the legal proceeding. A conditionally approved interpreter shall read and is

bound by the Code of Professional Responsibility and shall subscribe the oath or affirmation of a certified interpreter.

(1)(F) "Code of Professional Responsibility" means the Code of Professional Responsibility for Court Interpreters set forth in Code of Judicial Administration Appendix H. An interpreter may not be required to act contrary to law or the Code of Professional Responsibility.

(1)(G) "Legal proceeding" means a proceeding before the appointing authority, court-annexed mediation, communication with court staff, and participation in mandatory court programs. Legal proceeding does not include communication outside the court unless permitted by the appointing authority.

(1)(H) "Limited English proficiency" means the inability to understand or communicate in English at the level of comprehension and expression needed to participate effectively in legal proceedings.

(1)(I) "Registered interpreter I" means a person who interprets in a language in which testing is not available and who has fulfilled the requirements established in paragraph (3) other than paragraph (3)(A)(v).

(1)(J) "Registered interpreter II" means a person who interprets in a language in which testing is available and who has fulfilled the requirements established in paragraph (3) other than paragraph (3)(A)(v).

(1)(K) "Testing" means using an organization approved by the committee that uses the American Council on the Teaching of Foreign Languages (ACTFL) scale.

(2) Language Access Committee. The Language Access Committee shall:

(2)(A) research, develop and recommend to the Judicial Council policies and procedures for interpretation in legal proceedings and translation of printed materials;

(2)(B) issue informal opinions to questions regarding the Code of Professional Responsibility, which is evidence of good-faith compliance with the Code; and

(2)(C) discipline court interpreters.

(3) Application, training, testing, roster.

(3)(A) Subject to the availability of funding, and in consultation with the committee, the administrative office of the courts shall establish programs to certify and approve

60 interpreters in English and the non-English languages most frequently needed in the  
61 courts. The administrative office shall publish a roster of certified, approved, and  
62 registered interpreters. To be certified, approved or registered, an applicant shall:

63 (3)(A)(i) file an application form approved by the administrative office;

64 (3)(A)(ii) pay a fee established by the Judicial Council;

65 (3)(A)(iii) pass a background check;

66 (3)(A)(iv) provide proof that the applicant is a Utah resident;

67 (3)(A)(v) complete training as required by the administrative office;

68 (3)(A)(vi) obtain a passing score on the court interpreter's test(s) as required by the  
69 administrative office;

70 (3)(A)(vii) complete 10 hours observing a certified interpreter in a legal proceeding;  
71 and

72 (3)(A)(viii) take and subscribe the following oath or affirmation: "I will make a true  
73 and impartial interpretation using my best skills and judgment in accordance with the  
74 Code of Professional Responsibility."

75 (3)(B) A person who is certified in good standing by the federal courts or by a state  
76 having a certification program that is equivalent to the program established under this  
77 rule may be certified without complying with paragraphs (3)(A)(iv) through (3)(A)(vii) but  
78 shall pass an ethics examination and otherwise meet the requirements of this rule.

79 (3)(C) No later than December 31 of each even-numbered calendar year, certified,  
80 approved, and registered interpreters shall pass the background check for applicants,  
81 and certified interpreters shall complete at least 16 hours of continuing education  
82 approved by the administrative office of the courts.

83 (4) Appointment.

84 (4)(A) Except as provided in paragraphs (4)(B), (4)(C) and (4)(D), if the appointing  
85 authority determines that a party, witness, victim or person who will be bound by the  
86 legal proceeding has a primary language other than English and limited English  
87 proficiency, the appointing authority shall appoint a certified interpreter in all legal  
88 proceedings. A person requesting an interpreter is presumed to be a person of limited  
89 English proficiency.

90 (4)(B) An approved interpreter may be appointed if no certified interpreter is  
91 reasonably available.

92 (4)(C) A registered interpreter may be appointed if no certified or approved  
93 interpreter is reasonably available.

94 (4)(D) A conditionally-approved interpreter may be appointed if the appointing  
95 authority, after evaluating the totality of the circumstances, finds that:

96 (4)(D)(i) the prospective interpreter has language skills, knowledge of interpreting  
97 techniques and familiarity with interpreting sufficient to interpret the legal proceeding;  
98 and

99 (4)(D)(ii) appointment of the prospective interpreter does not present a real or  
100 perceived conflict of interest or appearance of bias; and

101 (4)(D)(iii) a certified, approved, or registered interpreter is not reasonably available  
102 or the gravity of the legal proceeding and the potential consequence to the person are  
103 so minor that delays in obtaining a certified or approved interpreter are not justified.

104 (4)(E) The appointing authority may appoint an interpreter with certified or approved  
105 or equivalent credentials from another state if the appointing authority finds that the  
106 approved, registered or conditionally approved interpreters who are reasonably  
107 available do not have the language skills, knowledge of interpreting techniques, or  
108 familiarity with interpreting sufficient to interpret the legal proceeding. The appointing  
109 authority may consider the totality of the circumstances, including the complexity or  
110 gravity of the legal proceeding, the potential consequences to the person of limited  
111 English proficiency, and any other relevant factor.

112 (4)(F) No interpreter is needed for a direct verbal exchange between the person and  
113 court staff if the court staff can fluently speak the language understood by the person  
114 and the state court employee is acting within guidelines established in the Human  
115 Resources Policies and Procedures. An approved, registered or conditionally approved  
116 interpreter may be appointed if the court staff does not speak the language understood  
117 by the person.

118 (4)(G) The appointing authority will appoint one interpreter for all participants with  
119 limited English proficiency, unless the judge determines that the participants have

adverse interests, or that due process, confidentiality, the length of the legal proceeding or other circumstances require that there be additional interpreters.

(4)(H) A person whose request for an interpreter has been denied may apply to review the denial. The application shall be decided by the presiding judge. If there is no presiding judge or if the presiding judge is unavailable, the clerk of the court shall refer the application to any judge of the court or any judge of a court of equal jurisdiction. The application must be filed within 20 days after the denial.

(5) Payment.

(5)(A) The fees and expenses for language access shall be paid by the administrative office of the courts in courts of record and by the government that funds the court in courts not of record. The court may assess the fees and expenses as costs to a party as otherwise provided by law. (Utah Constitution, Article I, Section 12, Utah Code Sections 77-1-6(2)(b), 77-18-7, 77-32a-1, 77-32a-2, 77-32a-3, 78B-1-146(3), URCP 54(d)(2), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and regulations and guidance adopted under that title.)

(5)(B) A person who has been ordered to pay fees and expenses for language access may apply to the presiding judge to review the order. If there is no presiding judge, the person may apply to any judge of the court or any judge of a court of equal jurisdiction. The application must be filed within 20 days after the order.

(6) Waiver. A person may waive an interpreter if the appointing authority approves the waiver after determining that the waiver has been made knowingly and voluntarily. A person may retract a waiver and request an interpreter at any time. An interpreter is for the benefit of the court as well as for the non-English speaking person, so the appointing authority may reject a waiver.

(7) Removal from legal proceeding. The appointing authority may remove an interpreter from the legal proceeding for failing to appear as scheduled, for inability to interpret adequately, including a self-reported inability, and for other just cause.

(8) Discipline.

(8)(A) An interpreter may be disciplined for:

(8)(A)(i) knowingly making a false interpretation in a legal proceeding;

(8)(A)(ii) knowingly disclosing confidential or privileged information obtained in a legal proceeding;

(8)(A)(iii) knowingly failing to follow standards prescribed by law, the Code of Professional Responsibility and this rule;

(8)(A)(iv) failing to pass a background check;

(8)(A)(v) failing to meet continuing education requirements;

(8)(A)(vi) conduct or omissions resulting in discipline by another jurisdiction; and

(8)(A)(vii) failing to appear as scheduled without good cause.

(8)(B) Discipline may include:

(8)(B)(i) permanent loss of certified or approved credentials;

(8)(B)(ii) temporary loss of certified or approved credentials with conditions for reinstatement;

(8)(B)(iii) suspension from the roster of certified or approved interpreters with conditions for reinstatement;

(8)(B)(vi) prohibition from serving as a conditionally approved interpreter;

(8)(B)(v) suspension from serving as a conditionally approved interpreter with conditions for reinstatement; and

(8)(B)(vi) reprimand.

(9) Complaints.

(9)(A) Any person may file a complaint about a matter for which an interpreter can be disciplined. A party, witness, victim or person who will be bound by a legal proceeding, may file a complaint about the misapplication of this rule.

(9)(B) The complaint shall allege an act or omission for which an interpreter can be disciplined or that violates this rule. The complaint shall be in writing and signed and filed with the program coordinator. The complaint may be in the native language of the complainant, which the AOC shall translate in accordance with this rule. The complaint shall describe the circumstances of the act or omission, including the date, time, location and nature of the incident and the persons involved.

178 (9)(C) The program coordinator may dismiss the complaint if it is plainly frivolous,  
179 insufficiently clear, or does not allege an act or omission act or omission for which an  
180 interpreter can be disciplined or that does not violate this rule.

181 (9)(D) If the complaint alleges that the court did not provide language access as  
182 required by this rule, the program coordinator shall investigate and recommend  
183 corrective actions that are warranted.

184 (9)(E) If the complaint alleges an act or omission for which the interpreter can be  
185 disciplined, the program coordinator shall mail the complaint to the interpreter at the  
186 address on file with the administrative office of the courts and proceed as follows:

187 (9)(E)(i) The interpreter shall answer the complaint within 30 days after the date the  
188 complaint is mailed or the allegations in the complaint are deemed true and correct. The  
189 answer shall admit, deny or further explain each allegation in the complaint.

190 (9)(E)(ii) The program coordinator may review records and interview the  
191 complainant, the interpreter and witnesses. After considering all factors, the program  
192 coordinator may propose a resolution, which the interpreter may stipulate to. The  
193 program coordinator may consider aggravating and mitigating circumstances such as  
194 the severity of the violation, the repeated nature of violations, the potential of the  
195 violation to harm a person's rights, the interpreter's work record, prior discipline, and the  
196 effect on court operations.

197 (9)(E)(iii) If the complaint is not resolved by stipulation, the program coordinator will  
198 notify the committee, which shall hold a hearing. The committee chair and at least one  
199 interpreter member must attend. If a committee member is the complainant or the  
200 interpreter, the committee member is recused. The program coordinator shall mail  
201 notice of the date, time and place of the hearing to the interpreter. The hearing is closed  
202 to the public. Committee members and staff may not disclose or discuss information or  
203 materials outside of the meeting except with others who participated in the meeting or  
204 with a member of the Committee. The committee may review records and interview the  
205 interpreter, the complainant and witnesses. A record of the proceedings shall be  
206 maintained but is not public.



(9)(E)(iv) The committee shall decide whether there is sufficient evidence of the alleged conduct or omission, whether the conduct or omission violates this rule, and the discipline, if any. The chair shall issue a written decision on behalf of the committee within 30 days after the hearing. The program coordinator shall mail a copy of the decision to the interpreter.

(9)(E)(v) The interpreter may review and, upon payment of the required fee, obtain a copy of any records to be used by the committee. The interpreter may attend all of the hearing except the committee's deliberations. The interpreter may be represented by counsel and shall be permitted to make a statement, call and interview the complainant and witnesses, and comment on the claims and evidence. The interpreter may obtain a copy of the record of the hearing upon payment of the required fee.

(9)(E)(vi) If the interpreter is certified in Utah under Paragraph (3)(B), the committee shall report the findings and sanction to the certification authority in the other jurisdiction.

(10) Fees.

(10)(A) In April of each year the Judicial Council shall set the fees and expenses to be paid to interpreters during the following fiscal year by the courts of record. Payment of fees and expenses shall be made in accordance with the Courts Accounting Manual.

(10)(B) The local government that funds a court not of record shall set the fees and expenses to be paid to interpreters by that court.

(11) Translation of court forms. Forms must be translated by a team of at least two people who are interpreters certified under this rule or translators accredited by the American Translators Association.

(12) Court employees as interpreters. A court employee may not interpret legal proceedings except as follows.

(12)(A) A court may hire an employee interpreter. The employee will be paid the wages and benefits of the employee's grade and not the fee established by this rule. If the language is a language for which certification in Utah is available, the employee must be a certified interpreter. If the language is a language for which certification in Utah is not available, the employee must be an approved interpreter. The employee

237 must meet the continuing education requirements of an employee, but at least half of  
238 the minimum requirement must be in improving interpreting skills. The employee is  
239 subject to the discipline process for court personnel, but the grounds for discipline  
240 include those listed in this rule.

241 (12)(B) A state court employee employed as an interpreter has the rights and  
242 responsibilities provided in the Utah state court human resource policies, including the  
243 Code of Personal Conduct, and the Court Interpreters' Code of Professional  
244 Responsibility also applies. A justice court employee employed as an interpreter has the  
245 rights and responsibilities provided in the county or municipal human resource policies,  
246 including any code of conduct, and the Court Interpreters' Code of Professional  
247 Responsibility also applies.

248 (12)(C) A court may use an employee as a conditionally-approved interpreter under  
249 paragraph (4)(C). The employee will be paid the wage and benefits of the employee's  
250 grade and not the fee established by this rule.

251

252

**Rule 4-202.02. Records classification.**

Intent:

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) Court records are public unless otherwise classified by this rule.

(2) Public court records include but are not limited to:

(2)(A) abstract of a citation that redacts all non-public information;

(2)(B) aggregate records without non-public information and without personal identifying information;

(2)(C) arrest warrants, but a court may restrict access before service;

(2)(D) audit reports;

(2)(E) case files;

(2)(F) committee reports after release by the Judicial Council or the court that requested the study;

(2)(G) contracts entered into by the judicial branch and records of compliance with the terms of a contract;

(2)(H) drafts that were never finalized but were relied upon in carrying out an action or policy;

(2)(I) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;

(2)(J) financial records;

(2)(K) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:

(2)(K)(i) amount in controversy;

(2)(K)(ii) attorney name;

(2)(K)(iii) case number;

(2)(K)(iv) case status;

(2)(K)(v) civil case type or criminal violation;

(2)(K)(vi) civil judgment or criminal disposition;

(2)(K)(vii) daily calendar;

(2)(K)(viii) file date;

(2)(K)(ix) party name;

(2)(L) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;

(2)(M) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

(2)(N) name, business address, business telephone number, and business email address of a lawyer appearing in a case;

(2)(O) name, business address, business telephone number, and business email address of court personnel other than judges;

(2)(P) name, business address, and business telephone number of judges;

(2)(Q) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;

(2)(R) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;

(2)(S) opinions, including concurring and dissenting opinions, and orders entered in open hearings;

(2)(T) order or decision classifying a record as not public;

(2)(U) private record if the subject of the record has given written permission to make the record public;

(2)(V) probation progress/violation reports;

(2)(W) publications of the administrative office of the courts;

(2)(X) record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person;

(2)(Y) record of the receipt or expenditure of public funds;

(2)(Z) record or minutes of an open meeting or hearing and the transcript of them;

(2)(AA) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;

(2)(BB) record of a request for a record;

(2)(CC) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;

(2)(DD) rules of the Supreme Court and Judicial Council;

(2)(EE) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

(2)(FF) statistical data derived from public and non-public records but that disclose only public data;

(2)(GG) Notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary shall contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

(3) The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed; and

(3)(A)(iii) Title 76, Chapter 7, Part 304.5, Consent required for abortions performed on minors; and

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15;

(3)(D) records showing the identity of a confidential informant;

(3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code Section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;

(3)(G) records designated as sealed by rule of the Supreme Court;

(3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings; and

(3)(I) other records as ordered by the court under Rule 4-202.04.

(4) The following court records are private:

(4)(A) records in the following actions:

(4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;

(4)(A)(ii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed; and

(4)(A)(iii) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed; and

(4)(B) records in the following actions, except that the case history; judgments, orders and decrees; letters of appointment; and the record of public hearings are public records:

(4)(B)(i) Title 30, Husband and Wife, except that an action for consortium due to personal injury under Section 30-2-11 is public;

(4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;

(4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;

- 119 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;  
120 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;  
121 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and  
122 Enforcement Act;  
123 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;  
124 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and  
125 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this  
126 subparagraph (B);  
127 (4)(C) aggregate records other than public aggregate records under subsection (2);  
128 (4)(D) alternative dispute resolution records;  
129 (4)(E) applications for accommodation under the Americans with Disabilities Act;  
130 (4)(F) citation, but an abstract of a citation that redacts all non-public information is  
131 public;  
132 (4)(G) judgment information statement;  
133 (4)(H) judicial review of final agency action under Utah Code Section 62A-4a-1009;  
134 (4)(I) the following personal identifying information about a party: driver's license  
135 number, social security number, account description and number, password,  
136 identification number, maiden name and mother's maiden name, and similar personal  
137 identifying information;  
138 (4)(J) the following personal identifying information about a person other than a party  
139 or a victim or witness of a crime: residential address, personal email address, personal  
140 telephone number; date of birth, driver's license number, social security number,  
141 account description and number, password, identification number, maiden name,  
142 mother's maiden name, and similar personal identifying information;  
143 (4)(K) medical, psychiatric, or psychological records;  
144 (4)(L) name of a minor, except that the name of a minor party is public in the  
145 following district and justice court proceedings:  
146 (4)(L)(i) name change of a minor;  
147 (4)(L)(ii) guardianship or conservatorship for a minor;  
148 (4)(L)(iii) felony, misdemeanor or infraction;

- 149 (4)(L)(iv) child protective orders; and
- 150 (4)(L)(v) custody orders and decrees;
- 151 (4)(M) personnel file of a current or former court personnel or applicant for
- 152 employment;
- 153 (4)(N) photograph, film or video of a crime victim;
- 154 (4)(O) record of a court hearing closed to the public or of a child's testimony taken
- 155 under URCrP 15.5:
- 156 (4)(O)(i) permanently if the hearing is not traditionally open to the public and public
- 157 access does not play a significant positive role in the process; or
- 158 (4)(O)(ii) if the hearing is traditionally open to the public, until the judge determines it
- 159 is possible to release the record without prejudice to the interests that justified the
- 160 closure;
- 161 (4)(P) record submitted by a senior judge or court commissioner regarding
- 162 performance evaluation and certification;
- 163 (4)(Q) record submitted for in camera review until its public availability is determined;
- 164 (4)(R) reports of investigations by Child Protective Services;
- 165 (4)(S) victim impact statements;
- 166 (4)(T) name of a prospective juror summoned to attend court, unless classified by
- 167 the judge as safeguarded to protect the personal safety of the prospective juror or the
- 168 prospective juror's family;
- 169 (4)(U) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate
- 170 Procedure, except briefs filed pursuant to court order;
- 171 (4)(V) records in a proceeding under Rule 60 of the Utah Rules of Appellate
- 172 Procedure;
- 173 (4)(W) an addendum to an appellate brief filed in a case involving:
- 174 (4)(W)(i) adoption;
- 175 (4)(W)(ii) termination of parental rights;
- 176 (4)(W)(iii) abuse, neglect and dependency;
- 177 (4)(W)(iv) substantiation under Section 78A-6-323; or
- 178 (4)(W)(v) protective orders or dating violence protective orders;



(4)(X) other records as ordered by the court under Rule 4-202.04.

(5) The following court records are protected:

(5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;

(5)(B) records that are subject to the attorney client privilege;

(5)(C) bids or proposals until the deadline for submitting them has closed;

(5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;

(5)(F) court security plans;

(5)(G) investigation and analysis of loss covered by the risk management fund;

(5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;

(5)(I) confidential business records under Utah Code Section 63G-2-309;

(5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:

(5)(J)(i) interfere with an investigation;

(5)(J)(ii) interfere with a fair hearing or trial;

(5)(J)(iii) disclose the identity of a confidential source; or

(5)(J)(iv) concern the security of a court facility;

(5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;

(5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;

(5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;

(5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation or parole;

(5)(O) record the disclosure of which would jeopardize life, safety or property;

(5)(P) strategy about collective bargaining or pending litigation;

(5)(Q) test questions and answers;

(5)(R) trade secrets as defined in Utah Code Section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report; and

(5)(U) other records as ordered by the court under Rule 4-202.04.

(6) The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;

(6)(C) medical, psychological, psychiatric evaluations;

(6)(D) pre-disposition and social summary reports;

(6)(E) probation agency and institutional reports or evaluations;

(6)(F) referral reports;

(6)(G) report of preliminary inquiries; and

(6)(H) treatment or service plans.

(7) The following are juvenile court legal records:

(7)(A) accounting records;

(7)(B) discovery filed with the court;

(7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees;

(7)(D) name of a party or minor;

238 (7)(E) record of a court hearing;  
239 (7)(F) referral and offense histories  
240 (7)(G) and any other juvenile court record regarding a minor that is not designated  
241 as a social record.

242 (8) The following are safeguarded records:

243 (8)(A) upon request, location information, contact information and identity  
244 information other than name of a petitioner and other persons to be protected in an  
245 action filed under Title 77, Chapter 3a, Stalking Injunctions or Title 78B, Chapter 7,  
246 Protective Orders;

247 (8)(B) upon request, location information, contact information and identity  
248 information other than name of a party or the party's child after showing by affidavit that  
249 the health, safety, or liberty of the party or child would be jeopardized by disclosure in a  
250 proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and  
251 Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or  
252 Title 78B, Chapter 15, Utah Uniform Parentage Act;

253 (8)(C) location information, contact information and identity information of  
254 prospective jurors on the master jury list or the qualified jury list;

255 (8)(D) location information, contact information and identity information other than  
256 name of a prospective juror summoned to attend court;

257 (8)(E) the following information about a victim or witness of a crime:

258 (8)(E)(i) business and personal address, email address, telephone number and  
259 similar information from which the person can be located or contacted;

260 (8)(E)(ii) date of birth, driver's license number, social security number, account  
261 description and number, password, identification number, maiden name, mother's  
262 maiden name, and similar personal identifying information.

**Rule 4-906. Guardian ad litem program.**

**Intent:**

To establish the responsibilities of the Guardian ad Litem Oversight Committee established in Rule 1-205.

To establish the policy and procedures for the management of the guardian ad litem program.

To establish responsibility for management of the program.

To establish the policy and procedures for the selection of guardians ad litem.

To establish the policy and procedures for payment for guardian ad litem services.

To establish the policy and procedures for complaints regarding guardians ad litem and volunteers.

**Applicability:**

This rule shall apply to the management of the guardian ad litem program.

This rule does not affect the authority of the Utah State Bar to discipline a guardian ad litem.

**Statement of the Rule:**

(1) Guardian ad Litem Oversight Committee. The Committee shall:

(1)(A) develop and monitor policies of the Office of Guardian ad Litem to:

(1)(A)(i) ensure the independent and professional representation of a child-client and the child's best interest; and

(1)(A)(ii) ensure compliance with federal and state statutes, rules and case law;

(1)(B) recommend rules of administration and procedure to the Judicial Council and Supreme Court;

(1)(C) select the Director of the Office of Guardian ad Litem in consultation with the State Court Administrator;

(1)(D) develop a performance plan for the Director;

29 (1)(E) monitor the Office's caseload and recommend to the Judicial Council  
30 adequate staffing of guardians ad litem and staff;

31 (1)(F) develop standards and procedures for hearing and deciding complaints  
32 and appeals of complaints; and

33 (1)(G) hear and decide complaints and appeals of complaints as provided in  
34 this rule.

35 (2) Qualifications of the director. The Director shall have the qualifications  
36 provided by the Utah Code.

37 (3) Responsibilities of the director. In addition to responsibilities under the  
38 Utah Code, the Director shall have the following responsibilities.

39 (3)(A) Manage the Office of Guardian ad Litem to ensure that minors who  
40 have been appointed a guardian ad litem by the court receive qualified guardian  
41 ad litem services.

42 (3)(B) Develop the budget appropriation request to the legislature for the  
43 guardian ad litem program.

44 (3)(C) Coordinate the appointments of guardians ad litem among different  
45 levels of courts.

46 (3)(D) Monitor the services of the guardians ad litem, staff and volunteers by  
47 regularly consulting with users and observers of guardian ad litem services,  
48 including judges, court executives and clerks, and by requiring the submission of  
49 appropriate written reports from the guardians ad litem.

50 (3)(E) Determine whether the guardian ad litem caseload in Judicial Districts  
51 1, 5, 6, 7, and 8 is best managed by full or part time employment or by contract.

52 (3)(F) Select guardians ad litem and staff for employment as provided in this  
53 rule. Select volunteers. Coordinate appointment of conflict counsel.

54 (3)(G) Supervise, evaluate, and discipline guardians ad litem and staff  
55 employed by the courts and volunteers. Supervise and evaluate the quality of  
56 service provided by guardians ad litem under contract with the court.

57 (3)(H) Monitor and report to the Committee guardian ad litem, staff and  
58 volunteer compliance with federal and state statutes, rules and case law.

59 (3)(I) Prepare and submit to the Committee in August an annual report  
60 regarding the development, policy, and management of the guardian ad litem  
61 program and the training and evaluation of guardians ad litem, staff and  
62 volunteers. The Committee may amend the report prior to release to the  
63 Legislative Interim Human Services Committee.

64 (4) Qualification and responsibilities of guardian ad litem. A guardian ad litem  
65 shall be admitted to the practice of law in Utah and shall demonstrate experience  
66 and interest in the applicable law and procedures. The guardian ad litem shall  
67 have the responsibilities established by the Utah Code.

68 (5) Selection of guardian ad litem for employment.

69 (5)(A) A guardian ad litem employed by the Administrative Office of the Courts  
70 is an at-will employee subject to dismissal by the Director with or without cause.

71 (5)(B) A guardian ad litem employed by the Administrative Office of the Courts  
72 shall be selected by the Director. Prior to the Director making a selection, a panel  
73 shall interview applicants and make hiring recommendations to the Director. The  
74 interview panel shall consist of the Director (or Director's designee) and two or  
75 more of the following persons:

76 (5)(B)(i) the managing attorney of the local guardian ad litem office;

77 (5)(B)(ii) the trial court executive of the district court or juvenile court;

78 (5)(B)(iii) a member of the Committee;

79 (5)(B)(iv) a member of the Utah State Bar Association selected by the  
80 Director; or

81 (5)(B)(v) a member selected by the Director.

82 (6) Conflicts of interest and disqualification of guardian ad litem.

83 (6)(A) In cases where a guardian ad litem has a conflict of interest, the  
84 guardian ad litem shall declare the conflict and request that the court appoint a

85 conflict guardian ad litem in the matter. Any party who perceives a conflict of  
86 interest may file a motion with the court setting forth the nature of the conflict and  
87 a request that the guardian ad litem be disqualified from further service in that  
88 case. Upon a finding that a conflict of interest exists, the court shall relieve the  
89 guardian ad litem from further duties in that case and appoint a conflict guardian  
90 ad litem.

91 (6)(B) The Administrative Office of the Courts may contract with attorneys to  
92 provide conflict guardian ad litem services.

93 (6)(C) If the conflict guardian ad litem is arranged on a case-by-case basis,  
94 the Court shall use the order form approved by the Council. The Order shall  
95 include a list of the duties of a guardian ad litem. The court shall distribute the  
96 Order as follows: original to the case file and one copy each to: the appointed  
97 conflict guardian ad litem, the guardian ad litem, all parties of record, the parents,  
98 guardians or custodians of the child(ren), the court executive and the Director.

99 (6)(D) A conflict guardian ad litem's compensation shall not exceed \$50 per  
100 hour or \$1000 per case in any twelve month period, whichever is less. Under  
101 extraordinary circumstances, the Director may extend the payment limit upon  
102 request from the conflict guardian ad litem. The request shall include justification  
103 showing that the case required work of much greater complexity than, or time far  
104 in excess of, that required in most guardian ad litem assignments. Incidental  
105 expenses incurred in the case shall be included within the limit. If a case is  
106 appealed, the limit shall be extended by an additional \$400.

107 (7) Staff and Volunteers.

108 (7)(A) The Director shall develop a strong volunteer component to the  
109 guardian ad litem program and provide support for volunteer solicitation,  
110 screening and training. Staff and volunteers shall have the responsibilities  
111 established by the Utah Code.

(7)(B) Training for staff and volunteers shall be conducted under the supervision of the attorney guardian ad litem with administrative support provided by the Director. Staff and volunteers shall receive training in the areas of child abuse, child psychology, juvenile and district court procedures and local child welfare agency procedures. Staff and volunteers shall be trained in the guidelines established by the National Court Appointed Special Advocate Association.

(8) Private guardians ad litem.

(8)(A) The Director shall maintain a list of private attorney guardians ad litem qualified for appointment.

(8)(B) To be included on the list of eligible private attorney guardians ad litem, an applicant shall apply for eligible private attorney guardian status to the Utah Office of Guardian ad Litem and:

(8)(B)(i) show membership in good standing in the Utah State Bar;

(8)(B)(ii) provide a BCI criminal history report;

(8)(B)(iii) provide a DCFS Child Abuse Data Base report (and like information from any state in which the applicant has resided as an adult);

(8)(B)(iv) provide a certificate of completion for any initial or additional necessary training requirements established by the Director;

(8)(B)(v) agree to perform in a competent, professional, proficient, ethical, and appropriate manner and to meet any minimum qualifications as determined by the Director; and

(8)(B)(vi) agree to be evaluated at the discretion of the Director for competent, professional, proficient, ethical, appropriate conduct, and/or performance, and minimum qualifications.

(8)(C) Upon the appointment by the court of a private guardian ad litem, the court shall:



139 (8)(C)(i) use the following language in its order: "The Court appoints a private  
140 attorney guardian ad litem to be assigned by the Office of Guardian ad Litem, to  
141 represent the best interests of the minor child(ren) in this matter.";

142 (8)(C)(ii) designate in the order whether the private attorney guardian ad litem  
143 shall:

144 (8)(C)(ii)(a) be paid the set fee, as established by paragraph (8)(F), and an  
145 initial retainer;

146 (8)(C)(ii)(b) not be paid and serve pro bono; or

147 (8)(C)(ii)(c) be paid at a rate less than the set fee in paragraph (8)(F); and

148 (8)(C)(iii) send the order to the Director c/o the Private Attorney Guardian ad  
149 Litem Program.

150 (8)(D) Upon receipt of the court's order appointing a private guardian ad litem,  
151 the Director shall contact and assign the case to an eligible attorney, if available.

152 (8)(E) Upon accepting the court's appointment, the assigned attorney shall file  
153 a notice of appearance with the court within five business days of acceptance,  
154 and shall thereafter represent the best interests of the minor(s) until released by  
155 the court.

156 (8)(F) The hourly fee to be paid by the parties and to be ordered and  
157 apportioned by the court against the parties shall be \$150.00 per hour or at a  
158 higher rate as determined reasonable by the court. The retainer amount shall be  
159 \$1000 or a different amount determined reasonable by the court. The retainer  
160 amount shall be apportioned by the court among the parties and paid by the  
161 parties.

162 (8)(G) Every year each private attorney guardian ad litem shall complete three  
163 hours of continuing legal education credits that are relevant to the role and duties  
164 of a private attorney guardian ad litem. To meet this requirement, the Office of  
165 Guardian ad Litem shall provide training opportunities that are accredited by the  
166 Utah State Bar Board of Mandatory Continuing Legal Education. In order to

167 provide access to all private attorney guardians ad litem, the Office of Guardian  
168 ad Litem shall provide multiple trainings at locations throughout the State or  
169 online.

170 A private attorney guardian ad litem who fails to complete the required  
171 number of hours shall be notified that unless all requirements are completed and  
172 reported within 30 days, the Director may remove the private attorney guardian  
173 ad litem from the list of eligible private attorney guardians ad litem.

174 (9) Complaints and appeals.

175 (9)(A)(i) Any person may file with the chair of the Committee a complaint  
176 regarding the Director, or regarding an administrative policy or procedure, not  
177 including complaints regarding a particular guardian ad litem, private guardian ad  
178 litem, or volunteer. If deemed necessary, the Committee may enter a  
179 recommendation to the Judicial Council, which may include discipline of the  
180 Director.

181 (9)(A)(ii) If a complaint regarding the Director or an administrative policy or  
182 procedure is received in the Director's office, the Director shall forward the  
183 complaint to the chair of the Committee within a reasonable time, but not more  
184 than 14 days after receipt.

185 (9)(B) Any person may file with the Director a complaint regarding a guardian  
186 ad litem employed by the Office of Guardian ad Litem, private attorney guardian  
187 ad litem, or volunteer, as defined by UCA 78A-6-902(4)(a). The decision of the  
188 Director regarding the complaint is final and not subject to appeal.

189 (9)(C) If a guardian ad litem and a volunteer disagree on the major decisions  
190 involved in representation of the client, either may notify the Director that the  
191 dispute cannot be resolved. The decision of the Director regarding the dispute is  
192 final and not subject to appeal.

193 (9)(D) The failure of the Director to satisfactorily resolve a complaint against a  
194 guardian ad litem, private attorney guardian ad litem or volunteer is not grounds  
195 for a complaint against the Director.

196 (9)(E) The Director may remove with or without a complaint a private attorney  
197 guardian ad litem from the list of eligible private guardians ad litem for failure to  
198 perform or conduct themselves in a competent, professional, proficient, ethical  
199 and/or appropriate manner or for failure to meet minimum qualifications, including  
200 the annual continuing legal education requirement. Within a reasonable time after  
201 the removal, and in the event the private attorney guardian ad litem has not yet  
202 been released by the court in a pending case, the Director shall provide written  
203 notice to such court of the Director's action, and the court may, in its discretion,  
204 determine whether the private attorney guardian ad litem should be released  
205 from the case.

206 (9)(F)(i) A complaint shall be in writing, stating the name and contact  
207 information of the complainant, the name of the child or children involved, the  
208 nature of the complaint and the facts upon which the complaint is based.

209 (9)(F)(ii) In resolving a complaint, the Director or the Committee shall conduct  
210 such investigation as the Director or the Committee determines to be reasonable.  
211 The Director or the Committee may meet separately or together with the  
212 complainant and the person against whom the complaint is filed.

213 (9)(F)(iii) The decision of the Director may include discipline of the person  
214 against whom the complaint is filed. If the complaint is against a private guardian  
215 ad litem, the decision may include removal of the private guardian ad litem from  
216 the list of private guardians ad litem and the conditions for reinstatement.

217 (9)(G) This subsection does not apply to conflict guardians ad litem.

**ADDITIONAL COUNCIL MEETING  
HANDOUTS**

## 2014 Legislative Session: Appropriations

Action on Judicial Council Requests:	Requested	Approved
Contracts and Lease Increase	268,800	268,800
Juror, Witness, Interpreter Supplemental	861,700	861,700
Duchesne County Courthouse Expansion	3,000,000	(no revenue bond, intent language approves high lease increase with option to purchase)
Utah County Land Banking	1,750,000	(no land banking)

### Additional Appropriation:

Courtroom Technology	300,000 (one time)
Mental Health Court Funding (1 <sup>st</sup> District)	75,000
Court Security Fund (\$10 increase in security fee)	3,600,000

### Compensation and Benefits

Salary Increases	1,057,900
Employees (1% COLA, .25% discretionary)	
Judges (1.25%, DC/JC 136,500)	
Retirement Cost Increases	1,434,500
(8.5% employees, 10% judges)	
Health Care Cost Increases	277,100
(2.2% increase, balance of 9.2% increase from reserves)	
Employee 401(k) Match	403,900
(dollar for dollar match up to \$26 per pay period)	

### Other

Legal Aid for Families	200,000 (one time)
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### Actions Deferred by Judicial Council for FY 2015 Spending Plan

District Court Law Clerks - (4) funded with internal savings, (2) one time  
Juvenile Court Law Clerks - (.5) funded with internal savings  
Computer Equipment Replacement

## Courts' 2014 General Session Building Block Requests and Results

### COURTS' 2014 GS BUILDING BLOCK REQUESTS

Request	\$ Requested for Judicial Council Consideration	Judicial Council Action	Judicial Council Priority	Amount Requested for Appropriation	Legislative Appropriations
Lease, O & M Increases	268,800	Mandatory Building Block	1	268,800	268,800
Juror /Witness/Interpreter-- FY14 Supplemental	861,700	Mandatory Building Block	2	861,700	861,700
Juror /Witness/Interpreter Ongoing Increase	930,000	Building Block	3	930,000	-
Eliminate the Court Reporter Restricted Account	(254,300)	Building Block	4	(254,300)	(254,300)
<b>Totals</b>	<b>1,806,200</b>			<b>1,806,200</b>	<b>876,200</b>

### GUARDIAN AD LITEM FY 2015 BUILDING BLOCK REQUESTS

Request	\$ Requested for GAL Oversight Committee Consideration	GALOC Action	GALOC Priority	Amount Requested for Appropriation	Legislative Appropriations
Attorney Salary Parity Increase	1,336,400	Building Block	1	1,336,400	300,000
<b>Totals</b>	<b>1,336,400</b>			<b>1,336,400</b>	<b>300,000</b>

### Contracts & Leases--Judicial Council Recommendations Forwarded to the Building Board

Request	Type	Amount Requested	Legislative Appropriations
Duchesne Courthouse Expansion	Capital Development	5,370,000	Received Authorization for High Cost Lease and Lease- purchase Agreement
North Utah County Land Bank	Land Bank	1,750,000	-
<b>Totals</b>		<b>7,120,000</b>	<b>-</b>

3/13/2014

**BILLS CONSIDERED BY THE JUDICIAL COUNCIL'S LIAISON COMMITTEE - 2014 LEGISLATIVE SESSION**

<b>BILL #</b>	<b>BILL TITLE</b>	<b>FISCAL NOTE</b>	<b>LIAISON'S POSITION</b>	<b>PASSED/ FAILED</b>
HB 16	Wrongful Lien Amendments		No position	Passed
HB 15	Driver License Suspension Amendments		No position but language needs to be redrafted	Passed
HB 18	Driver License Amendments		No position	Passed
HB 48	Reports on Alternative Sentencing		No position but more information for sentencing is good	Passed
HB 50	Involuntary Feeding And Hydration Of Inmates Amendments		No position	Passed
HB 53	Restitution Amendments		No position but redraft to take out the conflict and narrow the wording in 2(a) (ii)	Fixed, passed
HB 58	Bigamy Revisions		No position	Failed
HB 65	Criminal Law Amendments		No position	Failed
HB 70	Law Enforcement Action Information		No position but the bill conflicts with two rules	subbed
HB 70 2nd. Sub	Enforceable Entry Amendments		No position but	Passed
HB 75	Restoration of Civil Rights for Nonviolent Felons		No position but bill has drafting concerns	subbed
HB 75 1 <sup>st</sup> . Sub	Restoration of Civil Rights for Nonviolent Felons		No position but there needs to be drafting clarity on standards for judges	Passed
HB 85	Electronic Filing of Traffic Citations and Accident Report Amendments		Oppose	Amended, passed
HB 117s2	Patent Infringement	\$12,000	No position	Passed
HB 120	Continuing Education On Federalism		Oppose	fixed, subbed, Passed
HB 128	Electronic Device Location Amendments		No position but point out rule making issues	Amended, Passed

HB 137	Amendments To Driver License Sanctions For Alcohol Or Drug Related Offenses		No position	subbed
HB 137 1 <sup>st</sup> . Sub	Amendments To Driver License Sanctions For Alcohol Related Offenses		No position but point out the wording problems to the sponsor	Passed
HB 144	Elections Complaints Amendments		No position but the processes are unusual and some of the provisions are contradictory	Failed
HB 161	Prohibition On Election Data Collection Assistance		No position but watch the bill and point out concerns if it looks like it will proceed	Failed
HB 177	Juror and Witness Fess Amendments		Oppose	subbed
HB 177 1 <sup>st</sup> . Sub	Juror and Witness Fess Amendments		No position	Passed
HB 185	Juvenile Detention Facilities		Support	Passed
HB 188	Court Security Revisions	\$7.2M-\$17.2M	Oppose	Failed
HB 201	Visitation Amendments		No position	Subbed,
HB 242	Fees For Government Records Requests		No position but fiscal note	Failed
HB 247	Court Parking Facilities		No position but strike the last part of the sentence on line 41 subsection 6. starting with the word "under"	Amended, Passed
HB 248	Crime Victims Restitution Act Amendments		No position but redraft for reasons of unintended consequences	Subbed, fixed
HB 248 1 <sup>st</sup> . Sub	Crime Victims Restitution Amendment		No position	Passed
HB 251	Unsworn Declaration Amendments		Redraft and present the bill on the Council agenda	subbed
HB 251 1 <sup>st</sup> . Sub	Unsworn Declaration Amendments		Support	Failed
HB 254	Human Trafficking Victim Amendments		No position but redraft	Subbed, fixed, Passed
HB 263	Use of Business Names		No position but suggest the wording change	Failed
HB 264	Disabled Parking Fine Amendments		No position	Passed



HB 265	Probate Code Amendments		No position but redraft	Subbed, Passed
HB 276	Disorderly Conduct Amendments		No position	Passed
HB 287	Arbitration for Dog Bites Amendments		No position	Passed
HB 296	Concealed Weapon Permit Exemptions Amendments		No position	Passed
HB 305	Safety Belt Law Revisions		No position	Failed
HB 318	Rights of Parents and Children Amendments	Approximately \$3,000,000	No position	Failed
HB 319	Court System Modification Amendments		Oppose	Failed
HB 323	Divorce Orientation Course Timing		No position but there are policy concerns	Subbed, passed
HB 325	Judicial Performance Evaluation Commission Amendments		Support	Passed
HB 336	Court System Task Force		No position but look for additional opportunities to amend	Subbed, Failed
HB 351	Birth Certificate Amendments		No position but point out the committee's concerns and suggest adding a provision to keep the original birth certificate accessible	Failed
HB 366	Jury Duty Amendments		No position	Failed
HB 374	Uniform Deployed Parents Custody And Visitation Act		No position	Failed
HB 404	Court Security Fee Amendments	\$3,600,000	Support	Passed
HB 407	Litigation Transparency Act		No position but if it moves forward address the contempt issue	Failed
HB 411	Victim Restitution Amendments		Oppose/Support depending on proposed changes	Fixed, Passed
HB 414	Legislative Subpoena Amendments		No position	Passed
HB 418 1 <sup>st</sup> . Sub	Rights of Grandparents to Visitation		No position	Failed

HB 418	Rights of Relatives To Child Visitation	Over \$10,000	No position but make sure the negative implications of the bill are understood	Failed
HB 424	Justice Court Amendments		Oppose	Failed
SB 46 2 <sup>nd</sup> . Sub.	Administrative Subpoena Modifications		No position but there are drafting issues	Passed
SB 54	Election Amendments		No position	Subbed, Passed
SB 85	Driving Under the Influence Sentencing Revisions		No position	Failed
SB 88	Child Interview Amendments		No position but there needs to be drafting clarification	Subbed, Passed
SB 93s3	Internal Audit Amendments		No position	Passed
SB 108	Judiciary Amendments		Support	Passed
SB 110	Guardian Costs For Parents of Disabled Adult Child		No position but redraft wording so it only affects the petitioner and the proposed incompetent	subbed
SB 110 1 <sup>st</sup> Sub(Green)	Guardianship Forms For Parents Of Disabled Adult		No position	Passed
SB 112	Game Fowl Fighting Amendments		No position but redraft	Subbed, fixed
SB 112 1 <sup>st</sup> Sub	Game Fowl Fighting Amendments		No position	Amended, Passed
SB 126	Child Welfare Amendments		No position but	Passed
SB 127	Labor Commission Decision Amendments		No position	Passed
SB 132	Human Services Amendments		Support	Passed
SB 159	Bail Amendments	\$119, 000	Oppose	Subbed, fixed
SB 159 Sub.	Bail Amendments		No position but	Passed
SB 161	Criminal Surcharge Amendments		No position but the numbers are inconsistent and contradictory	Failed

SB 167	Regulation of Drones		No position but rules	Amended, fixed, subbed, Passed
SB 173 1 <sup>st</sup> . Sub	Child Protection Amendments		No position but drafting issues	Passed
SB 177	Sex Offenders Amendments		No position	Passed
SB 201	Expungement Modifications		No position	Subbed, Passed
SB 221	Indigent Counsel In Juvenile Court		No position but point out concerns with requiring the parent's income	subbed
SB 221 1 <sup>st</sup> .Sub	Indigent Counsel In Juvenile Court		No position but suggest adding a provision stating unless the court determines there's a conflict between the interest of parent and the child.	Passed
SB 229s4	Adoption Act Amendments		No position	Passed
SB 241	County Jail Contracting Amendments		No position	Subbed, Passed
SB 248	Judicial Retention Election Amendments		Support but amend the bill to include Justice Court Judges.	Amended, Passed
SB 253	Distracted Driver Amendments		No position	Passed