

JUDICIAL COUNCIL MEETING

AGENDA

Monday, April 28, 2014

Juab County Courthouse
Nephi, Utah

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 9:15 a.m. Administrator's Report. Daniel J. Becker
4. 9:30 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Justice Jill Parrish
Policy and Planning Judge Paul Maughan
Bar Commission. John Lund, esq.
(Tab 2 - Information)
5. 9:40 a.m. Review of Judicial Education Guidelines for
Senior Judges. Alison Adams-Perlac
(Tab 3 - Action)
6. 9:55 a.m. Court Contract Interpreter Hourly Rate Increase. . . Alison Adams-Perlac
(Tab 4 - Action)
7. 10:00 a.m. Court Interpreter Credentialing Changes. Alison Adams-Perlac
(Tab 5 - Action)
8. 10:10 a.m. Court Facilities Standing Committee Update. Alyn Lunceford
(Tab 6 - Information)
- 10:30 a.m. Break
9. 10:40 a.m. Code Book Purchase. Tim Shea
(Tab 7 - Action)
10. 10:45 a.m. FY 2015 Operations Budget Approval. Daniel J. Becker
Ray Wahl
(Tab 8 - Action)
11. 11:10 a.m. Bail Schedule Amendment Timing. Rick Schwermer
(Action)

12. 11:20 a.m. Proposed Changes to Rule 4-401.01. Brent Johnson
(Tab 9 – Action)
- 11:35 a.m. Courthouse Tour
13. 11:45 a.m. Fourth District Court Update. Judge James Brady
(Information) Shane Bahr
Judge Mary Noonan
Judge Rick Smith
James Peters
- 12:05 p.m. Lunch
14. 12:35 p.m. Uniform Fine/Bail Schedule Committee Appointment. Debra Moore
(Tab 10 – Action)
15. 12:40 p.m. Retention and Performance Discussion. Rick Schwermer
(Information)
16. 1:05 p.m. Executive Session
17. 1:35 p.m. Adjourn

Consent Calendar

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

1. Committee Appointments
(Tab 11)

Jessica Van Buren
Alison Adams-Perlac
Nini Rich
Ray Wahl
Daniel J. Becker

2. Rules Published for Comment
(Tab 12)

Alison Adams-Perlac

TAB 1

JUDICIAL COUNCIL MEETING

Minutes
Friday, March 14, 2014
Lexington Hotel
St George, UT

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

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

EXCUSED:

Justice Jill Parrish
Hon. James Davis

STAFF PRESENT:

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

GUESTS:

Curtis Jensen, State Bar
Tom Seiler, State Bar
Angelina Tsu, State Bar
Gabe White, State Bar
Sean Toomey, State Bar
John Baldwin, State Bar
Judge John Walton
Rick Davis, 5th Dist TCE
Shane Bahr, 4th Dist TCE
Terri Yelonek, 7th Dist TCE
Travis Erickson, 2nd Juv TCE
Judge Kevin Allen
Judge Noel Hyde
Judge Kate Toomey
Comm Joshua Faulkner

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

Chief Justice Durrant welcomed everyone to the meeting. A special welcome was extended to Judge John Pearce who was sitting in for Judge James Davis, to members of the Utah State Bar, as well as, members of the Board of District Court Judges attending the meeting.

Motion: Mr. Lund moved to approve the minutes from the February 24, 2014 Judicial Council meeting. The motion was seconded, and it passed unanimously.

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

Chief Justice Durrant reported on the following items:

He expressed his gratitude to Mr. Becker, Mr. Wahl, and Mr. Schwermer for all the work they accomplished during the 2014 Legislative Session, on behalf of the courts.

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

Mr. Becker reported on the following items:

Mr. Richard Peay. Mr. Becker mentioned that an email had been sent out last week regarding the passing of Mr. Richard Peay, first State Court Administrator for the state of Utah. Mr. Becker noted the work he accomplished in his role as Utah's state court administrator.

Mandatory E-Filing of Criminal Cases. The effective date for filing all documents in district court criminal cases electronically, except for the information is March 31, 2014. Court staff is working with prosecutors and defense attorneys to prepare them for the effective date. AOC staff is prepared to provide additional help to those needing assistance during the first few days of e-filing the documents.

Legislative Update. A legislative update will be held on April 4 at the Radisson Hotel in downtown Salt Lake City. Representative Brian King is scheduled to speak during lunch at the update.

Judicial Appointments. The following are the Governor's judicial appointments: 1) Judge Joseph Bean, 2nd District; 2) Judge Keith Barnes, 5th District; and 3) Judge Tupakk Renteria, 3rd District Juvenile. All three were confirmed.

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:

A report will be deferred to the legislative report to be provided later in the meeting.

Policy and Planning Report:

Judge Maughan reported on the following:

The March Policy and Planning Committee meeting minutes are included in the Council material. He highlighted the following items being addressed by Policy and Planning in his report: 1) Rule 4-403 will be considered for final action later on the agenda, 2) several rules are listed on the consent calendar to be published for comment, 3) senior judge education, and 4) remote hearings.

Bar Commission Report:

Mr. Lund deferred his report to Mr. Curtis Jensen, Utah State Bar president, who will be providing an update later in the meeting.

**5. REMARKS FROM UTAH STATE BAR PRESIDENT/PRESIDENT ELECT:
(Curtis Jensen, John Baldwin, Thomas Seiler, and Angelina Tsu)**

Ms. Angelina Tsu and Mr. Seiler were welcomed to the meeting.

The Judicial Council heard from Ms. Angelina Tsu and Mr. Thomas Seiler, candidates for president-elect of the Utah State Bar.

Chief Justice Durrant welcomed Mr. Jensen and Mr. Baldwin to the meeting.

Mr. Jensen provided an update, on behalf of the Utah State Bar, to members of the Judicial Council to include the following highlights: 1) expressed appreciation to the Council for their commitment in support of the Bar's Summer conference in Snowmass, Colorado this coming July; 2) expressed his appreciation to Mr. John Baldwin, executive director of the Utah State Bar, for all he does in support of the Utah State Bar; 3) continued focus and promotion of the mentoring, pro bono and modest means programs; 4) looking at future issues that will need to be addressed for practicing attorneys, 5) recognized the efforts of Mr. Sean Toomey, Communications Director for the Utah State Bar; and 6) thanked members of the Council, on behalf of the Utah State Courts, for their courtesy, leadership and guidance.

Chief Justice Durrant thanked Mr. Jensen for the Utah State Bar's support of the judiciary.

6. FIFTH DISTRICT UPDATE: (Judge John Walton, Judge Thomas Higbee, and Rick Davis)

Chief Justice Durrant welcomed Judge Walton to the meeting.

Judge Walton highlighted the following in his Fifth District Update: 1) Judge Shumate's Retirement, effective March 31, 2) Judge Westfall will fill the district court judge vacancy in St. George, 3) Judge Keith Barnes, confirmed last week, will fill the district court judge vacancy in Cedar City, 4) reviewed the future need for an additional judgeship in the Fifth District Court.

Mr. Rick Davis reviewed the following statistical information relative to the Fifth District and Juvenile Courts: 1) five district court judges in the Fifth District; 2) district court age of pending cases data; 3) 154 days of senior judge and visiting judge assistance provided between March 1, 2013 and March 1, 2014 in the Fifth District by 14 visiting judges and 4 senior judges; 4) moved from a clerk of court supporting juvenile court and a clerk of court supporting district court to one clerk of court supporting both courts; 5) total Fifth District Juvenile Court referrals increased from 3269 in FY 2012 to 3312 in FY 2013; 6) delinquency referrals in Fifth District Juvenile Court increased from 1380 in FY 2012 to 1439 in FY 2013; 7) felony referrals in Fifth District Juvenile court increased from 158 in FY 2012 to 240 in FY 2013; 8) child welfare referrals decreased from 598 in FY 2012 to 586 in FY 2013; 9) three juvenile court judges in the Fifth District; and 10) reviewed a delinquency and child welfare timeline report.

Mr. Davis noted that Judge Karla Staheli, Fifth District Juvenile Court Judge, retired February 1, 2014 and Judge Hans Chamberlain is scheduled to retire, effective May 1, 2014. Both vacancies are being considered at the same time by the Fifth District Nominating Commission. Judicial assistance is being provided by senior judges and visiting judges in the interim.

Judge Walton and Mr. Davis were thanked for their update.

7. TCE UPDATE: (Shane Bahr and Terri Yelonck)

Chief Justice Durrant welcomed Ms. Yelonck and Mr. Bahr to the meeting.

Ms. Yelonck provided an update on the activities in juvenile court. She highlighted the following in her update: 1) personnel changes have taken place in the administration of the juvenile court; 2) the probation workload has decreased from 102% in 2012 to 92% in 2013; 3) juvenile court judges are working with probation staff to identify the needs and necessary changes in probation practices; 4) child welfare proceedings have increased slightly and termination of parental rights have shown a decline; 5) a new juvenile judgeship was added in the Eighth District; 6) a DPO III career track has been established; 7) truancy issues are being addressed by collaborating with schools; 8) transparency has improved with the creation of internal and public websites on CARE, e-records and evidence-based practice in Utah; 9) a statewide holding cell policy was created; 10) the two year e-records plan for juvenile court is on schedule to be completed by June 2014.

Mr. Bahr provided an update on the activities in district court. He highlighted the following in his update: 1) observations and the impact of mandatory e-filing of civil cases in April 2013 were noted; 2) ability of court staff to work remotely and job share from various district court locations as a result of e-filing is taking place; 3) district courts, statewide, reduced clerical staff by 4 percent in FY 2013; 4) districts facing staffing challenges due to an increase in court staff and judicial officers being eligible for retirement; 5) all contract sites in the Sixth District have access to the courts intranet and high speed internet; 6) the Juab County Courthouse opened for court on February 18; 7) several front counters serving district court patrons in the Fourth, Sixth and Seventh Districts have been remodeled to provide a better secured separation between court staff and the public; 8) all judicial districts are preparing for the March 31 effective date for all documents to be filed electronically for criminal cases, except for the information which would have an effective date of January 1, 2015 to be filed electronically; 9) statewide, drug and mental health courts continue to be an important part of the court structure, with a veteran's court being developed in the Fourth District; 10) Early Case Resolution (ECR) Courts are being held in the Third District with evaluation of their success being completed; 11) cross training of staff to provide front counter assistance to juvenile court and district court patrons is taking place in the Sixth District; 12) the use of e-commuting is being implemented in the Seventh District; and 13) remote interpretation is being utilized at all three district court sites in the Eighth District.

Chief Justice Durrant thanked Ms. Yelonck and Mr. Bahr for their updates.

8. PROPOSED RULES FOR FINAL ACTION: (Alison Adams-Perlac)

The Policy and Planning Committee recommended an amendment to 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.

Judge Mortensen provided background information. Discussion took place.

Motion: Judge Harmond moved to approve the amendment to Rule 4-403 (subject to public comment), on an expedited basis and effective today. Judge Dawson seconded the motion, and it passed unanimously.

9. SENIOR JUDGE CERTIFICATION: (Alison Adams-Perlac)

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

Motion: Judge Maughan moved to forward the recommendation, on behalf of the Council, to the Supreme Court to certify Judge Hans Chamberlain as an active senior judge—effective May 2. Judge Higbee seconded the motion, and it passed unanimously.

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

Chief Justice Durrant welcomed Judge Allen to the meeting.

Judge Allen highlighted the following in his update to the Council: 1) current members of the Board of District Court Judges, 2) 2013-2014 board goals, and 3) recent activities of the board.

The 2013-2014 goals include: 1) support mental health courts, 2) increase judicial outreach activities, and 3) develop best practices for case management.

Recent activities of the board include: 1) monitoring e-filing improvements and transition to mandatory e-filing, 2) enhanced ABA representative position, 3) monitor Judicial Performance Evaluation Commission (JPEC) concerns, 4) updates from the presiding judge and trial court executive in each judicial district, and 5) proposed rule on limited investigation of domestic issues.

Judge Allen mentioned the Mental Health Court Conference to be held in Logan in mid-July, sponsored by Utah State University and the Utah State Courts. All drug court judges and their teams are encouraged to attend.

Judge Allen was thanked for his update.

11. LEGISLATIVE AND BUDGET UPDATE/INTERIM HIGHLIGHTS: (Rick Schwermer and Daniel J. Becker)

Mr. Becker expressed his appreciation to the AOC staff that provided support during the Legislative Session to include: 1) Mr. Rick Schwermer, who spends the entire 45 days of the session in an office at the Capitol; 2) Mr. Ray Wahl; 2) Mr. Derek Byrne; 3) Mr. Alyn Lunceford; and 4) Ms. Elizabeth Knight.

He highlighted the appropriation requests for the courts approved during the 2014 Legislative Session to include: 1) contracts and lease increase, 2) juror, witness, interpreter supplemental, 3) Duchesne County Courthouse expansion, 4) Utah County land banking (no land banking approved this session), 5) courtroom technology, 6) mental health court funding (First District), 7) court security funding, 8) compensation and benefit increases, and 9) legal aid for families.

Funding for the following requests was deferred by the Judicial Council for further action when the FY 2015 spending plan is considered in April: 1) district court law clerks, 2) juvenile court law clerk, and 3) computer equipment replacement.

The courts budget increased 6.5% from 136,582,800 in FY 2014 to 145,400,000 in FY 2015.

Mr. Schwermer highlighted the following bills considered during the 2014 Legislative Session: 1) HB 70 – Enforceable Entry Amendments, passed; 2) HB 128 – Electronic Device

Location Amendments, amended and passed; 3) HB 120 – Continuing Education on Federalism, passed; 4) HB 137 – Amendments to Driver License Sanctions for Alcohol Related Offenses, passed; 5) HB 185 – Juvenile Detention Facilities, passed; 6) HB 188 – Court Security Revisions, failed; 7) HB 201 – Visitation Amendments, passed; 8) HB 251 – Unsworn Declaration Amendments, failed; 9) HB 318 – Rights of Parents and Children Amendments, failed; 10) HB 319 – Court System Modification Amendments, failed; 11) HB 323 – Divorce Orientation Course Timing, passed; 12) HB 325 – Judicial Performance Evaluation Commission Amendments, passed; 13) HB 336 – Court System Task Force, failed; 14) HB 366 – Jury Duty Amendments, failed; 15) HB 404, Court Security Fee Amendments, passed; 16) HB 411 – Victim Restitution Amendments, passed; 17) HB 414 – Legislative Subpoena Amendments, passed; 18) HB 418 – Rights of Relatives to Child Visitation, failed; 19) HB 424 – Justice Court Amendments, failed; 20) SB 110 – Guardian Costs for Parents of Disable Adult Child, passed; 21) SB 132 – Human Services Amendments, passed; 22) SB 221 – Indigent Counsel in Juvenile Court, passed; and SB 248 – Judicial Retention Election Amendments, passed.

Mr. Becker reported that the Management Committee would address ideas for studying the Commissioner process at their April meeting.

12. EXECUTIVE SESSION:

An executive session was not needed at this time.

13. ADJOURN

The meeting was adjourned.

TAB 2

Management Committee Minutes

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Tuesday, April 8th, 2014
Matheson Courthouse
450 South State Street
Salt Lake City, Utah**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant, Chair
Hon. Kimberly Hornak
Hon. John Pearce for Hon. James Davis
Hon. George Harmond
Hon. Randall Skanchy

EXCUSED:

Hon. James Davis
Hon. John Sandberg

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Alison Adams-Perlac
Dawn Marie Rubio
Debra Moore
Jody Gonzales
Rick Schwermer
Tim Shea
Jessica Van Buren
Nini Rich
Heather Mackenzie-Campbell
Brent Johnson
Emily Iwasaki

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

Chief Justice Durrant welcomed everyone to the meeting. A special welcome was extended to Judge John Pearce who was sitting in for Judge James Davis. After reviewing the minutes, the following motion was made:

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

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

Mr. Becker reported on the following items:

Judicial Retention Filing. Mr. Becker informed members of the Management Committee of the judges who did not file for retention.

Judicial Retirements. Judge John Kennedy has announced his upcoming retirement, effective December 31, 2014. Judge Terry Christiansen has announced his upcoming retirement, effective October 1, 2014.

Mandatory Criminal E-Filing. The effective date for mandatory e-filing of criminal cases, except for the information was March 31. The implementation date went very smooth with few calls for assistance being received. Mr. Becker expressed his gratitude to the court staff responsible for all they did to prepare for the move to e-filing of criminal cases.

E-filing of the information in criminal cases will be effective January 1, 2015. A release for e-filing of information will be made available this summer, in preparation of the January 1 mandatory date.

Benefit Update. An update on healthcare and dental benefits was provided.

Court Conferences. The Juvenile Court Conference will be held April 9-11. The Justice Court Judges Conference will be held April 16-18. The District Court Conference will be held April 23-25.

Judicial Council Meeting. The April 28 Judicial Council meeting will be held at the Juab County Courthouse.

3. COMMITTEE APPOINTMENTS: (Jessica Van Buren, Alison Adams-Perlac, Nini Rich, Ray Wahl, Debra Moore, and Daniel J. Becker)

The Committee on Resources for Self-Represented Parties has a vacancy for a committee chair. The judges on the committee include: 1) Judge Doug Thomas, 2) Judge Michael DiReda, 3) Judge Ryan Evershed, and 4) Judge Marsha Thomas. Judge Thomas and Judge DiReda declined consideration of the committee chair, and Judge Evershed is new to the courts.

Judge Marsha Thomas has been recommended for appointment as the chair of the Committee on Resources for Self Represented Parties.

Motion: Judge Harmond moved to approve the recommendation of Judge Marsha Thomas for appointment as the chair of the Committee on Resources for Self Represented Parties and place it on the April Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

The Committee on Resources for Self-Represented Parties has a vacancy on the committee for a law school representative. Mr. Carl Hernandez was recommended to fill the vacancy.

Motion: Judge Harmond moved to approve the recommendation of Mr. Carl Hernandez to fill the vacancy for a law school representative on the Committee on Resources for Self-Represented parties and place it on the April Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

The Committee on Resources for Self-Represented Parties has two vacancies for legal services organization representatives. The following names have been forwarded for consideration: 1) Mr. Chris Martinez, Legal Aid Society of Salt Lake; 2) Ms. Sue Crismon, Utah Legal Services; and 3) Mr. Craig Harrison, Utah Legal Services.

Discussion took place.

Motion: Judge Harmond moved to approve the appointment of Mr. Chris Martinez and Ms. Sue Chrisman to fill the two vacancies for legal services organization representatives on the Committee on Resources for Self Represented Parties and place it on the April Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

The Committee on Resources for Self-Represented Parties has a vacancy for a community representative. Ms. Leticia Bentley has expressed interest.

Motion: Judge Hornak moved to approve the appointment of Ms. Leticia Bentley to serve as the community representative on the Committee on Resources for Self-Represented Parties and place it on the April Judicial Council consent calendar. Judge Harmond seconded the motion, and it passed unanimously.

The Committee on Resources for Self-Represented Parties recommended the reappointment of Judge Doug Thomas to serve a second term as a district court judge representative on the committee.

Motion: Judge Harmond moved to approve the reappointment of Judge Doug Thomas to serve as a district court representative on the Committee on Resources for Self-Represented Parties and place it on the April Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

The Language Access Committee recommended appointments to the following vacancies on the committee: 1) Judge Rick Romney to serve as the committee chair, 2) Judge Su Chon to serve as a district court judge representative with Judge Trease's term expiring, and 3) Ms. Michelle Draper and M'Leah Woodard have expressed interested in filling the vacancy for an American Sign Language representative.

Motion: Judge Harmond moved to approve the appointment of Judge Rick Romney to fill the vacancy on the Language Access Committee for a committee chair and place it on the April Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

Motion: Judge Harmond moved to approve the appointment of Judge Su Chon to fill the vacancy for a district court judge representative on the Language Access Committee and place it on the April Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

Motion: Judge Hornak moved to approve the appointment of Ms. Michelle Draper to fill the vacancy on the Language Access Committee for an American Sign Language representative and place it on the April Judicial Council consent calendar. Judge Harmond seconded the motion, and it passed unanimously.

The Ad Hoc Committee on Alternative Dispute Resolution recommended the appointment of Commissioner Michelle Tack to fill a vacancy on the committee for a court commissioner representative.

Motion: Judge Harmond moved to approve the appointment of Commissioner Michelle Tack to fill a vacancy on the Ad Hoc Committee on Alternative Dispute Resolution and place it on the April Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

The Standing Committee on Children and Family Law recommended the reappointment of Judge John Walton to serve as a district court judge representative on the committee.

Motion: Judge Harmond moved to approve the reappointment of Judge John Walton as a district court judge representative on the Standing Committee on Children and Family Law. Judge Hornak seconded the motion, and it passed unanimously.

The Uniform Fine and Bail Schedule Committee recommended the appointment of the following to fill vacancies on the committee: 1) Judge Clark McClellan, reappointment as a district court judge representative; 2) Judge Keith Eddington to fill the vacancy for a juvenile court judge representative; 3) Judge Paul Parker to fill the vacancy for a district court judge representative; and 4) Judge James Blanch to fill the vacancy for a district court judge representative.

Motion: Judge Harmond moved to approve the recommendations for reappointment/appointments to the Uniform Fine and Bail Schedule Committee of the following: 1) Judge Clark McClellan, reappointment as a district court judge representative; 2) Judge Keith Eddington to fill the vacancy for a juvenile court judge representative; 3) Judge Paul Parker to fill the vacancy for a district court judge representative; and 4) Judge James Blanch to fill the vacancy for a district court judge representative; and place it on the April Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

It was noted that a vacancy for a justice court judge representative exists on the Uniform Fine and Bail Schedule Committee. The Board of Justice Court Judges will approve a recommendation for consideration. The Management Committee authorized the placement of the justice court judge representative recommendation to be placed directly on the April Judicial Council consent calendar for approval.

With the departure of Judge Carolyn McHugh to the Tenth Circuit Court of Appeals, there is a vacancy on the Standing Committee on Technology for a committee chair. Judge John Pearce was recommended to fill the vacancy on the committee for a Court of Appeals representative. Justice Thomas Lee's term as the Supreme Court representative on the committee has expired. Mr. Tim Shea was recommended to fill the vacancy for a Supreme Court representative on the committee.

Motion: Judge Harmond moved to approve the following two appointments on the Standing Committee on Technology: 1) Judge John Pearce to fill the vacancy for a committee chair, and 2) Mr. Tim Shea to fill the vacancy as the Supreme Court representative and place it on the April Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

4. LIMITED AUDIT REPORTS: (Heather Mackenzie-Campbell)

Chief Justice Durrant welcomed Ms. Mackenzie-Campbell to the meeting.

Ms. Mackenzie-Campbell reported on two recently completed limited audits. She reported on the limited audit of the Second District – Morgan County District Court which was prompted when the district court in Morgan County moved from a contract-managed site to a state-managed site on November 1, 2013. The main objective of the limited audit was to

determine the trust fund balance in CORIS, so a transfer of trust funds by Morgan County to the Morgan County District court could be processed and deposited into the trust account. Differences in the trust fund balance were identified and resolved which resulted in two reports being prepared.

Ms. Mackenzie-Campbell reported on the limited audit of the Sixth District Judicial District – Kane, Sanpete, and Sevier Counties, District and Juvenile Court Trust Accounts which was promoted by the appointment of a new clerk of court in January 2014.

She highlighted the following in her report: 1) three effective trust account procedures were noted, and 2) three significant areas of improvement were found.

All matters needing to be addressed have been taken care of.

Motion: Judge Hornak moved to accept the limited audit of the Second District – Morgan County District Court and the limited audit of the Sixth District Judicial District – Kane, Sanpete, and Sevier Counties, District and Juvenile Court Trust Accounts. Judge Harmond seconded the motion, and it passed unanimously.

5. PROPOSED CHANGES TO RULE 4-401.01: (Brent Johnson)

Chief Justice Durrant welcomed Mr. Brent Johnson to the meeting.

Mr. Brent Johnson provided background information regarding numerous requests by Mr. Eric Johnson, a Salt Lake City attorney, to record different types of proceedings to be posted on a YouTube channel called Utah Family Law TV. He noted that Mr. Eric Johnson was invited to speak to the Management Committee, on his behalf, and that his preference would be to speak to the Judicial Council.

The matter went before the Media Subcommittee and recommendations were submitted to the Judicial Outreach Committee. The Judicial Outreach Committee decided to focus on the types of proceedings and the judge's discretion and not the definition of a reporter. The proposed change to Rule 4-401.01 amends the definition so that it mirrors the definition in the Utah Rules of Evidence. An additional change to the rule requires all requests to be submitted on the appropriate form.

Discussion took place.

The Management Committee agreed to advance the proposed change to the Judicial Council at their April 28 meeting, and it was suggested whatever change is approved should be on an emergency basis.

Motion: Judge Hornak moved to advance the proposed changes to Rule 4-401.01 to the Judicial Council at their April 28 meeting. Judge Harmond seconded the motion, and it passed unanimously.

6. “FINAL DETERMINATION” ISSUE: (Brent Johnson and Emily Iwasaki)

Chief Justice Durrant welcomed Ms. Iwasaki to the meeting.

Ms. Iwasaki noted that the issue of what constitutes a “final determination” was brought up following an instance where the Judicial Conduct Commission sent a letter to a judge telling the judge he/she was out of compliance relative to the rule. The Board of Juvenile Court Judges requested that the Council review the issue of whether the date of an oral ruling from the bench or the date of a signed order constitutes a “final determination”.

Discussion took place.

A copy of Rule 3-104 – Presiding judges was distributed to members of the Management Committee with a proposed change to (3)(K), (3)(K)(i) regarding cases under advisement.

Motion: Judge Hornak moved to approve a change to the rule and send the proposed changes to Policy and Planning to prepare for final approval. Judge Harmond seconded the motion, and it passed unanimously.

7. COURT CONTRACT INTERPRETER HOURLY RATE INCREASE: (Alison Adams-Perlae)

The Language Access Committee recommended approval of a 1% increase in the hourly rate for contract court interpreters to coincide with the 1% salary increase, approved for court employees, during the 2014 Legislative Session. An amended handout was distributed showing the court interpreter rates.

Motion: Judge Hornak moved to accept the recommendation for approval of a 1% increase in the hourly rate for contract court interpreters to coincide with the 1% salary increase, approved for court employees, during the 2014 Legislative Session. Judge Harmond seconded the motion, and it passed unanimously.

8. COMMISSIONER WORKGROUP PROPOSAL: (Daniel J. Becker and Rick Schwermer)

Mr. Becker mentioned that the Judicial Council had delegated to the Management Committee the preparation of a charge and membership of a workgroup to examine ways to strengthen the court commissioner process.

The proposed purpose and charge of the workgroup would be:

To examine the current system for using commissioners in both district and juvenile court to determine ways in which the system can be strengthened, to include selection, evaluation, retention, compliant process, roles and responsibilities, authority, and processing of cases.

The workgroup should conduct a thorough examination of the existing system to identify weaknesses and to make recommendations for improvement. The examination should include litigant, attorney, and court system perspectives. Case processing improvements that would reduce unnecessary delay and costs should be advanced.

Mr. Becker suggested the following representatives be included in the workgroup: 1) two district court judge representatives – Judge David Mortensen and Judge Brent West; 2) a juvenile court judge representative – Judge Christine Decker; 3) a court commissioner – Commissioner Kim Luhn or Commissioner Michelle Tack; 4) a member of the House and Senate – Representative Jeremy Peterson and Senator Todd Weiler; 5) two members from the Family Law Section of the Utah State Bar/Legal Aid – Ms. Lori Nelson and Mr. Stewart Ralphs; and 7) Ms. Debra Moore, AOC, to staff the workgroup.

It was suggested that the workgroup complete their work and report their findings and recommendations to the Judicial Council at their November 2014 meeting. This would give the Judicial Council time to determine whether to advance any necessary legislation during the 2015

Legislative Session.

The Judicial Council delegated approval of the Commissioner Workgroup to the Management Committee at their March 2014 meeting. Discussion took place.

Motion: Judge Skanchy moved to adopt the proposal and recommended members with Judge Brent West to serve as the committee chair and Commissioner Kim Luhn to serve as the court commissioner representative. Judge Harmond seconded the motion, and it passed unanimously.

Members of the workgroup will be contacted prior to the April Council meeting.

9. FY 2015 BUDGET PLAN RECOMMENDATIONS: (Ray Wahl)

FY 2015 Operational Budget Preview. Mr. Wahl provided a preview of the recommendations for the FY 2015 operational budget to be made to the Judicial Council on April 28.

Mr. Wahl highlighted the following recommendations to the courts budget relative to ongoing funding requests: 1) ongoing turnover savings, 2) fiscal note funding for HB 71 and HB 117, 3) mental health court – 1st District, 4) ongoing fiscal note funds from the 2013 general session, 5) VOIP budget savings, 6) lease and contract funding increase, 7) career track, 8) .25% increases for high-performance staff, and 9) market comparability adjustments.

The following recommendations to the courts budget relative to one-time funding requests were highlighted: 1) one time general fund – courtroom technology funding, 2) carry forward funding projection, 3) time-limited law clerks, 4) tuition assistance, 5) employee incentive awards, 6) UCA purchases (code books), 7) self-help center, 8) judicial operations budget, 9) District Court Program Administrator to be funded from a .5 FT to a 1.0 FTE, 10) MSU Judicial Administration Certification Program, and 11) reserve amount.

10. BAIL SCHEDULE AMENDMENT TIMING: (Rick Schwermer)

Mr. Schwermer reported that several changes to the bail schedule, CORIS, and E-warrant Systems will need to be made by May 13, due to bills passed during the 2014 Legislative Session. In order to make the necessary changes by May 13, Mr. Schwermer is proposing that the Judicial Council delegate authority to the Management Committee to approve the necessary changes at their May 13 meeting.

This matter will be placed on the April 28 Judicial Council agenda for further discussion and their approval.

11. JUSTICE COURT CONFERENCE – REQUESTED ATTENDANCE

EXEMPTION: (Rick Schwermer)

Attendance at the Justice Court Judge Annual Spring Conference is statutorily required of the justice court judges. Due to a medical matter, Judge Ivo Peterson has requested to be excused from attending the conference.

Motion: Judge Hornak moved to approve Judge Ivo Peterson's request to be excused from attending the 2014 Justice Court Judge Annual Spring Conference due to a medical matter. Judge Hornak seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reviewed the proposed Council agenda for the April 28 Council meeting.

Motion: Judge Hornak moved to approve the agenda for the April 28 Council meeting as amended. Judge Harmond seconded the motion, and it passed unanimously.

13. **ADJOURN**

The meeting was adjourned.

Policy and Planning Committee Minutes

Minutes of the Policy and Planning Committee

April 4, 2014

Draft. Subject to approval

Members Present

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

Staff

Alison Adams-Perlac

(1) Approval of minutes.

The minutes of March 7, 2014 were approved as prepared.

(2) CJA 10-1-602. Orders to show cause.

The committee discussed local rule CJA 10-1-602, addressing orders to show cause. The proposal received no comments during the public comment period. The Rules of Civil Procedure Committee is considering adopting the rule on a statewide basis, and the committee recommended that they consider clarifying the rule to make clear whether it applies in all cases, or just in domestic cases.

The committee voted to recommend the proposal, as written, to the Judicial Council, and to forward it on for final action.

(3) Changes to senior judge education guidelines.

The committee considered a proposal by Tom Langhorne, Education Director, to the Court's internal policy addressing judicial education with regard to senior judges. The proposal would allow the Standing Education Committee to recommend to the Judicial Council that a senior judge be allowed to receive more than 1/3 of his or her education credits through independent learning if good cause is shown.

The committee voted to change "under exigent circumstances" to "based on good cause" and to recommend the proposal to the Judicial Council.

(4) CJA 4-902. Limited scope investigation of domestic issues.

The committee discussed proposed CJA 4-902, addressing limited scope investigation of domestic issues. The proposal was previously reviewed and recommended by the Board of District Court Judges. The proposed rule provides a process for the court to appoint a custody evaluator to investigate select issues in a domestic case rather than completing a full custody evaluation.

The committee voted to recommend the proposal, as written, to the Judicial Council, and to forward it on for public comment.

(5) Court Interpreter Credentialing Changes and CJA 3-306.

The committee discussed the Language Access Committee's recommendations regarding changes to the court interpreter credentialing process.

Judge Parkin expressed concern that justice courts may not be following rule 3-306, even though it applies to them, particularly with regard to appointing the highest credentialed interpreter available. He suggested that the issue of enforcing the rule with the justice courts be brought before the Board of Justice Court Judges. He stated that the justice courts are required to have a line item in their budgets for court interpreters. Ms. Adams-Perlac agreed to meet with the Board of Justice Court Judges to address these issues.

The committee voted to recommend to the Judicial Council that the Basic Orientation Workshop be removed, and the Registered 2 designation be removed from the court's website and rule 3-306 (as long as the Registered 2 interpreters receive proper notice of the change and the ability to comment on the change, and are given time to take the Oral Proficiency Interview (OPI)).

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: April 23, 2014
Re: Changes to Judicial Education Guidelines for Senior Judges

On April 4, 2014, the Policy and Planning Committee voted to recommend an amendment to the Court's internal policy addressing judicial education with regard to senior judges. The amended proposal would allow the Standing Education Committee to recommend to the Judicial Council that a senior judge be allowed to receive more than 1/3 of his or her education credits through independent learning if good cause is shown.

The proposal addresses the concern that senior judges, who provide so much service to the Court, should be able to get education credit for time spent teaching about the legal system outside the State of Utah.

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

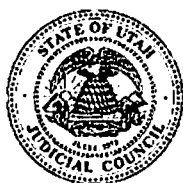
450 South State Street / POB 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3821 / Fax: 801-578-3843 / email: alisonap@utcourts.gov

I. Common methods of achieving the required certified hours:

- Programs and conferences sponsored by the Utah Judicial Institute
- Bar CLE programs
- Out-of-state education programs (see Policies on out-of-state travel)
- Independent learning

A Mmaximum of 1/3 (10 hours) of the mandatory credit hours in any reporting year may be attained through independent learning. However, the Standing Education Executive Committee may, based on good cause, recommend to the Judicial Council that an Active Senior Judge be allowed to meet more than 1/3 of the judge's mandatory credit hours through independent learning.

TAB 4



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 *General Office 1010*
Date: April 22, 2014
Re: 1% Hourly Rate Increase for Contract Court Interpreters

The Management Committee has recommended that the Judicial Council approve a 1% increase in the hourly fee for contract court interpreters, which would extend to these interpreters the benefit of the 1% salary increase approved by the legislature for court employees. This change does not affect the four staff interpreters, who will receive the 1% salary increase of other employees.

The only adjustment to the hourly rate since 2009 has been a 1% increase which the Council approved for FY 2013. The effect on the levels of qualification will be as follows:

Fiscal Year	Certified	Approved	Registered 1	Registered 2	Conditionally Approved
2006	\$35.00	\$30.00	\$30.00	\$22.50	\$17.50
2007	\$36.23	\$31.05	\$31.05	\$23.29	\$17.50
2008	\$37.50	\$32.14	\$32.14	\$24.10	\$17.50
2009	\$38.63	\$33.10	\$33.10	\$24.82	\$18.03
2013	\$39.02	\$33.43	\$33.43	\$25.07	\$18.21
2014	\$39.41	\$33.77	\$33.77	\$25.32	\$18.39
2015	\$39.80	\$34.11	\$34.11	\$25.57	\$18.57

For 2013, the National Center for State Courts reports the following, among states paying an hourly fee, for certified interpreters:

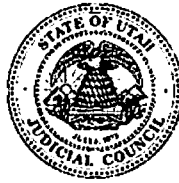
- Average (range): \$31.86-\$53.74
- High: \$100.00
- Low: \$25.00

Based on the fees paid during FY 2013, the most recent full year available, the estimated total cost of the increase for 2014 will be approximately \$9,528.

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TAB 5



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
Date: April 23, 2014
Re: Court Interpreter Credentialing Changes

On April 4, 2014, the Policy and Planning Committee voted to recommend two changes to the Utah State Court's interpreter credentialing requirements as recommended by the Language Access Committee.

The first recommendation is that the Basic Orientation Workshop be removed as an orientation option for interpreters seeking to become Registered. Utah is the only state in the nation that provides this free orientation, which was initially offered as a way of recruiting new interpreters. Attendance at this orientation has gone down, and the costs outweigh the benefits at this point. If this change is implemented, individuals seeking to become Registered Interpreters will need to fulfill the orientation requirement by attending the \$100 mandatory 2-day orientation course as required for Certified Interpreters and Approved Interpreters.

The second recommendation is that the Registered 2 designation be removed. The Registered 2 designation, the lowest credential for court-approved interpreters, was initially implemented as an interim solution for conditionally approved interpreters who had not yet completed and passed the Oral Proficiency Interview (OPI), after the OPI became available in the interpreter's language. Many Registered 2 Interpreters are languishing in this position and have not completed the OPI, even though they may take it at any time. No other state in the nation provides a Registered 2 designation.

If the Registered 2 designation is removed, a rule change will be necessary as provided in the attached proposal.

If the Judicial Council recommends that the Registered 2 designation be removed and that the rule be changed, Registered 2 Interpreters will receive notice that there is a proposal to change the rule, including information on how to comment on the rule change. If the rule change is approved by the Judicial Council following public comment, Registered 2 Interpreters will receive notice (including information regarding changes to their hourly rate) and will be given 6 months to take the OPI in order to become Approved. Any Registered 2 Interpreters who choose not to become Approved will be placed on the unofficial conditionally approved list, will not be listed on the court's website, and will receive \$18.39 per hour (compared to \$25.32) when they interpret.

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

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Certification (\$39.41)

Application
Background Check
English Written Exam offered 4Xs/year
*Revert to original test with 132 questions;
*Require 80% pass rate;
Maintain \$25 fee
2-day Orientation (non-language specific) offered 1/year;
Maintain \$100 fee
Ethics Exam; 70% to pass
10 hours court observation with a certified interpreter
Oral exams in modes of interpretation by NCSC; 70% to pass
*Consider adding a mentoring piece

Approval (\$33.77)

Application
Background Check
English Written Exam offered 4Xs/year; *same changes as above
2-day Orientation (non-language specific) offered 1/year;
Maintain \$100 fee
Ethics Exam; 70% to pass
10 hours court observation with a certified interpreter
Oral Proficiency Interview (OPI); Superior rating to pass
*Mentoring piece

Registered 1 (\$33.77)

(languages that are not available for certification or OPI)

Application
Background Check
English Written Exam offered 4Xs/year; *same changes as above
2-day Orientation (non-language specific) offered 1/year;
Maintain \$100 fee
Ethics Exam; 70% to pass
10 hours court observation with a certified interpreter
*Mentoring piece

Registered 2 (\$25.32)

*consider eliminating this credential - would be conditionally approved (\$18.39)

Application
Background Check
English Written Exam offered 4Xs/year; *same changes as above
2-day Orientation (non-language specific) offered 1/year;
Maintain \$100 fee
Ethics Exam; 70% to pass
10 hours court observation with a certified interpreter

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

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

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

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

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

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

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

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

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

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

90 (4) Appointment.

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

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

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

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

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

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

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

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

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

(4)(G) The appointing authority will appoint one interpreter for all participants with 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.

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

139 (5) Payment.

140 (5)(A) The fees and expenses for language access shall be paid by the
141 administrative office of the courts in courts of record and by the government
142 that funds the court in courts not of record. The court may assess the fees and
143 expenses as costs to a party as otherwise provided by law. (Utah Constitution,
144 Article I, Section 12, Utah Code Sections 77-1-6(2)(b), 77-18-7, 77-32a-1, 77-
145 32a-2, 77-32a-3, 78B-1-146(3), URCP 54(d)(2), and Title VI of the Civil Rights
146 Act of 1964, 42 U.S.C. 2000d, et seq., and regulations and guidance adopted
147 under that title.)

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

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

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

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

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

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

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

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

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

(9)(E)(iii) If the complaint is not resolved by stipulation, the program coordinator will notify the committee, which shall hold a hearing. The committee chair and at least one interpreter member must attend. If a committee member is the complainant or the interpreter, the committee member is recused. The program coordinator shall mail notice of the date, time and place of the hearing to the interpreter. The hearing is closed to the public. Committee members and staff may not disclose or discuss information or materials outside of the meeting except with others who participated in the meeting or with a member of the Committee. The committee may review records and interview the interpreter, the complainant and witnesses. A record of the proceedings shall be 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 must meet the continuing education requirements of an employee, but at least half of the minimum requirement must be in improving interpreting skills. The employee is subject

to the discipline process for court personnel, but the grounds for discipline include those listed in this rule.

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

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

TAB 6

RULE 3-409

Courts Facility Planning

Intent:

- To provide for the responsibilities of the Courts Facility Planning Committee.
- To provide for the effective planning of courts capital facilities.
- To promote the efficient use of new and existing courthouses through application of co-location and multi-use court facility concepts.
- To establish a framework for the conceptual, planning, developmental and implementation phases of court capital facilities.
- To provide for Council review and approval of all proposed court capital facilities.
- To ensure adherence to the design and space guidelines and other requirements of the Utah Judicial System Capital Facilities Masterplan.

Committee Responsibilities:

Review trends and projections in population, caseload, and other growth indicators to anticipate courthouse construction needs:

- Completed Studies - Summit County and Duchesne County.
- Current and Ongoing Studies - Utah county and Carbon County.
- Future Studies - Sanpete County and Iron County.

Review the evaluations of courthouses required by this rule and recommend the prioritized placement of courthouse construction projects within the Masterplan:

The Committee evaluates and prioritizes all court sites and court facilities for the Ten Year Plan. The information is used to evaluate facility for capital development, capital improvement, facility maintenance and remodel projects. The Ten Year Plan includes all court facilities; state owned, leased and contract sites. (Attached)

Review recommendations from the facility coordinator on construction projects and the Masterplan:

As part of the budget process the facility coordinators are required to submit a list of projects for funding consideration to the Committee. These requests are reviewed, evaluated and prioritized for the Capital Improvement Project funding.

Make recommendations to the Council regarding the reordering of Masterplan priorities and amendments to design and space guidelines:

The Masterplan is reviewed as events, conditions or opportunities develop. The Committee evaluates the prioritization of the Masterplan annually and presents recommendations and changes to the Judicial Council as needed.

The Design and Space Guidelines are updated at the end of each Capital Development project; therefore, both the Juab county courthouse and the Ogden Juvenile design and construction contracts include up-dating the Design and Space Guidelines to reflect any changes. Changes to the Design Guidelines are presented to the Judicial Council for approval.

Compare construction requests with the Design and Space Guidelines of the Masterplan to ensure the current and anticipated needs of the court are met:

All construction requests are reviewed for compliance to the Design and Space Guidelines. The guidelines are updated as needed to ensure they meet the current needs of the courts.

Develop timetable for construction requests so that the Committee presents its recommendations to the Council in advance of the Annual Planning Workshop:

The Ten Year Masterplan prioritizes the court facilities. This prioritization is used to select the order of Capital Development Requests based on the needs of the courts and included in the annual report of the Standing Committee.

Make recommendations to the Council for the approval, modification or disapproval of construction requests:

All Capital Development Project Requests are evaluated for need and compliance with the Masterplan before presentation to the Council. The Council can then modify or change the list before taking action.

Develop procedures for the delegation of committee responsibilities to the facility coordinator:

The Committee has delegated the responsibility of defining and requesting improvement projects to the facility coordinators for each district. The procedures for evaluating and developing these requests have been incorporated into the annual budget request process. The facility coordinators are attending the construction meetings within their district.

Ten Year Master Plan

The Capital Development prioritization list for State Courts system was established in 2001. Over the last thirteen years we have received funding for and built nine new facilities from that list. We are currently evaluating and updating the prioritization of future Capital Development requests. Recognizing changes in the Courts systems, aging facilities, leased facilities and contract sites that do not comply with the design guidelines; we are evaluating all court facilities based on the following criteria.

This study looks at all court facilities as of January 1, of the current year. The study evaluates the facilities Security, Building condition, Court function (adequacy), County size and County growth potential, as described below.

Evaluation criteria

1 Security

Score 1 to 10 – 1 meets current standard, 10 doesn't meet standards

- Does the Building meet current security standards
- Can the building be renovated to bring the building up to current
- Security check points in the building
- Does the Building have Camera systems
- Does the Building have Access control systems
- Security equipment (x-ray – metal detector)

2 Building Condition

Score 1 to 10 – 1 very good, 10 needs major work

- Does the Building meet current building standards
- Can the building be renovated to bring the building up to current
- Building location

3 Adequacy

Score 1 to 10 – 1 meets all current needs, 10 fails to meet needs

- Number of court room / number of judges
- Court room utilization
- Clerical work area
- Probation work area
- Building renovation potential

4 County Size Factor

Score 1 to 5 – 1 least populated, 5 most populated

- Population of the county
- Location within the county
- Population centers of the county
- Current court locations (numbers of court houses, court rooms)
- Accessibility within and between population centers
- Transportation considerations

5 County Growth Factor

Score 1 to 5 – 1 least growth potential, 5 largest growth potential

Five years

Ten year

Fifteen year

Twenty year

Thirty Year

All Court Facilities Ranking

District	County	Facility Type	State / Contract	Unit Name	Lease / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	County	Growth	Total
2	Weber	Courthouse	State	Ogden JV	Owned	3	23,857	10	4	10	4	4	32.00
4	Utah	Courthouse	State	Provo Dist	Owned	9	59,928	7	7	8	5	4	31.00
4	Utah	Courthouse	State	Orem	Owned	4	16,080	7	5	6	5	4	27.00
4	Utah	Courthouse	State	Provo JV	Owned	3	18,303	10	6	2	5	4	27.00
3	Summit	Courthouse	State	Park City (Silver Summit)	Leased	2	15,100	4	7	9	3	3	26.00
6	Wayne	Courthouse	Contract	Loa	Leased	1	2,600	10	9	5	1	1	26.00
8	Duchesne	Courthouse	State	Duchesne	Leased	1	7,013	8	5	8	3	2	26.00
6	Sanpete	Courthouse	State	Manti	Leased	2	7,301	7	8	7	2	1	25.00
6	Kane	Courthouse	Contract	Kanab	Leased	1	3,846	8	7	6	1	1	23.00
7	Carbon	Courthouse	State	Price	Leased	3	18,279	4	8	7	2	1	22.00
8	Daggett	Courthouse	Contract	Manila	Leased	1	3,137	8	7	5	1	1	22.00
1	Rich	Courthouse	Contract	Randolph	Leased	1	2,415	7	7	5	1	1	21.00
4	Wasatch	Courthouse	State	Heber City	Leased	1	10,043	4	3	6	3	3	19.00
7	San Juan	Courthouse	State	Monticello	Leased	1	3,206	5	6	6	1	1	19.00
8	Duchesne	Courthouse	State	Roosevelt	Leased	1	4,786	5	5	4	3	2	19.00
2	Davis	Courthouse	State	Layton	Owned	2	20,025	3	5	2	4	4	18.00
2	Davis	Courthouse	State	Bountiful	Leased	2	26,804	4	4	1	4	4	17.00
2	Morgan	Courthouse	State	Morgan	Leased	1	2,727	6	6	2	2	1	17.00
5	Iron	Courthouse	State	Parowan	Leased	1	3,077	7	5	2	2	1	17.00
2	Davis	Courthouse	State	Farmington 810 W state	Owned	10	131,699	3	3	2	4	4	16.00
4	Utah	Courthouse	State	American Fork	Leased	3	27,588	3	2	4	4	4	17.00
5	Iron	Courthouse	State	Cedar City	Owned	3	17,037	4	3	3	3	3	16.00
7	Grand	Courthouse	State	Moab	Leased	1	11,936	6	4	4	1	1	16.00
2	Weber	Courthouse	State	Ogden Dist	Owned	11	91,000	2	3	2	4	4	15.00
3	Salt Lake	Courthouse	State	Matheson	Owned	37	417,000	2	2	2	5	4	15.00
3	Salt Lake	Courthouse	State	West Jordan	Owned	10	117,439	2	2	2	5	4	15.00
4	Millard	Courthouse	Contract	Fillmore	Leased	1	8,598	5	4	3	1	2	15.00
4	Utah	Courthouse	State	Spanish Fork	Leased	2	31,779	2	2	2	4	4	14.00
5	Beaver	Courthouse	State	Beaver	Leased	1	7,088	5	2	2	2	2	13.00
3	Tooele	Courthouse	State	Tooele	Owned	2	58,968	2	2	2	3	3	12.00
6	Sevier	Courthouse	State	Richfield	Owned	2	19,839	3	4	2	2	1	12.00
8	Uintah	Courthouse	State	Vernal	Owned	3	33,331	2	2	2	3	3	12.00
1	Cache	Courthouse	State	Logan	Owned	6	73,644	2	1	2	3	2	10.00
5	Washington	Courthouse	State	St George	Owned	8	95,550	2	1	1	3	3	10.00
4	Utah	Courthouse	Contract	Salem	Leased	0	104	0	0	1	4	4	9.00
6	Piute	Courthouse	Contract	Junction	Leased	1	4,120	4	2	1	1	1	9.00
7	Emery	Courthouse	State	Castle Dale	Leased	1	8,800	3	2	2	1	1	9.00
1	Box Elder	Courthouse	State	Brigham City	Owned	3	35,000	2	1	2	2	1	8.00
4	Juab	Courthouse	State	Nephi	Leased	1	3,080	2	1	1	2	2	8.00
6	Garfield	Courthouse	Contract	Panguitch	Leased	1	2,481	4	1	1	1	1	8.00

All Court Facilities by District

County	Facility Type	State / Contract	Unit Name	Lease / Owned	Courtroom s	Square Feet	Security	Condition	Adequacy	County	Growth	Total
Box Elder	Courthouse	State	Brigham City	Owned	3	35,000	2	1	2	2	1	8.00
Cache	Courthouse	State	Logan	Owned	6	73,644	2	1	2	3	2	10.00
Rich	Courthouse	Contract	Randolph	Leased	1	2,415	7	7	5	1	1	21.00
Davis	Courthouse	State	Bountiful	Leased	2	26,804	4	4	1	4	4	17.00
Davis	Courthouse	State	Farmington 810 W state	Owned	10	131,699	3	3	2	4	4	16.00
Davis	Courthouse	State	Layton	Owned	2	20,025	3	5	2	4	4	18.00
Morgan	Courthouse	State	Morgan	Leased	1	2,727	6	6	2	2	1	17.00
Weber	Courthouse	State	Ogden Dist	Owned	11	91,000	2	3	2	4	4	15.00
Weber	Courthouse	State	Ogden JV	Owned	3	23,857	10	4	10	4	4	32.00
Salt Lake	Office	State	City Center Probation (1950 West)	Owned	0	8,312		1	1	5	5	12.00
Salt Lake	Office	State	JV 3500 south building	Owned	0	20,594		6	3	5	5	19.00
Salt Lake	Courthouse	State	Matheson	Owned	37	417,000	2	2	2	5	4	15.00
Salt Lake	Courthouse	State	West Jordan	Owned	10	117,439	2	2	2	5	4	15.00
Salt Lake	Office	State	West Valley City JV Prob	Owned	1	26,300		5	3	5	5	18.00
Summit	Courthouse	State	Park City (Silver Summit)	Leased	2	15,100	4	7	9	3	3	26.00
Tooele	Courthouse	State	Tooele	Owned	2	58,968	2	2	2	3	3	12.00
Juab	Courthouse	State	Nephi	Leased	1	3,080	2	1	1	2	2	8.00
Millard	Office	State	Delta JV Prob	Leased	0	702		5	5	1	1	12.00
Millard	Courthouse	Contract	Fillmore	Leased	1	8,598	5	4	3	1	2	15.00
Utah	Courthouse	State	American Fork	Leased	3	27,588	3	2	4	4	4	17.00
Utah	Courthouse	State	Orem	Owned	4	16,080	7	5	6	5	4	27.00
Utah	Courthouse	State	Provo Dist	Owned	9	59,928	7	7	8	5	4	31.00
Utah	Courthouse	State	Provo JV	Owned	3	18,303	10	6	2	5	4	27.00
Utah	Courthouse	Contract	Salem	Leased	0	104	0	0	1	4	4	9.00
Utah	Courthouse	State	Spanish Fork	Leased	2	31,779	2	2	2	4	4	14.00
Wasatch	Courthouse	State	Heber City	Leased	1	10,043	4	3	6	3	3	19.00
Beaver	Courthouse	State	Beaver	Leased	1	7,088	5	2	2	2	2	13.00
Iron	Courthouse	State	Cedar City	Owned	3	17,037	4	3	3	3	3	16.00
Iron	Office	State	Cedar City JV Prob	Leased	0	5,089		3	2	2	2	9.00
Iron	Courthouse	State	Parowan	Leased	1	3,077	7	5	2	2	1	17.00
Washington	Courthouse	State	St George	Owned	8	95,550	2	1	1	3	3	10.00
Garfield	Courthouse	Contract	Panguitch	Leased	1	2,481	4	1	1	1	1	8.00
Piute	Courthouse	Contract	Junction	Leased	1	4,120	4	2	1	1	1	9.00
Kane	Courthouse	Contract	Kanab	Leased	1	3,846	8	7	6	1	1	23.00
Kane	Office	State	Kanab JV	Leased	0	2,180		5	3	3	1	12.00
Sanpete	Courthouse	State	Manti	Leased	2	7,301	7	8	7	2	1	25.00
Sanpete	Office	State	Manti JV	Leased	0	1,940		6	5	3	2	16.00
Sevier	Courthouse	State	Richfield	Owned	2	19,839	3	4	2	2	1	12.00
Wayne	Courthouse	Contract	Loa	Leased	1	2,600	10	9	5	1	1	26.00
Carbon	Courthouse	State	Price	Leased	3	18,279	4	8	7	2	1	22.00
Emery	Courthouse	State	Castle Dale	Leased	1	8,800	3	2	2	1	1	9.00
Grand	Courthouse	State	Moab	Leased	1	11,936	6	4	4	1	1	16.00
San Juan	Office	State	Blanding JV	Leased	0	374		1	5	3	1	10.00
San Juan	Courthouse	State	Monticello	Leased	1	3,206	5	6	6	1	1	19.00
San Juan	Office	State	Monticello JV Prob	Leased	0	320		5	5	2	1	13.00
Daggett	Courthouse	Contract	Manila	Leased	1	3,137	8	7	5	1	1	22.00
Duchesne	Courthouse	State	Duchesne	Leased	1	7,013	8	5	8	3	2	26.00
Duchesne	Courthouse	State	Roosevelt	Leased	1	4,786	5	5	4	3	2	19.00
Uintah	Courthouse	State	Vernal	Owned	3	33,331	2	2	2	3	3	12.00
Uintah	Other	State	Vernal training / public programs	Owned	0	4,786		5	5	3	2	15.00
			Totals		148	1,515,205						
			Owned Courthouses	16	116	1,228,700	4	3	3	4	3	17.25
			Leased Courthouses State Sites	16	24	188,607	5	4	4	2	2	17.75
			Leased Courthouses Contract	8	7	27,301	6	5	3	1	2	16.63
			Probation Offices	10	1	70,597	-	4	4	3	3	13.60
			Average			30,304	5	4	4	3	2	17.50

All Courthouse Facilities by District

District	County	Facility Type	State / Contract	Unit Name	Lease / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	County	Growth	Total
1	Box Elder	Courthouse	State	Brigham City	Owned	3	35,000	2	1	2	2	1	8.00
1	Cache	Courthouse	State	Logan	Owned	6	73,644	2	1	2	3	2	10.00
1	Rich	Courthouse	Contract	Randolph	Leased	1	2,415	7	7	5	1	1	21.00
2	Davis	Courthouse	State	Bountiful	Leased	2	26,804	4	4	1	4	4	17.00
2	Davis	Courthouse	State	Farmington 810 W state	Owned	10	131,699	3	3	2	4	4	16.00
2	Davis	Courthouse	State	Layton	Owned	2	20,025	3	5	2	4	4	18.00
2	Morgan	Courthouse	State	Morgan	Leased	1	2,727	6	6	2	2	1	17.00
2	Weber	Courthouse	State	Ogden Dist	Owned	11	91,000	2	3	2	4	4	15.00
2	Weber	Courthouse	State	Ogden JV	Owned	3	23,857	10	4	10	4	4	32.00
3	Salt Lake	Courthouse	State	Matheson	Owned	37	417,000	2	2	2	5	4	15.00
3	Salt Lake	Courthouse	State	West Jordan	Owned	10	117,439	2	2	2	5	4	15.00
3	Summit	Courthouse	State	Park City (Silver Summit)	Leased	2	15,100	4	7	9	3	3	26.00
3	Tooele	Courthouse	State	Tooele	Owned	2	58,968	2	2	2	3	3	12.00
4	Juab	Courthouse	State	Nephi	Leased	1	3,080	2	1	1	2	2	8.00
4	Millard	Courthouse	Contract	Fillmore	Leased	1	8,598	5	4	3	1	2	15.00
4	Utah	Courthouse	State	American Fork	Leased	3	27,588	3	2	4	4	4	17.00
4	Utah	Courthouse	State	Orem	Owned	4	16,080	7	5	6	5	4	27.00
4	Utah	Courthouse	State	Provo Dist	Owned	9	59,928	7	7	8	5	4	31.00
4	Utah	Courthouse	State	Provo JV	Owned	3	18,303	10	6	2	5	4	27.00
4	Utah	Courthouse	Contract	Salem	Leased	0	104	0	0	1	4	4	9.00
4	Utah	Courthouse	State	Spanish Fork	Leased	2	31,779	2	2	2	4	4	14.00
4	Wasatch	Courthouse	State	Heber City	Leased	1	10,043	4	3	6	3	3	19.00
5	Beaver	Courthouse	State	Beaver	Leased	1	7,088	5	2	2	2	2	13.00
5	Iron	Courthouse	State	Cedar City	Owned	3	17,037	4	3	3	3	3	16.00
5	Iron	Courthouse	State	Parowan	Leased	1	3,077	7	5	2	2	1	17.00
5	Washington	Courthouse	State	St George	Owned	8	95,550	2	1	1	3	3	10.00
6	Garfield	Courthouse	Contract	Panguitch	Leased	1	2,481	4	1	1	1	1	8.00
6	Piute	Courthouse	Contract	Junction	Leased	1	4,120	4	2	1	1	1	9.00
6	Kane	Courthouse	Contract	Kanab	Leased	1	3,846	8	7	6	1	1	23.00
6	Sanpete	Courthouse	State	Manti	Leased	2	7,301	7	8	7	2	1	25.00
6	Sevier	Courthouse	State	Richfield	Owned	2	19,839	3	4	2	2	1	12.00
6	Wayne	Courthouse	Contract	Loa	Leased	1	2,600	10	9	5	1	1	26.00
7	Carbon	Courthouse	State	Price	Leased	3	18,279	4	8	7	2	1	22.00
7	Emery	Courthouse	State	Castle Dale	Leased	1	8,800	3	2	2	1	1	9.00
7	Grand	Courthouse	State	Moab	Leased	1	11,936	6	4	4	1	1	16.00
7	San Juan	Courthouse	State	Monticello	Leased	1	3,206	5	6	6	1	1	19.00
8	Daggett	Courthouse	Contract	Manila	Leased	1	3,137	8	7	5	1	1	22.00
8	Duchesne	Courthouse	State	Duchesne	Leased	1	7,013	8	5	8	3	2	26.00
8	Duchesne	Courthouse	State	Roosevelt	Leased	1	4,786	5	5	4	3	2	19.00
8	Uintah	Courthouse	State	Vernal	Owned	3	33,331	2	2	2	3	3	12.00
				Totals		147	1,444,608						
				Owned Courthouses	16	116	1,228,700	4	3	3	4	3	17.25
				Leased Courthouses State Sites	16	24	188,607	5	4	4	2	2	17.75
				Leased Courthouses Contract	8	7	27,301	6	5	3	1	2	16.63
				Average			36,115	5	4	4	3	2	17.33

Owned Courthouse Facilities by District													
District	County	Facility Type	State / Contract	Unit Name	Lease / Owned	Courtroom s	Square Feet	Security	Condition	Adequacy	County	Growth	Total
1	Box Elder	Courthouse	State	Brigham City	Owned	3	35,000	2	1	2	2	1	8.00
1	Cache	Courthouse	State	Logan	Owned	6	73,644	2	1	2	3	2	10.00
2	Davis	Courthouse	State	Farmington 810 W state	Owned	10	131,699	3	3	2	4	4	16.00
2	Davis	Courthouse	State	Layton	Owned	2	20,025	3	5	2	4	4	18.00
2	Weber	Courthouse	State	Ogden Dist	Owned	11	91,000	2	3	2	4	4	15.00
2	Weber	Courthouse	State	Ogden JV	Owned	3	23,857	10	4	10	4	4	32.00
3	Salt Lake	Courthouse	State	Matheson	Owned	37	417,000	2	2	2	5	4	15.00
3	Salt Lake	Courthouse	State	West Jordan	Owned	10	117,439	2	2	2	5	4	15.00
3	Tooele	Courthouse	State	Tooele	Owned	2	58,968	2	2	2	3	3	12.00
4	Utah	Courthouse	State	Orem	Owned	4	16,080	7	5	6	5	4	27.00
4	Utah	Courthouse	State	Provo Dist	Owned	9	59,928	7	7	8	5	4	31.00
4	Utah	Courthouse	State	Provo JV	Owned	3	18,303	10	6	2	5	4	27.00
5	Iron	Courthouse	State	Cedar City	Owned	3	17,037	4	3	3	3	3	16.00
5	Washington	Courthouse	State	St George	Owned	8	95,550	2	1	1	3	3	10.00
6	Sevier	Courthouse	State	Richfield	Owned	2	19,839	3	4	2	2	1	12.00
8	Uintah	Courthouse	State	Vernal	Owned	3	33,331	2	2	2	3	3	12.00
				Totals		116	1,228,700						
				Owned Courthouses	16	116	1,228,700	4	3	3	4	3	17.25
				Average			76,794	4	3	3	4	3	17.25

Leased Courthouse Facilities by District													
District	County	Facility Type	State / Contract	Unit Name	Lease / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	County	Growth	Total
2	Davis	Courthouse	State	Bountiful	Leased	2	26,804	4	4	1	4	4	17.00
2	Morgan	Courthouse	State	Morgan	Leased	1	2,727	6	6	2	2	1	17.00
3	Summit	Courthouse	State	Park City (Silver Summit)	Leased	2	15,100	4	7	9	3	3	26.00
4	Juab	Courthouse	State	Nephi	Leased	1	3,080	2	1	1	2	2	8.00
4	Utah	Courthouse	State	American Fork	Leased	3	27,588	3	2	4	4	4	17.00
4	Utah	Courthouse	State	Spanish Fork	Leased	2	31,779	2	2	2	4	4	14.00
4	Wasatch	Courthouse	State	Heber City	Leased	1	10,043	4	3	6	3	3	19.00
5	Beaver	Courthouse	State	Beaver	Leased	1	7,088	5	2	2	2	2	13.00
5	Iron	Courthouse	State	Parowan	Leased	1	3,077	7	5	2	2	1	17.00
6	Sanpete	Courthouse	State	Manti	Leased	2	7,301	7	8	7	2	1	25.00
7	Carbon	Courthouse	State	Price	Leased	3	18,279	4	8	7	2	1	22.00
7	Emery	Courthouse	State	Castle Dale	Leased	1	8,800	3	2	2	1	1	9.00
7	Grand	Courthouse	State	Moab	Leased	1	11,936	6	4	4	1	1	16.00
7	San Juan	Courthouse	State	Monticello	Leased	1	3,206	5	6	6	1	1	19.00
8	Duchesne	Courthouse	State	Duchesne	Leased	1	7,013	8	5	8	3	2	26.00
8	Duchesne	Courthouse	State	Roosevelt	Leased	1	4,786	5	5	4	3	2	19.00
				Totals		24	188,607						
				Leased Courthouses State Sites	16	24	188,607	5	4	4	2	2	17.75
				Average			11,788	5	4	4	2	2	17.75

Contract Site Court Facilities by District													
District	County	Facility Type	State / Contract	Unit Name	Lease / Owned	Courtroom s	Square Feet	Security	Condition	Adequacy	County	Growth	Total
1	Rich	Courthouse	Contract	Randolph	Leased	1	2,415	7	7	5	1	1	21.00
4	Millard	Courthouse	Contract	Fillmore	Leased	1	8,598	5	4	3	1	2	15.00
4	Utah	Courthouse	Contract	Salem	Leased	0	104	0	0	1	4	4	9.00
6	Garfield	Courthouse	Contract	Panguitch	Leased	1	2,481	4	1	1	1	1	8.00
6	Piute	Courthouse	Contract	Junction	Leased	1	4,120	4	2	1	1	1	9.00
6	Kane	Courthouse	Contract	Kanab	Leased	1	3,846	8	7	6	1	1	23.00
6	Wayne	Courthouse	Contract	Loa	Leased	1	2,600	10	9	5	1	1	26.00
8	Daggett	Courthouse	Contract	Manila	Leased	1	3,137	8	7	5	1	1	22.00
				Totals		7	27,301						
				Leased Courthouses Contract	8	7	27,301	6	5	3	1	2	16.63
				Average			3,413	6	5	3	1	2	16.63

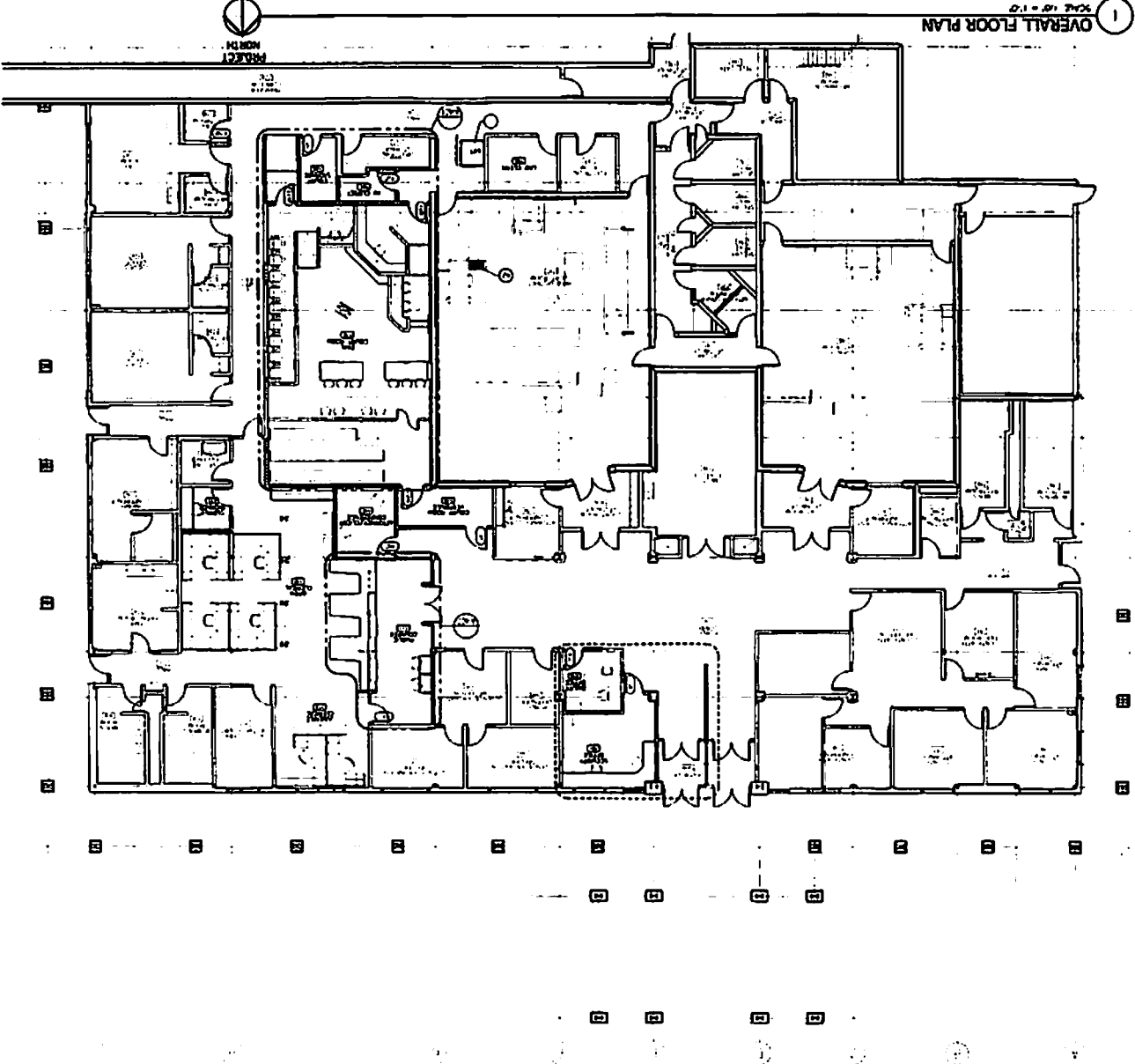
Juvenile Probation Facilities by District														
District	County	Facility Type	State / Contract	Unit Name	Lease / Owned		Courtroom s	Square Feet	Security	Condition	Adequacy	County	Growth	Total
3	Salt Lake	Office	State	City Center Probation (1950 West)	Owned		1 0	8,312		1	1	5	5	12.00
3	Salt Lake	Office	State	JV 3500 south building	Owned		1 0	20,594		6	3	5	5	19.00
3	Salt Lake	Office	State	West Valley City JV Prob	Owned		1 1	26,300		5	3	5	5	18.00
4	Millard	Office	State	Delta JV Prob	Leased		1 0	702		5	5	1	1	12.00
5	Iron	Office	State	Cedar City JV Prob	Leased		1 0	5,089		3	2	2	2	9.00
6	Kane	Office	State	Kanab JV	Leased		1 0	2,180		5	3	3	1	12.00
6	Sanpete	Office	State	Manti JV	Leased		1 0	1,940		6	5	3	2	16.00
7	San Juan	Office	State	Blanding JV	Leased		1 0	374		1	5	3	1	10.00
7	San Juan	Office	State	Monticello JV Prob	Leased		1 0	320		5	5	2	1	13.00
8	Utah	Other	State	Vernal training / public programs	Owned		1 0	4,786		5	5	3	2	15.00
				Totals			10	70,597						
				Probation Offices	10		10	70,597	-	4	4	3	3	13.60
				Average				1,412		4	4	3	3	13.60







OVERALL FLOOR PLAN



NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

GENERAL PLAN NOTES

[illegible]

KEY NOTES

☐ 1
☐ 2
☐ 3

04397

1. The first line of the document is a header containing the text "THE UNIVERSITY OF CHICAGO" and a circular logo.

2. The second line of the document is a header containing the text "THE UNIVERSITY OF CHICAGO" and a circular logo.

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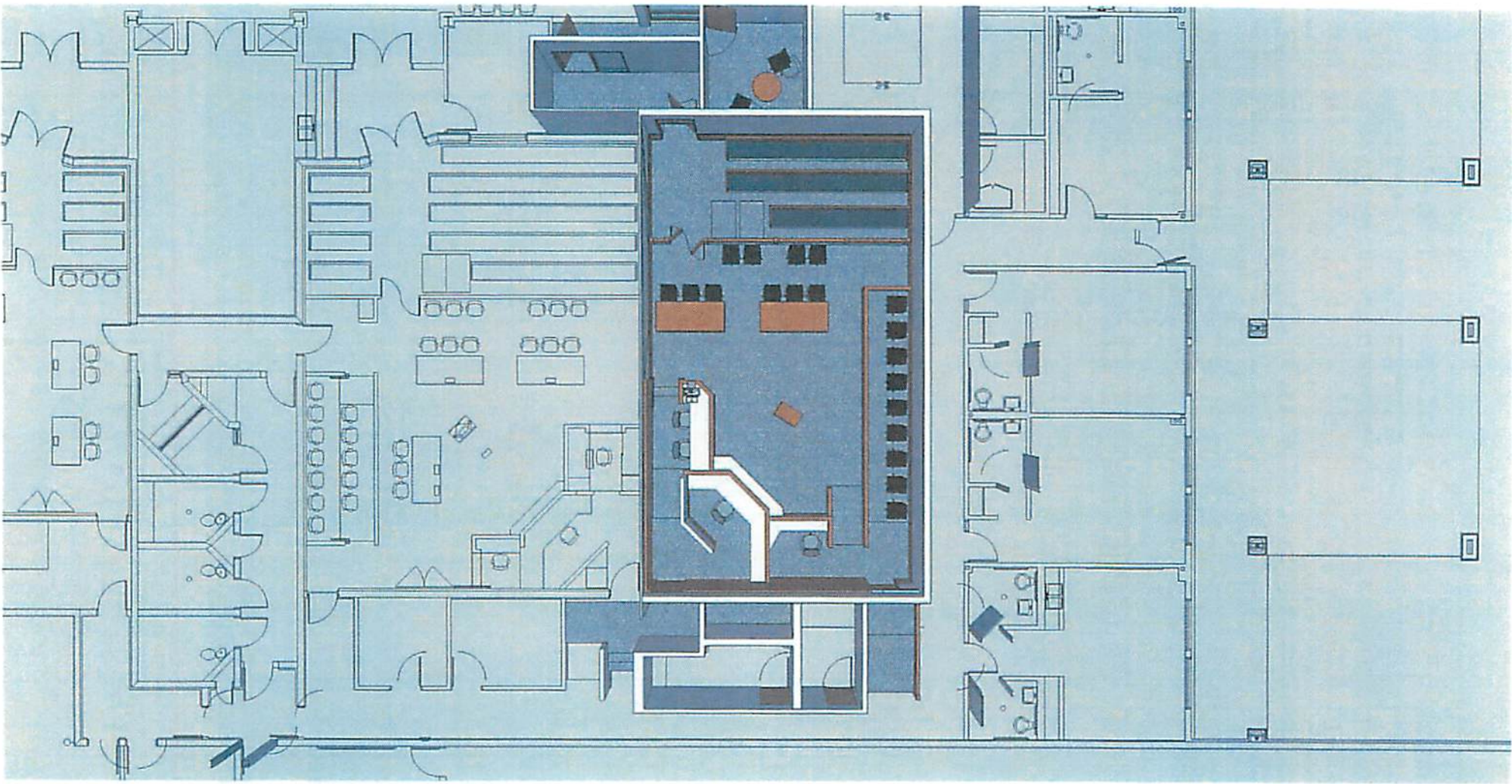
10. The tenth line of the document is a header containing the text "THE UNIVERSITY OF CHICAGO" and a circular logo.

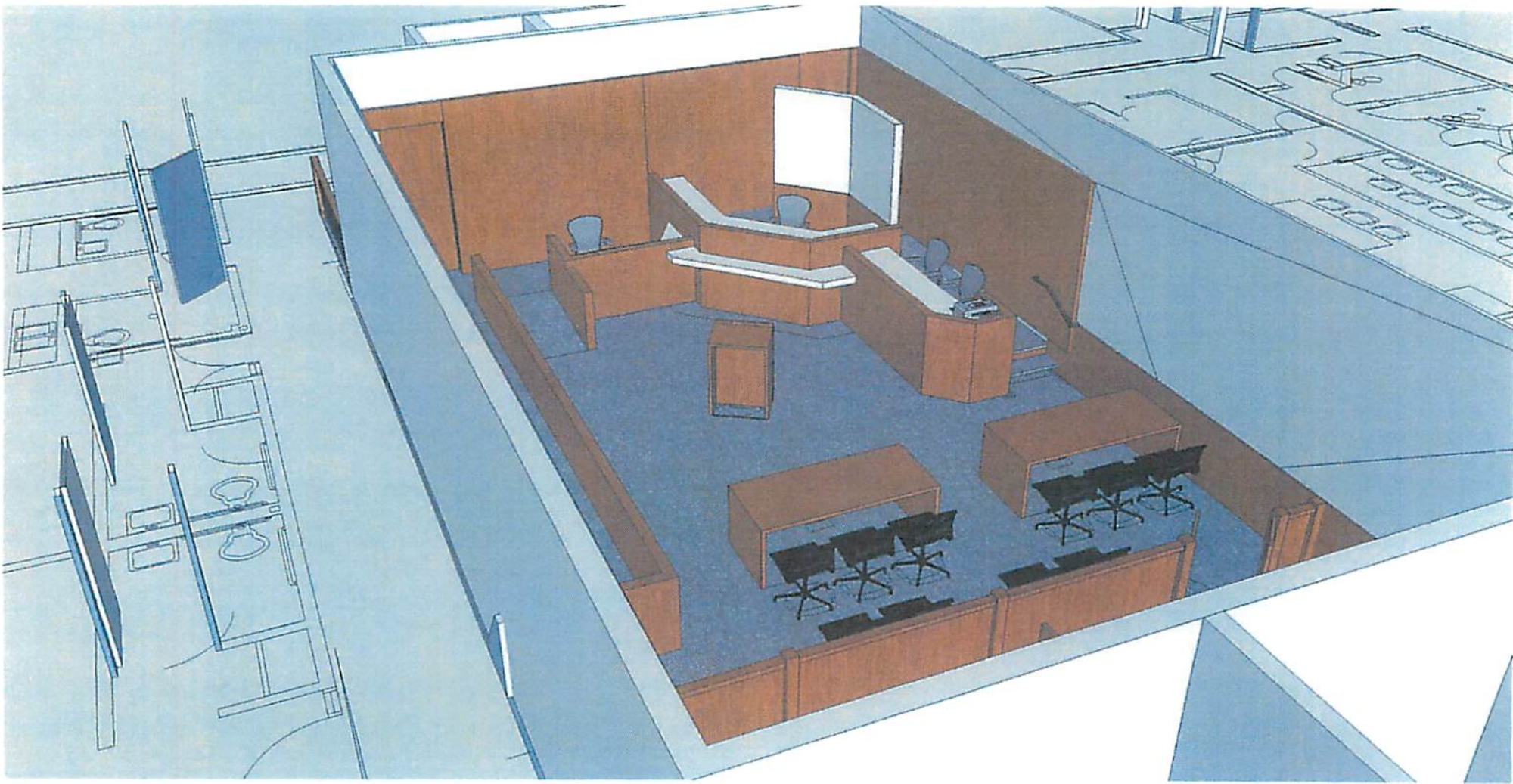
A-101
DATA

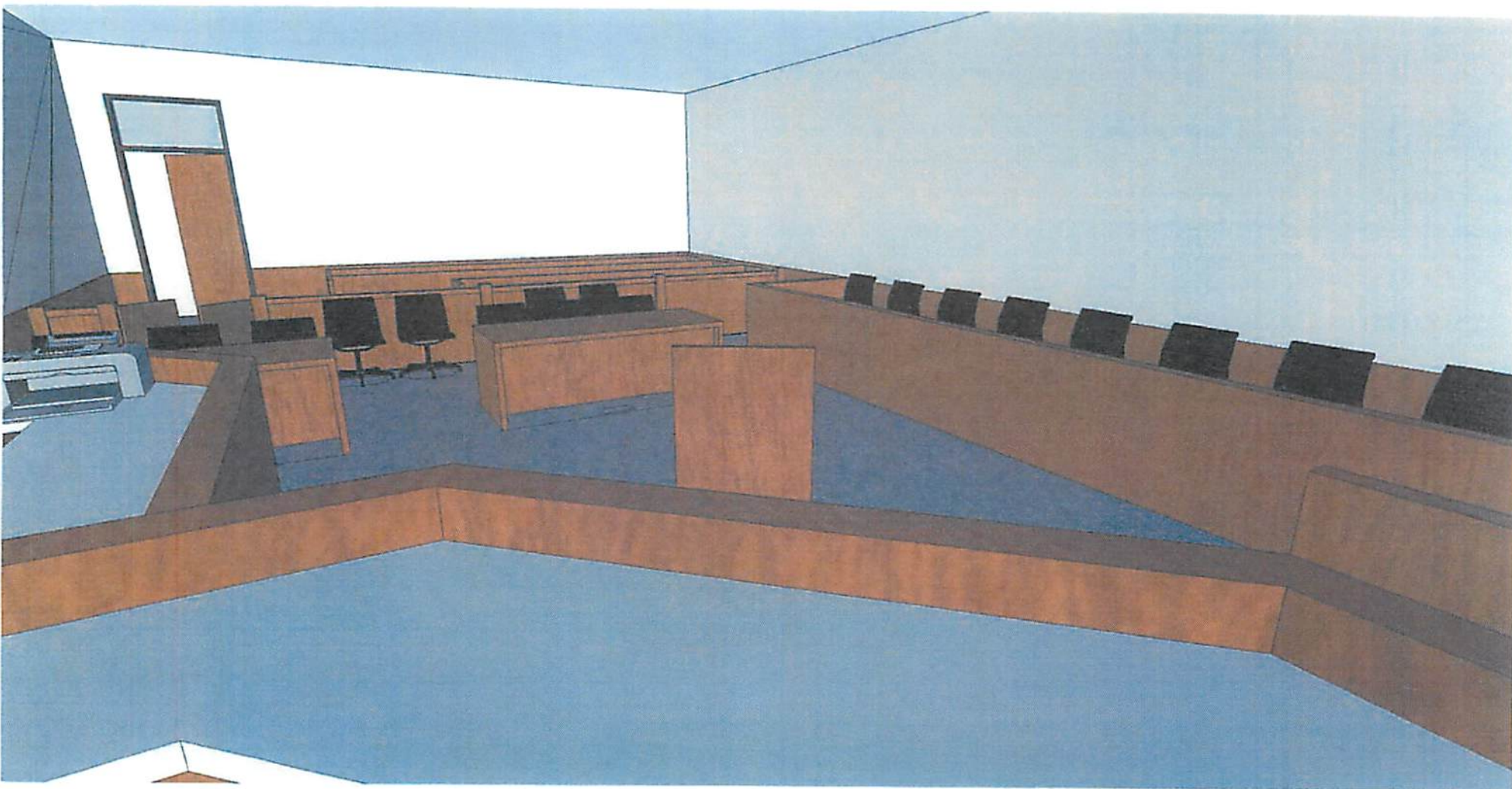
FLOOR PLAN

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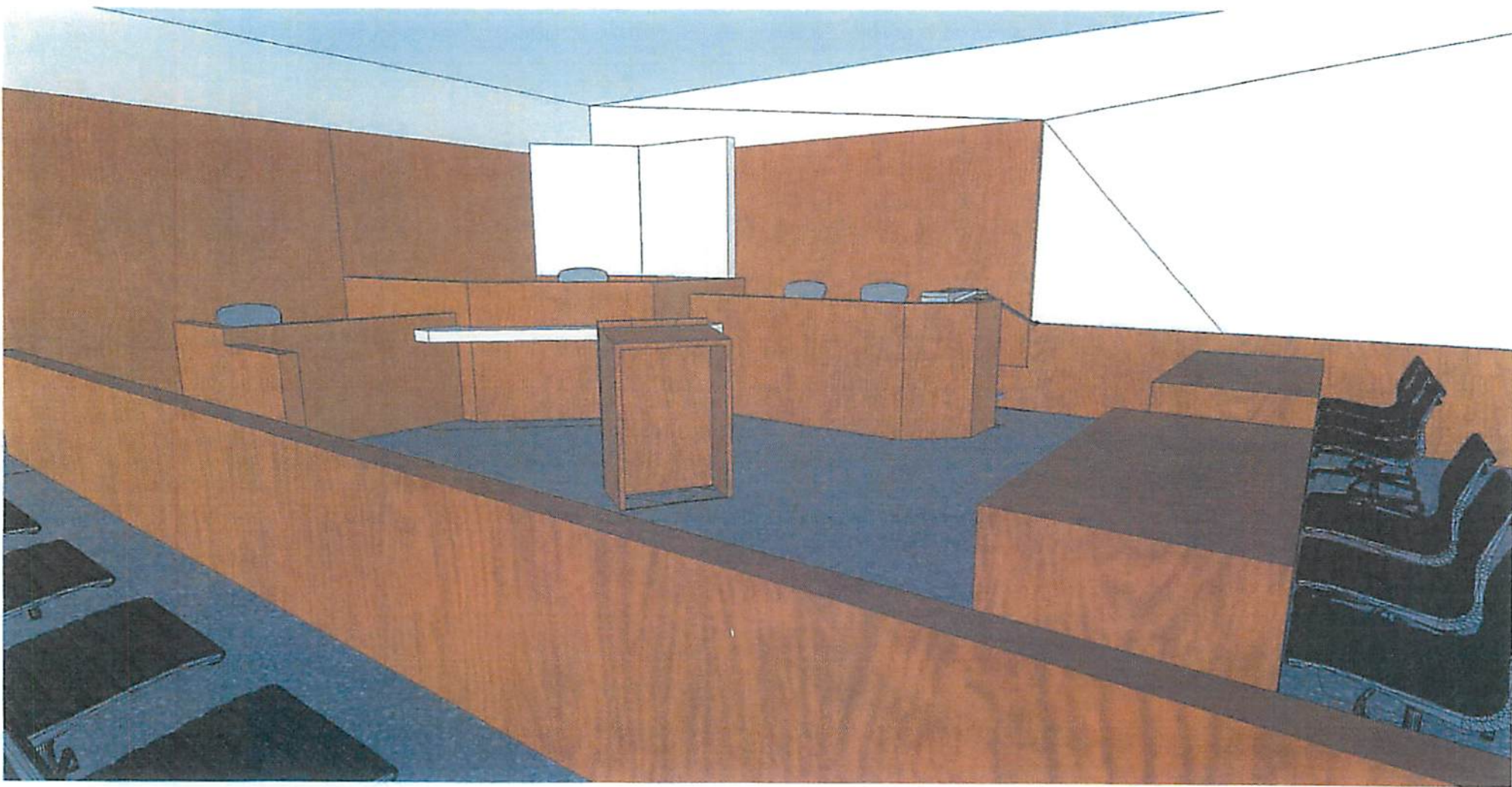
**SUMMIT COUNTY COURT
CIVIL COURTROOM EXPANSION
SUMMIT COUNTY
6300 JUSTICE CENTER ROAD, PARK CITY, UTAH 84008**







From Judge's Bench

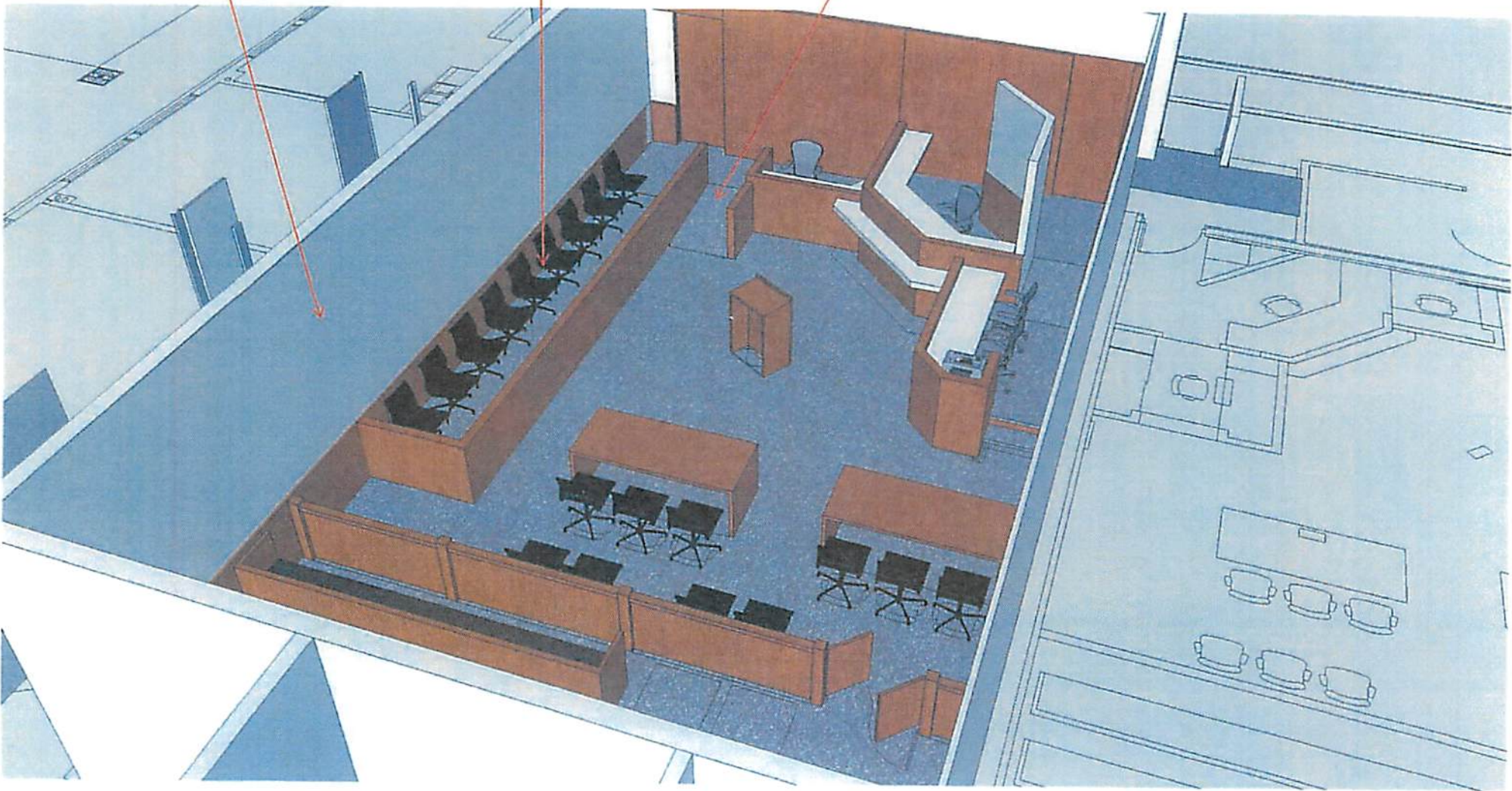


From Juror #1 Position

Ilwork & acoustic panels over
isting rated wall

(8) fixed + (1) removable
jury seats

Ramp up 6"





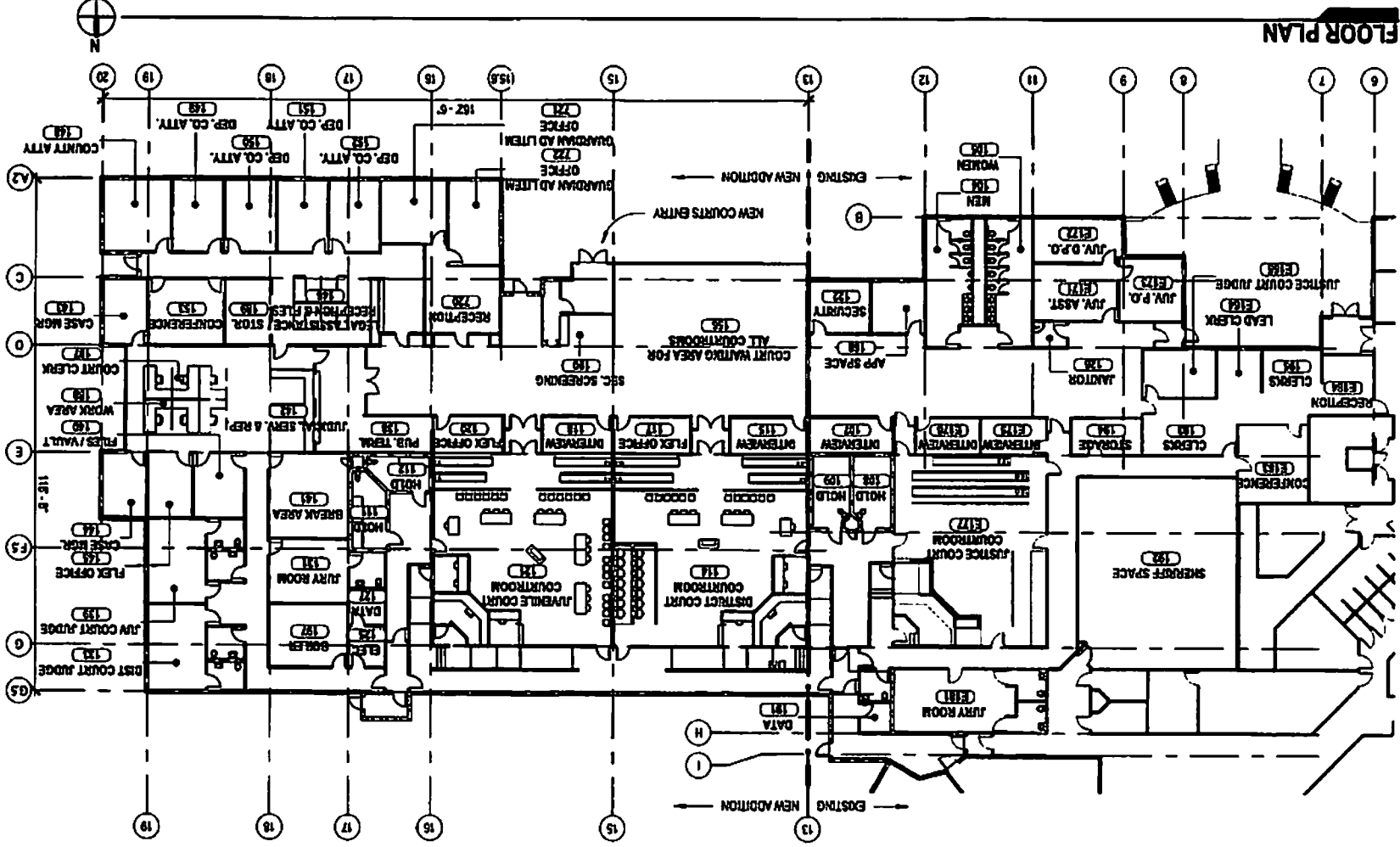
AV Closet

This is a 3D architectural rendering of a courtroom layout. The central area is a large rectangular room with a blue floor, containing several rows of wooden benches and desks with black chairs. A white, angular structure, possibly a witness stand or a partition, is located in the middle of the room. The room is surrounded by other areas, including a storage area and a ramp. Red arrows point from labels at the bottom to specific features in the rendering.

Court Storage

Ramp down 6" to
corridor

FLOOR PLAN



SK-2

PRELIMINARY
FLOOR PLAN

DATE	12/12/11
BY	SK-2
APP'D	
CHK'D	
DATE	12/12/11

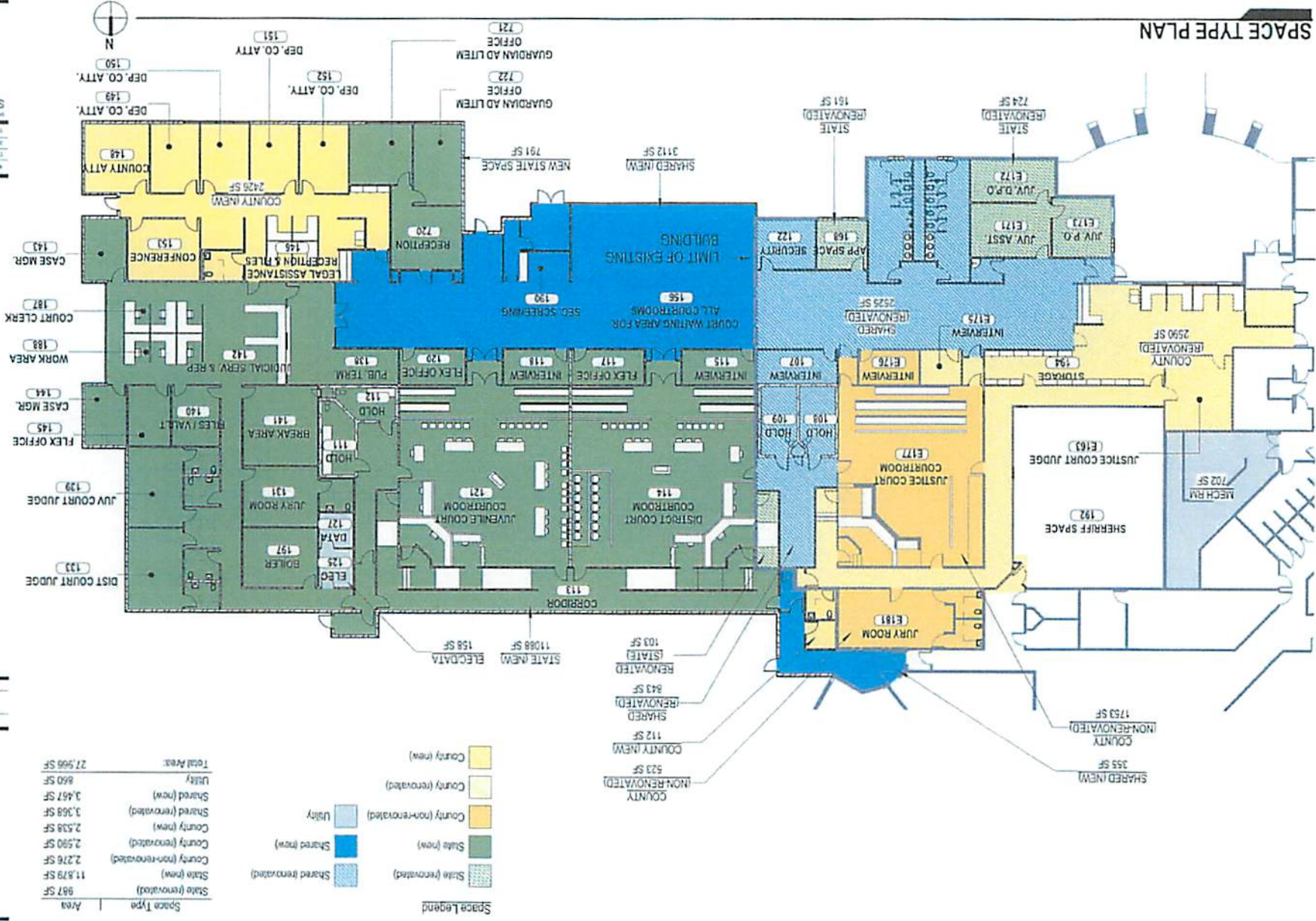
DUCHESNE COUNTY JUSTICE CENTER

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DATE	12/12/11
BY	SK-2
APP'D	
CHK'D	
DATE	12/12/11

SK-2

SPACE TYPE PLAN



SK-3

[illegible]

DUCHESNE COUNTY JUSTICE CENTER

Duchesne County, Utah

AgriSource Inc.
200 East Fourth Ave.
St. Louis, MO 63102
Tel: 314/241-1000
Fax: 314/241-1001

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

TAB 7



Supreme Court of Utah

450 South State Street
P.O. Box 140210
Salt Lake City, Utah 84114-0210

Appellate Clerks' Office
Telephone (801) 578-3900

Timothy M. Shea
Appellate Court Administrator

Andrea R. Martinez
Clerk of Court

Matthew B. Durrant	Chief Justice
Ronald E. Nehring	Associate Chief Justice
Christine M. Durham	Justice
Jill N. Parrish	Justice
Thomas R. Lee	Justice

To: Judicial Council
From: Tim Shea and Jessica Van Buren
Date: April 7, 2014
Re: Utah Code and Court Rules

One-time money was allocated to the law library for FY 2014 to pay for the Utah Code and the Utah Court Rules books that historically had been provided for free by legislative printing. The law library and the local courts and offices have set aside about \$72,000 for code and rule books, but it will cost about \$57,000 more to maintain the status quo.

We propose, given the easy accessibility of statutes and rules online—through Westlaw, the legislature's website for statutes, and the court's website for rules—that the Judicial Council establish a policy for the number and type of statute and rule books being purchased. We propose that the courts purchase the Utah Court Rules and the unannotated edition of the Utah Code for judges, court commissioners and limited staff:

- Judges' chambers and courtrooms
- Commissioners' chambers and courtrooms
- Chambers and courtrooms of courthouses without a resident judge
- Conference rooms in the Supreme Court, Court of Appeals and Judicial Council Room
- Chambers for visiting judges, including senior judges, where they exist
- Appellate central staff attorneys
- AOC staff attorneys
- Guardian ad litem attorneys (one to share for each office)
- Self Help Center attorneys (three to be shared)
- State level administrators
- Law clerks
- State law library (two for public use)

The cost of this reduced list of publications would require, instead of \$57,000, about \$23,000 beyond the law library's and local courts' budgets.

Subscriptions to the annotated edition of the Utah Code would be discontinued. Existing volumes could remain in place, but new volumes and pocket parts would not be purchased. The court would no longer purchase unannotated volumes for senior judges; instead, the court would buy sets for chambers that are

set aside for a senior or other visiting judge. The Court of Appeals has such an office; there may be others in the trial courts. Many staff now receiving the Court Rules and the Utah Code would not be covered under this plan. These staff would have to use online resources. Judges receiving the annotated Utah Code would not be covered under this plan. These judges would have to use the unannotated code or online resources.

The Judicial Council could establish this policy or something similar in Rule 3-413, Judicial library resources, which is badly outdated in any event.

There are several improvements that could be made to the court's website to make the court rules more accessible:

- uniform format for text font, bold and italics, spacing, indenting, etc.;
- uniform presentation of advisory committee notes;
- "book view" to allow paging from one rule to the next;
- linking to the statute or rule referred to; and
- the ability to download a body of rules as well as download individual rules.

Currently the money for purchasing statute and rule books is partially in the district units and partially in one of two library units. We propose that the law library transfer to each court or office the balance of the allocation necessary to maintain the proposed standard. If a court or office wants to purchase additional copies, the law library can place the order—the library can obtain a lower cost through legislative printing—but the cost would be charged to the court or office unit. If a court or office purchases fewer copies than authorized (for example, a judge entitled to a set of the Utah Code who relies exclusively on online resources) the court or office would have one-time savings for that year. The savings are one-time—although perhaps on an annual basis—because the judge might change his or her mind or might be replaced by someone who wants printed volumes.

TAB 8

Available Revenue for FY15

4/3/2014

Ongoing General Funds

Ongoing Turnover Savings	1,106,100
H.B. 71 Substitute – Distribution of Intimate Images (Rep. Poulson, M.)	800
H.B. 117 Second Sub – Patent Infringement Amendments (Rep. McKell, M.)	12,000
Mental Health Court--1st District	75,000
Ongoing Fiscal Note Funds From 2013 General Session	
Available for FY15 use	11,900
VOIP Budget Savings (Brigham City, Heber, Beaver, Ogden Juv, and Nephi)	28,800
Lease and Contract Funding Increase	268,800
+ .25% Personnel Funding for High-performance Staff	150,000
Courtroom Technology	-
Carry Forward Projection (Personnel + CE)	-
Total Available Funds	1,653,400

Ongoing Obligations

Career Track	361,200
Increases for High-performance Staff	150,000
Juvenile Law Clerk (.5 FTE)	42,500
Law Clerks (4 FTEs)	340,000
Lease and Contract Increases	268,800
Market Comparability Adjustments	401,800
Mental Health Court--1st District	75,000
Transfer of CIP Grant Personnel Funding to GF (.2 FTE)	14,100

Obligated Funds 1,653,400

Total Available Funds - Obligated Funds = Remaining Funds -

One-time General Funds

	-
	-
	-
	-
	-
	-
	-
	-
	300,000
	1,143,500
Total Available Funds	1,443,500

One-time Expenditures

Time-limited Law Clerks (2 FTEs)	170,000
Second Language Stipend	88,400
Employee Assistance	10,000
Tuition Assistance	100,000
Employee Incentive Awards	150,000
Grant Matching Funds	50,000
Contract Site Adjustment Funds	10,000
Pro Tem/Interpreter/Jury Training	9,000
Leadership Conference Travel/Food	30,000
Juvenile Court Extradition Funds	10,000
Juvenile Court School Liaison	12,000
UCA Purchases	23,000
4th Juv Clerical Support	45,300
Courtroom Technology, Remote Services	300,000
Education Initiatives	23,500
Volunteer Court Visitor Program	45,700
Self-help Center	53,500
Judicial Operations Budget	45,600
District Court Program Administrator (.5 FTE to 1.0 FTE)	38,400
MSU Judicial Administration Certification Program	26,500
Reserve	202,600

1,443,500



TAB 9

Administrative Office of the Courts

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

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

MEMORANDUM

To:  Judicial Council
From:  Brent Johnson, General Counsel
Re: Rule 4-401.01. Electronic media coverage of court proceedings.
Date: April 21, 2014

Proposal

Several weeks ago the Standing Committee on Judicial Outreach met to discuss issues that have arisen concerning Rule 4-401.01 of the Utah Rules of Judicial Administration, and the circumstances under which court proceedings may be recorded. Based on the Committee's discussions, the Committee is proposing several changes to the rule. The proposals are attached. I will provide you with a summary of the events that generated the discussion and the reasons for the proposed changes.

Background

A local attorney established a YouTube channel for the purpose of disseminating news and information about Utah domestic relations matters.¹ The attorney then began filing requests under rule 4-401.01 to record different types of proceedings, including pretrial conferences and trials. To date, almost all of his requests have been denied. The reasons for the denials include determinations that: 1) the attorney is not a news reporter; 2) the cases are not newsworthy; 3) the parties have privacy interests; 4) recording might impact the fairness of the proceeding; and 5) the attorney's true motives are to promote his legal practice. This sequence of events generated discussions about whether a person in the attorney's position is truly a news reporter as

¹ This statement of purpose is taken from the YouTube website.

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

contemplated by the rule, and whether the rule should permit recording for something such as a YouTube channel of the type created by the attorney.

The issues were first presented to the Media Subcommittee of the Judicial Outreach Committee. The subcommittee members had differing viewpoints on the issues, but the discussions lead to recommendations for rule changes. The Judicial Outreach Committee then discussed the recommendations and ultimately approved the proposals that are attached.

Definition of News Reporter

The Judicial Outreach Committee first discussed the question of who should be considered a “news reporter.” The Committee agreed that the definition in the rule is very broad and arguably includes a person in the attorney’s position. The Committee also concluded that it would be very difficult to amend the definition without excluding individuals who should be allowed to record. The Committee decided that the focus should not be on the individual, but on the types of proceedings and the judge’s discretion. The Committee nevertheless proposes a change to the rule so that the definition mirrors the definition in the Utah Rules of Evidence. Nancy Volmer reviewed the minutes from the Study Committee on Technology Brought Into the Courtroom and found that the committee intended that the definitions in the two rules mirror each other. By having the definitions mirror each other, case law in one area may assist in resolving issues in the other area.

Recording in Domestic Cases

Rather than trying to more clearly define who may be considered a news reporter, the Committee decided to focus on other amendments. The Committee discussed whether a different standard should apply to certain case types, such as divorces. Under the Utah Rules of Judicial Administration, there are case types in which most of the records are designated as private. These case types involve records that are more likely to include sensitive information about individuals, such as information about minors, finances, physical and mental health, and personal relationships. Although the hearings in these proceedings are open to the public, members of the public are not entitled to access the records. Restricting access to documents at least restricts further dissemination of private information.

The Committee determined that allowing recordings of these types of proceedings, with those recordings then being posted on the internet, undermines the policy of restricting dissemination of private information. The Committee therefore proposes to remove the presumption of allowing electronic media coverage in these case types. This includes divorces, guardianships, conservatorships, and protective orders. The proposal will not create a presumption against electronic media access. A court will simply be allowed to permit recording.

Adding Discretion

The third proposal is to add a factor that a court may consider in deciding whether to permit or deny recording. Under this factor, the court will consider whether the request is more about broadcasting news, or more about educating the public through methods such as a YouTube channel. The Committee members agreed that the intent behind the rule was not necessarily to allow recordings for these types of webpages, but was to permit access to proceedings that have interest to the general public. It is very difficult to define what is "news," or what is "newsworthy." The Committee's approach is to therefore include another factor that a court may consider, and to thereby expand the court's discretion.

Request Form

After the Judicial Outreach Committee meeting, another issue arose about the form the media should use to request access. The Public Information Department has developed a form that most media representatives agree to use. However, requests are now being received from certain sources and those sources are adding information that is extraneous, irrelevant, and complicates the process. The Public Information Department therefore proposes that the rule mandate the use of a specific form. A standard form will help judges immediately recognize requests, and will allow judges to more quickly evaluate the criteria for recording.

Conclusion

The Committee discussed the fact that the Judicial Council must be cautious with any rule change to insure that there isn't an overreaction based on one type of situation. The Committee members were nevertheless unanimous in their conclusions that the situation raises broader issues that were not anticipated and that changes should be made. The Committee believes that the rule was not intended to open the way for these types of requests and the proposed changes will allow the focus to remain on proceedings that are newsworthy to the general public.

Rule 4-401.01 Electronic media coverage of court proceedings.

Intent:

To establish uniform standards and procedures for electronic media coverage of court proceedings.

To permit electronic media coverage of proceedings while protecting the right of parties to a fair trial, personal privacy and safety, the decorum and dignity of proceedings, and the fair administration of justice.

Applicability:

This rule applies to the courts of record and not of record.

This rule governs electronic media coverage of proceedings that are open to the public.

Statement of the Rule:

(1) Definitions.

(1)(A) "Judge" as used in this rule means the judge, justice, or court commissioner who is presiding over the proceeding.

(1)(B) "Proceeding" as used in this rule means any trial, hearing, or other matter that is open to the public.

(1)(C) "Electronic media coverage" as used in this rule means recording or transmitting images or sound of a proceeding.

(1)(D) "News reporter" as used in this rule means any a publisher, editor, reporter or other similar person who gathers, records, photographs, reports, or publishes gathering information for the primary purpose of disseminating news ~~and information~~ to the public, and any newspaper, magazine, or other periodical publication, press association or wire service, radio station, television station, satellite broadcast, cable system or other organization with whom that person is connected.

(2) Presumption of electronic media coverage; restrictions on coverage.

(2)(A) Other than case types classified as private under rule 4-202.02(4)(B), ~~There is a~~ presumption that electronic media coverage by a news reporter shall be permitted in public proceedings. The judge may prohibit or restrict electronic media coverage only if the judge finds that the reasons for doing so are sufficiently compelling to outweigh the presumption.

(2)(B) When determining whether the presumption of electronic media coverage has been overcome and whether such coverage should be prohibited or restricted beyond the limitations in this rule, a judge shall consider some or all of the following factors:

(2)(B)(i) whether there is a reasonable likelihood that electronic media coverage will prejudice the right of the parties to a fair proceeding;

(2)(B)(ii) whether there is a reasonable likelihood that electronic media coverage will jeopardize the safety or well-being of any individual;

(2)(B)(iii) whether there is a reasonable likelihood that electronic media coverage will jeopardize the interests or well-being of a minor;

(2)(B)(iv) whether there is a reasonable likelihood that electronic media coverage will constitute an unwarranted invasion of personal privacy of ~~any party or witness~~ person;

(2)(B)(v) whether electronic media coverage will create adverse effects greater than those caused by media coverage without recording or transmitting images or sound;

(2)(B)(vi) the adequacy of the court's physical facilities for electronic media coverage;

(2)(B)(vii) the public interest in and newsworthiness of the proceeding;

(2)(B)(viii) potentially beneficial effects of allowing public observation of the proceeding through electronic media coverage; ~~and~~

(2)(B)(ix) whether the predominant purpose of the electronic media coverage request is something other than journalism or dissemination of news to the public; and

(2)(B)(ix) any other factor affecting the fair administration of justice.

(2)(C) If the judge prohibits or restricts electronic media coverage, the judge shall make particularized findings orally or in writing on the record. Any written order denying a request for electronic media coverage shall be made part of the case record.

(2)(D) Any reasons found sufficient to prohibit or restrict electronic media coverage shall relate to the specific circumstances of the proceeding rather than merely reflect generalized views or preferences.

(2)(E) A judge may permit electronic media coverage by a news reporter in the case types classified as private under rule 4-202.02(4)(B). In deciding whether to permit coverage, the judge shall consider the factors in (2)(B).

(3) Duty of news reporters to obtain permission; termination or suspension of coverage.

(3)(A) Unless otherwise ordered by the court, news reporters shall file a written request for permission to provide electronic media coverage of a proceeding at least one business day before the proceeding. The request shall be filed on a form provided by the Administrative Office of the Courts. Upon a showing of good cause, the judge may grant a request on shorter notice.

(3)(B) A judge may terminate or suspend electronic media coverage at any time without prior notice if the judge finds that continued electronic media coverage is no longer appropriate based upon consideration of one or more of the factors in Paragraph (2)(B). If permission to provide electronic media coverage is terminated or suspended, the judge shall make the findings required in Paragraphs (2)(C) and (2)(D).

(4) Conduct in the courtroom; pool coverage.

(4)(A) Electronic media coverage is limited to one audio recorder and operator, one video camera and operator, and one still camera and operator, unless otherwise approved by the judge or designee. If more than one news reporter has requested permission to provide electronic media coverage, it is the responsibility of news reporters to determine who will participate at any given time, how they will pool their coverage, and how they will share audio, video or photographic files produced by pool coverage. The pool equipment operators shall use equipment that is capable of sharing audio, video or photographic files to pool recipients in a generally accepted format. The pooling arrangement shall be reached before the proceedings without imposing on the judge or court staff. Neither the judge nor court staff shall be called upon to resolve disputes concerning pool arrangements.

(4)(B) News reporters shall designate a representative with whom the court may consult regarding pool coverage, and shall provide the court with the name and contact information for such representative.

(4)(C) Tripods may be used, but not flash or strobe lights. Normally available courtroom equipment shall be used unless the judge or a designee approves modifications, which shall be installed and maintained without court expense. Any modifications, including microphones and related wiring, shall be as unobtrusive as possible, shall be installed before the proceeding or during recess, and shall not interfere with the movement of those in the courtroom.

(4)(D) The judge may position news reporters, equipment, and operators in the courtroom. Proceedings shall not be disrupted. Equipment operators and news reporters in the courtroom shall:

(4)(D)(i) not use equipment that produces loud or distracting sounds;

(4)(D)(ii) not place equipment in nor remove equipment from the courtroom nor change location while court is in session;

(4)(D)(iii) conceal any identifying business names, marks, call letters, logos or symbols;

(4)(D)(iv) not make comments in the courtroom during the court proceedings;

(4)(D)(v) not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;

(4)(D)(vi) present a neat appearance and conduct themselves in a manner consistent with the dignity of the proceedings;

(4)(D)(vii) not conduct interviews in the courtroom except as permitted by the judge; and

(4)(D)(viii) comply with the orders and directives of the court.

(5) Violations. In addition to contempt and any other sanctions allowed by law, a judge may remove from the proceeding anyone violating this rule or the court's orders and directives and terminate or suspend electronic media coverage.

(6) Limitations on electronic media coverage. Notwithstanding an authorization to conduct electronic media coverage of a proceeding, and unless expressly authorized by the judge, there shall be no:

(6)(A) electronic media coverage of a juror or prospective juror until the person is dismissed;

(6)(B) electronic media coverage of the face of a person known to be a minor;

(6)(C) electronic media coverage of an exhibit or a document that is not part of the official public record;

(6)(D) electronic media coverage of proceedings in chambers;

(6)(E) audio recording or transmission of the content of bench conferences; or

(6)(F) audio recording or transmission of the content of confidential communications between counsel and client, between clients, or between counsel.

(7) Except as provided by this rule, recording or transmitting images or sound of a proceeding without the express permission of the judge is prohibited. This rule shall not diminish the authority of the judge conferred by statute, rule, or common law to control the proceedings or areas immediately adjacent to the courtroom.

TAB 10



Administrative Office of the Courts


Chief Justice Christine M. Durham
Utah Supreme Court
Chair, Utah Judicial Council

April 22, 2014

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

MEMORANDUM

TO: Judicial Council

FROM: Debra Moore 

RE: Uniform Fine/Bail Schedule Committee Appointment

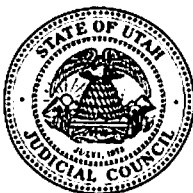
There is a vacancy on the Uniform Fine/Bail Schedule Committee for a justice court judge with the expiration of Judge Whitlock's term.

The Board of Justice Court judges recommends the following three judges:

Judge John Baxter, Salt Lake City Justice Court
Judge Paul Farr, Sandy City Justice Court
Judge Sherlynn Fenstermaker, Springville and Mapleton Justice Courts

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

TAB 11



Administrative Office of the Courts

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

April 23, 2014

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

MEMORANDUM

TO: Judicial Council

FROM: Jessica Van Buren, State Law Librarian

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

We continue to fill a number of vacancies on the Committee on Resources for Self-Represented Parties. The Management Committee recommends the following:

Chair

Judge Marsha Thomas, Taylorsville Justice Court

Law School Representative

Carl Hernandez, J. Reuben Clark Law School, Brigham Young University

Legal Services Organization Representative (2 positions)

Chris Martinez, Legal Aid Society of Salt Lake
and

Sue Crismon, Utah Legal Services

Community Representative

Leti Bentley, Moab Valley Multicultural Center

Continuing Member

Judge Douglas Thomas, Seventh District Court

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

J. REUBEN CLARK LAW SCHOOL
BRIGHAM YOUNG UNIVERSITY
341 JRCB
PROVO, UTAH 84602-8000
(801) 422-4274 / FAX: (801) 422-0389



March 18, 2014

Standing Committee on Resources
for Self-Represented Parties
c/o Jessica Van Buren
Utah State Law Library
P.O. Box 140220
Salt Lake City, UT 84114-0220

Re: Letter of Interest

Dear Committee:

Thank you for the opportunity to express my interest in becoming involved in the important work of the Standing Committee on Resources for Self-Represented Parties. I have read with great interest the Committee's July 25, 2006, Report to the Judicial Council and I am impressed with the committee's involvement in the development of Self-Help Centers to help our citizens gain access to the legal system. I believe the work of the committee is of great benefit to the people of the state of Utah.

I have been actively involved in the community for a number of years having served with Governor's Hispanic Advisory Council, on boards of a number of non-profit organizations as well as a member of the Orem City Council. In my current faculty position at the law school, I teach Community and Economic Development law which involves the discussion of social justice issues in our communities. I currently serve as a member of the Utah 4th District Pro Bono Committee and as board member for the Timpanogos Legal Center – the latter provides legal services and a document clinic for self-represented parties.

Thank you for the service you are providing in our community. I hope you find that my life and professional experience might be of some value to the work of the Committee.

Sincerely,

Carl Hernandez
Associate Professor of Law

CARL HERNANDEZ III

Office Address:

J. Reuben Clark Law School
Brigham Young University
512 JRCB
Provo, UT 84602
(801) 422-4934
hernandezc@law.byu.edu

Home Address:

362 N. 900 E.
Orem, UT 84097

EDUCATION

JURIS DOCTORATE, J. Reuben Clark Law School – Brigham Young University, Provo, Utah, 1992

- Managing Editor, *BYU Journal of Public Law*, 1991-92, J. Reuben Clark Law School
- Publications: Note, *Legitimate Exercise of Parens Patriae Doctrine: State Power to Determine an Incompetent Individual's "Right to Die" After Cruzan*, Volume 6, *BYU Journal of Public Law*, 1992; Coauthor, *Breaking the Fiscal Impasse: Alternative Financing Methods for Financing Municipal Compliance with the Clean Water Act of 1987*, *League of California Cities*, April 1992

MASTER OF PUBLIC ADMINISTRATION, Marriott School of Management – Brigham Young University, Provo, Utah, 1992

BACHELOR OF ARTS, BYU, College of Humanities, Provo, Utah, 1988; Major: Spanish; Minor: Music

ACADEMIC EXPERIENCE

ASSOCIATE PROFESSOR OF LAW, **BYU J. REUBEN CLARK LAW SCHOOL**, 2013-PRESENT

- Chair, Professional Skills Committee
- Create and supervise clinical alliances with the Utah State Legislature, non-profits, community-based organizations and economic development agencies
- Teach Civil Rights Litigation, Fundamental Lawyering Skills, Governmental and Legislative Representation and Community and Economic Development Law

ASSISTANT DEAN AND FACULTY MEMBER, BYU J. REUBEN CLARK LAW SCHOOL, 2001-2013

- **Chair, Faculty Committee on Admissions:** guide and oversee law school faculty committee in highly-selective law school admissions process; manage and direct staff in marketing, diversity outreach and recruitment of highly qualified law school applicants and advocating student interest in law school at national forums and fairs, presenting to prospective students at major feeder schools through class and forum presentations; interview and counsel preapplicants, applicants and admitted law students; substantially raise incoming academic credentials and diversity of law school entering class
- **Facilities Management:** advocate and negotiate law school physical facility needs, reacquire rooms 205, 212, 214 and 224 from University space management , work with University physical facilities management to acquire substantial university resources to complete major law school construction projects, work with University facilities management, architects, University staff and private contractors to complete construction of the Law School Conference Center (room 472), the state-of-the-art trial court room (room 205), the law school student commons, the quiet study area in the Hunter Law Library, remodel of teaching areas such as rooms 267, 275, 276, 314, 320, remodel of media services room and addition of new windows to the law school.
- **Chair, Scholarship Committee:** manage the budgeting and disbursement of scholarships, private loan funds and financial aid; successfully advocate student access to scholarship funding before the University, the Utah Bar Association and the Utah Minority Bar Association
- **Graduate Coordinator, Office of Graduate Studies:** successfully advocate law school interests including maintaining admissions processes, student petitions for admission and access to scholarship funding
- **Americans with Disabilities Act Compliance:** counsel with students and faculty and advocate student needs before University personnel to establish appropriate regulatory compliance for accommodating students with disabilities
- **Academic Success Program Coordinator:** teach, train and mentor students in preparing, organizing and presenting academic workshops on class preparation, briefing, outlining and final examination preparation; work with Ad-hoc Faculty Committee on Readmissions to set standards for readmission of students and provide ongoing counseling for students to ensure compliance with readmission requirements; identify at-risk students and proactively assess approaches to ensure student success
- **Bar Preparation:** organize and manage bar preparation course for at-risk students; counsel students and facilitate participation in the course

- University International Student Coordinating Council: advocate needs of international students at the law school
- Dean's Administrative Council: collaborate with law school deans on issues important to the law school community including admissions, facilities and bar preparation
- Development Committee: assist with efforts to secure funding for trial court room and student scholarships
- Discovery Committee: assist faculty committee in its efforts to present the law school to external constituencies
- External Relations Committee: assist with alumni efforts to strengthen the alumni association and the J. Reuben Clark Law Society
- International Student Committee: assist faculty committee with needs of the law school's LLM students
- Chair, Services for Law Students with Disabilities Committee
- Co-Advisor, Minority Law Students Association
- Student Relations Committee

UNIVERSITY TEACHING EXPERIENCE

- BYU, J. Reuben Clark Law School, LAW 795R, Fundamental Lawyering Skills; Law 795R, Community and Economic Development Law; Law 788R, Community and Economic Development Clinical Alliance; Law 788R, Community and Economic Clinical Alliance (winter 2014)
- BYU, J. Reuben Clark Law School, LAW 795R, Fundamental Lawyering Skills; Law 795R, Governmental and Legislative Representation (fall 2013)
- BYU, J. Reuben Clark Law School: LAW 795R, Section 2 and LAW 675, Section 1, Constitutional Litigation, Enforcement of Section 1983 of the Civil Rights Act (2009, 2010, 2012)
- BYU, J. Reuben Clark Law School: LAW 791R, Directed Research
- BYU, Marriott School of Management, Romney Institute of Public Management: PMGT 671, State and Local Government Law (2002-Present)

- BYU, Marriott School of Management, Romney Institute of Public Management: PMGT 683, Legal Issues in Public Administration (2008-Present)
- BYU, Marriott School of Management, Romney Institute of Public Management: PMGT 691R, Directed Readings

ADJUNCT FACULTY, ROMNEY INSTITUTE OF PUBLIC MANAGEMENT, BYU (2002-PRESENT)

MEMBER, LAW SCHOOL ADMISSIONS COUNCIL DIVERSITY COMMITTEE (2008-PRESENT)

RESEARCH AND TEACHING ASSISTANT, J. REUBEN CLARK LAW SCHOOL, BYU (1989 -1992)

LAW PRACTICE EXPERIENCE

PRIVATE LAW PRACTICE AND CONSULTING, 2001-PRESENT

- Continuously maintain active California Bar membership
- United States Citizen and Immigration Services representation: E-2 investment visas; H-4 visas for family members of agricultural workers; U visas for immigrants who are victims of crimes; petitions for asylum; petitions for Deferred Action; motion work for reconsideration of agency decisions
- Small business representation: advise clients on small businesses formation issues such as C-corps and LLCs; draft articles of incorporation, articles of organization and bylaws; review contracts such as distribution agreements and purchase/sale agreements; draft dissolution documents
- Estate planning, nonprofit and family law matters: probate proceeding representation; advise clients and draft revocable living trusts, pour-over wills, durable powers of attorney, deeds and advanced healthcare directives; conduct family law mediations; advise nonprofit organizations on 501(c)(3) compliance issues
- Municipal law consulting: advise on city council/manager relationships, appointments, conflicts of interest and open meetings requirements; code enforcement and neighborhood revitalization; review employment agreements

ASSISTANT/DEPUTY CITY ATTORNEY, CITY OF BAKERSFIELD, CA (1994-2001)

- Community and economic development representation for city council, planning commission and development services department: review state and local legislation for city compliance; draft ordinances for development, including zoning and impact fee collection; provide legal advice and write opinions on legally and politically complex and controversial issues such as acquisition of real property for construction of a convention center, annexations, freeway planning, environmental challenges

(Endangered Species Act, California Environmental Quality Act, NEPA and Clean Water Act), large-scale commercial and residential developments, general and specific plans, zoning, special assessment district formation, conditional-use permits and variances.

- Law enforcement representation for police and code enforcement departments: provide advice on constitutional and regulatory compliance with enforcement actions; draft policies and procedures; write ordinances for neighborhood restoration and revitalization and effective administrative and judicial enforcement against public nuisances; draft anti-trespassing/loitering, graffiti prevention and sexually-oriented business legislation
- Review, draft and negotiate city contracts for services and design-build construction of a convention center as well as development agreements; negotiate real estate acquisitions with private parties, negotiate with developers to establish land use conditions of approval and dedications of rights-of-way for streets, trails, parkways and other public improvements; review sufficiency of and enforce bonds
- Defense litigation: successfully defend city in 42 USC Section 1983 excessive force cases; citizen validation suit challenging decisions to use design-build process for convention center; environmental challenges to development projects under the California Environmental Quality Act; citizen challenges to annexation proceedings, personal injury trip and fall and highway design defect litigation - prepare answers, motions to dismiss, administrative records for court review, affidavits and declarations, motions for summary judgment, conduct discovery (prepare and answer interrogatories, requests for admission, subpoena of records and conduct depositions), trial preparation, settlement negotiations and mediations.
- Plaintiff litigation: successfully initiate and conclude eminent domain litigation to acquire property for construction of convention center; file nuisance abatement injunctive litigation to eliminate drug houses, commercial properties used for prostitution, violation of sexually-oriented business ordinances, violations of buildings codes and zoning ordinances and criminal prosecution of misdemeanor violations of city ordinance code -- prepare affidavits and declarations and secure search warrants, judicial and quasi-judicial orders to abate nuisances and levying of special assessments
- Collaborate with city and county planning staff, civil engineers, developers, environmental groups and citizens to achieve approval of development initiatives
- Development Task Force: work with developers, environmental groups, realtors and building associations to negotiate and implement streamlined subdivision regulations
- City Attorney Office Management Team: assigned to work on administrative matters including annual budget, inter/intra departmental projects and personnel issues

**ASSOCIATE ATTORNEY AND LAW CLERK, McCormick, Kabot, Michner & Foley, Visalia, CA
(1991-1994)**

- Advise multiple cities and special districts regarding open meetings laws, public records, land use matters, public contracts and property acquisitions through eminent domain litigation; create labor compliance policies and procedures manual for special districts; successfully defend against media litigation to acquire police department surveillance and tracking of gangs
- Successful appellate court challenge of trial court judgment imposing liability for underground storage tanks
- Advise private clients on general business, personal injury, family law and estate planning matters

HONORS AND AWARDS

- Recipient, Utah Minority Bar Association Honoree of the Year Award (2003)
- Recipient, J. Reuben Clark Law School Student Body Association Distinguished Service Award (2002 and 2005)
- Recipient, Professor of the Year Award, George W. Romney Institute of Public Management (2006)
- Recipient, Utah Valley University, Higher Education Champion Award (2008)
- "50 Most Fabulous People" in Utah County, Utah Valley Magazine (2008)
- Utah Latinos, A Proud Legacy, Utah Department of Community and Culture (2009)

COMMUNITY SERVICE

MEMBER, BOARD OF DIRECTORS, LATINOS IN ACTION (2012-PRESENT)

MEMBER, BOARD OF TRUSTEES, TIMPANOGOS REGIONAL HOSPITAL (2012-PRESENT)

MEMBER, BOARD OF TRUSTEES, HALE CENTER THEATER (2012-PRESENT)

CAMPAIGN MANAGER, DEBBIE TAYLOR, ELECTED, ALPINE SCHOOL DISTRICT (2012)

**MEMBER, BOY SCOUTS OF AMERICA, UTAH NATIONAL PARKS COUNCIL EXECUTIVE COMMITTEE
(2011-PRESENT)**

MEMBER, ZION'S BANK ADVISORY BOARD, UTAH COUNTY (2008-PRESENT)

ELECTED MEMBER, OREM, UTAH, CITY COUNCIL (2008-2012)

- Acting mayor upon illness and death of Mayor Jerry Washburn
- Commission for Economic Development in Orem Board
- Planning Commission Advisor
- Senior Advisory Commission
- Transportation Advisory Commission
- Utah Valley University Community Relations Council

MEMBER, UTAH COUNTY HISPANIC CHAMBER OF COMMERCE (2007-PRESENT)

MEMBER AND CHAIR, UTAH GOVERNOR'S HISPANIC ADVISORY COUNCIL (2004-2008)

MEMBER, BOARD OF TRUSTEES, TULARE-KINGS COUNTY LEGAL SERVICES, INC. (1994-1996)



LEGAL AID SOCIETY OF SALT LAKE

205 NORTH 400 WEST • SALT LAKE CITY, UT 84103 • (801) 328-8849 • FAX (801) 359-7359

February 18, 2014

Dear Committee on Resources for Self-Represented Parties,

I would like to offer my assistance toward your efforts to provide access to the courts for self-represented parties, and to develop resources to meet those needs. Throughout law school I focused my studies on areas that I believed would best prepare me to practice in the area of public assistance law. I also worked in the area of public assistance law by volunteering in public assistance organizations and clinics during law school. I have worked directly with the public at the Matheson Courthouse and West Jordan Courthouse Family Law Clinics and I am currently a domestic relations attorney for Legal Aid Society of Salt Lake. I am very hard working, reliable, and personally motivated to be of maximum service. If my experience would be useful to your organization I would like to be of help by any means possible. Please feel free to contact me should you have any questions. Thank you.

Sincerely,

LEGAL AID SOCIETY OF SALT LAKE

Christopher J. Martinez
Attorney at Law

Christopher J. Martinez

2198 South Wasatch Drive Salt Lake City, Utah 84109 (801) 924-3167 cmartinez@lasslc.org

Objective

Equal access to justice for all.

Education

University of Utah

Fall 2004 to Summer 2008

- Candidate Bachelor of Arts, Major: English

Hamline University School of Law

- Juris Doctorate

Fall 2008 to Summer 2011

Experience

Legal Aid Society Domestic Relations Attorney from May 1, 2013, to Present.

Legal Aid Society Family Law Clinic Paralegal from December 5, 2011 to May 1, 2013.

- Assisted the public with the use of the OCAP and court approved forms for family law cases as well as many other civil law court cases.

Legal Aid Society Family Law Clinic Volunteer from August 2011 to December 5, 2011.

- Assisted with office management of the Family Law Clinic.

Lawyers Helping Lawyers volunteer from August 2011 to January 2013.

- Assisted the Lawyers Helping Lawyers organization through speaking engagements and events to promote awareness of Lawyers Helping Lawyers services.

Hamline University School of Law Landlord Tenant Law Legal Clinic from Fall 2010 to Spring 2011

- Represented clients under the third year practice rule with landlord tenant law cases.

Pro Bono Bankruptcy Clinic Volunteer from Spring 2010 to Fall 2010

- Assisted volunteer lawyers representing clients with bankruptcy cases.

Special Interests

Board member of Lawyers Helping Lawyers.



UTAH LEGAL SERVICES

Committed to Equal Justice

205 NORTH 400 WEST, SALT LAKE CITY, UTAH 84103 * 801-328-8891 * FAX: 801-328-8898 * WWW.UTAHLEGALSERVICES.ORG

February 10, 2014

Jessica Van Buren
Utah State Law Library
450 S. State St. W-13
Salt Lake City, UT 84114

Dear Members of the Management Committee of the Judicial Council,

I am writing to express my interest in joining the Standing Committee on Resources for Self-Represented Parties. As the Pro Bono Director at Utah Legal Services I am acutely aware of many of the issues facing low-income Utahans and their difficulties accessing the courts. During the three years I have been at Utah Legal Services, I have had the opportunity to work closely with other non-profits, the Self Help Center, the law schools, the Pro Bono Commission, judges, and attorneys to increase access for the most needy in our society. However, as pro bono resources are limited, I have relied heavily on the efforts of this committee in serving our clients and working toward our mission of access to justice.

In my current role at Utah Legal Services, I have worked closely with the Pro Bono Institute at the University of Utah and Timpanogos Legal Center to create and maintain pro bono pro se clinics. The volunteer attorneys who assist at these clinics regularly refer clients to the self represented resources. In addition, Utah Legal Services receives more calls for assistance than we have resources to meet and are fortunate to be able to rely on the fruits of this committee in assisting those clients.

I believe that collaboration between services is essential to meeting the needs of low-income Utahans and have worked to make the necessary connections to ensure that we are not duplicating but rather expanding services for low-income Utahans across the state. I would like to contribute to the invaluable work of this committee and believe my experience will allow me to bring a unique perspective to the table.

Sincerely,

C. Sue Crismon
Utah Legal Services
Director of Pro Bono Programs
scrismon@utahlegalservices.org
801 924 3376

Ogden
298 24th St., #110
84401
801-394-9431
Fax: 801-394-0430

Salt Lake City
205 N. 400 W.
84103
801-328-8891
Fax: 801-328-8898

Provo
455 N. University #100
84601
801-374-6766
Fax: 801-374-0960

St. George
229 E. St. George Blvd. #103
84770
435-628-1604
Fax: 435-628-1693



Toll Free (outside of Salt Lake County): 1-800-662-4245

C. SUE CRISMON

2332 S. Windsor St. Apt. 1. SLC, UT 84016 • (801) 358 2785 • cscrison@gmail.com

BAR ADMISSION

Admitted to the Utah Bar, October 2010

Admitted to the Massachusetts Bar, June 2008

EDUCATION

Northeastern University School of Law, Boston, MA

Juris Doctor, May 2007

Study Abroad: Touro Law Center; India, Capital University; Greece. Summer 05

Community Lawyering Project: Assisted Mental Health Legal Advisors Committee to develop a housing guide for Boston's mentally ill citizens. Project performed with 13 other law students as part of required first year course.

Prisoner's Rights Clinic: Provided representation for an inmate at a Parole hearing by preparing support witnesses, obtaining support letters, and presenting an opening and closing statement.

Activities: Youth Advocacy Caucus, mentored an adolescent under state care; Graduate and Professional Student Association, law school representative; International Law Society, member; Environmental Law Society, member; Campus Climate Challenge H.E.A.T., member.

Weber State University, Ogden, UT

Bachelor of Arts in Criminal Justice with minor in French, May 2000

Honors and Activities: Dean's List (1998-1999); Alpha Phi Sigma and Zeta Gamma (1999-2000).

Snow College, Ephraim, UT

Associates of Arts, June 1998

LEGAL EXPERIENCE

Utah Legal Services, Salt Lake City, UT

September 2010 – Present

Director of Pro Bono Programs: Manage existing pro bono programs including clinics, bankruptcy hotline, and wiki resource updates. Review and place cases for limited or full representation and provide continued support and mentoring. Plan and execute events for pro bono attorneys including: free CLEs, check yes campaign, public interest summit, and celebrate pro bono. Convene and run the Utah Legal Services Pro Bono Advisory Board. Expand pro bono opportunities for attorneys and services for low-income Utahans. Serve on the Utah State Bar Pro Bono Commission.

Young Warrior Adventures, San Carlos, AZ

May – August 2009

Program Director: Directed a therapeutic program for Apache youth on the San Carlos Reservation; managed twenty employees in an outdoor setting; co-created the program including negotiating the contract with the Tribe; wrote and negotiated employee contracts.

Lawson & Weitzen, Boston, MA

March – May 2007

Legal Intern for Environmental Law Firm: Researched and wrote internal memoranda, responses to undisputed facts, a complaint, municipal regulations and motions including opposition to a motion to compel. Aided in preparation for depositions, and prepared a notice of intent.

Committee for Public Counsel Services

Youth Advocacy Project, Boston, MA

September – November 2007

Rule 3.03 Legal Intern: Represented clients at arraignments, pre-trial conferences, and pre-trial hearings. Conducted investigations and interviewed clients. Researched and wrote internal memoranda concerning access to privileged records, sealing of juvenile files, and the rights of juveniles to probable cause and bail hearings.

Legal Resources Center, Grahamstown, South Africa

March – May 2006

Legal Intern: Conducted client interviews and performed research for housing-related class action litigation for non-profit organization. Research topics included government housing budget expenditure and the selling of clients' homes by attorneys and creditors in execution for debt. Additional responsibilities included handling a child support matter and collaborating with a local probation official to obtain identification documents and create educational programs for children awaiting trial in prison.

Honorable Napoleon Jones

U.S. District Court, Southern District of California, San Diego CA

September – November 2005

Judicial Intern: Conducted research and wrote memorandum on various civil and criminal matters including; leave to amend to add class representatives, ERISA preemption, habeas petitions, social security benefits, and summary judgment. Attended trials, jury selection proceedings, motion proceedings, and in chambers discussions of the trial.

ADDITIONAL EXPERIENCE

American Education and Training Services, Boston, MA

July 2008

Teacher: Taught English to High School students from other countries.

Books and Basketball, Boston, MA

September 2007 – May 2008

Mentor/Tutor: Tutored an inner-city youth

Walkabout Therapeutic Treatment Program, Lehi, UT

June 2003 -- August 2004

Trail Instructor: Cared for and mentored a group of troubled teens in the outdoors.

Church of Jesus Christ of Latter-day Saints, Rome, Italy, Missionary

November 2001 – June 2003

Delta Airlines, Ogden, UT, Sales and Service Representative

May 1999 – October 2001

LINGUISTIC SKILLS

Fluent in Italian, Intermediate Spanish and French

INTERESTS

Rock Climbing, Backpacking, Snow Boarding, Traveling, Politics

REFERENCES

Eric Mittelstadt, Deputy Director, Utah Legal Services; eric@utahlegalservices.org, 801-924-3388

Marty Blaustein, Utah Legal Services; mblaustein@utahlegalservices.org, 801-924-3391

Josh Dohan Esq., Youth Advocacy Project; jdohan@publiccounsel.net, 617-989-8117

Resumé

Leticia Bentley

Age: 49 yrs

Born in Mexico

Education

Escuela Preparatoria Jesus Romero Flores in Paracho, Michoacan, Mexico (Preparatory School) completed in 1980.

Secretaria de Educacion General de Capacitacion y Mejoramiento Profecional del Magisterio. Centro Regional #15 Morelia, Michoacan, Mexico (Teaching School) completed with teaching credential in 1985 with counseling endorsement.

Child Development Associate (CDA) Through Head Start in Moab Utah 1992

Certificate of Completion, Family Advocate with the State of Utah April 2001.

Certified by the State of Utah Department of Education, teacher of early childhood, elementary, middle school and high school with endorsements in Spanish and English as a Second Language.

Certified Medical Interpreter, Bridging the Gap training, Utah Department of Health 2007.

Domestic Violence Basic training, Utah Domestic Violence Council, 2011

Work Experience.

Secretaria de Educacion Publica.

Escuela Emiliano Zapata. Ahuiran, Michoacan, Mexico.

First grade teacher's aide. 1980-81.

Secretaria de Hacienda en el Estado de Michoacan

Departamento de Rentas

Record clerk, in charge of researching legal documents for title exchanges
1982 (part time)

Secretaria de Educacion Publica

Escuela Benito Juarez, Pomacuaran, Michoacan, Mexico.

Second grade student teacher 1981-82.

Escuela Vasco de Quiroga, Gabriel Zamora Michoacan, Mexico

Second grade student teacher 1982-83.

Escuela Justo Sierra, Charapendo, Michoacan, Mexico.

Second grade student teacher 1983-84.

Escuela Justo Sierra, Charapendo, Michoacan, Mexico.

Third grade teacher and student counselor 1984-85.

Head Start, Moab, Utah.

Classroom volunteer 1986-87.

Red Rock Elementary School

Teachers Aide, 1989-91

Lazy Lizard International Hostel.

Co-owner 1987 -present.

Grand County High School, Moab, Utah.

Teacher of English as a Second Language, 1999- 2006.

Spanish teacher, 2002-03.

College of Eastern Utah.

Spanish instructor, 2000.

Grand County Middle School.

Teacher of English as a second Language 2003 - 2006.

Spanish teacher 2003 - 2006.

Bilingual Interpreter Spanish/English in Moab Utah.

District Courts qualified interpreter.

Interpreter in all the schools and Sundwall Center, Social Service, Doctors Hospital, motels, restaurants, District Health Department, Police Department and businesses.

Hispanic Liaison

Volunteering as a liaison between the City of Moab and the Hispanic Community.

Grand County School District

Tobacco prevention program 2006.

Moab Valley Multicultural Center

Program Director 2006 to present.

After School Tutoring Club at the Moab Valley Multicultural Center

Director 2007 - 2008

Department of Family Services

Family facilitator/interpreter 2007 to 2010

Committees.

Board member of the Instituto del los Mexicanos en el Exterior 2006 to present. (This board is sponsored by the Mexican government and works through the Mexican Consulate in Salt Lake City.)

Moab Teen Center Board of Directors 2005, 2006.

Member of the advisory committee, Comprehensive Prevention Advisory Group 2006. (working with substance abuse and teen pregnancy)

Board of Directors Moab Valley Multicultural Center 2006.

Recognition

Selected to The Utah Enlightened 50 by the Community Foundation of Utah, 2013.



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: April 23, 2014
Re: Language Access Committee Appointments

The Management Committee voted to recommend the following individuals to fill vacancies on the Language Access Committee:

Chair

The Management Committees recommends Judge Rick Romney to serve as the new chair of the Language Access Committee. He has expressed an interest in serving as the chair. Judge Romney has served on the committee since February 2011, and has attended most of the meetings. He currently chairs the Fourth District Justice Court Judges' Education Committee, and has previously served on the Technology Committee. Judge Romney has brought valuable insight to the Language Access Committee regarding how interpreters are used in justice court. He has been enthusiastic about the committee's goals, and has offered his local bench as a test group for trainings developed by the committee. He provides helpful suggestions for how language access can be improved.

District Court Judge

The Management Committee recommends Judge Su Chon to fill the district court judge vacancy created when Judge Vernice Trease's term on the committee recently expired. Judge Chon has expressed a willingness to serve on the committee. Although she serves on the Bar's Modest Means Committee, she is not currently serving on any court committees and she would be happy to join the Language Access Committee.

American Sign Language Representative

The Management Committee recommends that Michelle Draper fill the American Sign Language (ASL) representative vacancy on the committee. Ms. Draper is a court approved interpreter with over twelve years of interpreting experience, including experience interpreting legal proceedings. She also has experience teaching in this context. She was recommended to serve on the committee by Jennifer Storrer, the previous ASL representative on the committee whose term recently ended.

The mission of the Utah judiciary is to provide the people an open, fair,
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

Michelle D. Draper

1624 W. Plum Creek Drive*West Jordan, Utah 84088* (801) 598-3555 michelleddraper@gmail.com

Dear Utah District Courts Language Access Committee:

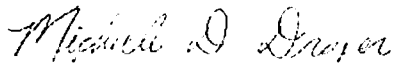
My name is Michelle Draper. I am interested in serving as the American Sign Language (ASL)/English Interpreter representative for Language Access Committee. Below you will find my resume that highlights my professional credentials, experience, education, and community involvement.

I feel the opportunity to serve on this committee will add to my desire to serve the interpreting and Deaf community in the state of Utah. With my dynamic interpreting experiences including being an educator of interpreters I feel I bring a variety of perspectives and resources to the committee as well as have built a professional network to be able to disseminate relevant information from the committee.

As a court approved interpreter for the state of Utah I have seen first-hand the need for interpreters to be qualified to provide services in the court and the ongoing education that is needed for court personnel when working with those individuals needing language accommodations. I hope to support the committee in proposing positive initiatives to continue to provide equal access and to improve on current practices for the ever evolving language and cultural accommodations needed in the legal and court system.

Thank you for considering me to be the ASL/English Interpreter representative of the Language Access Committee.

Sincerely,



Michelle D. Draper

Michelle D. Draper

1624 W. Plum Creek Drive*West Jordan, Utah 84088* (801) 598-3555 michelleddraper@gmail.com

Career Highlights:

Twelve years interpreting experience in a variety of settings; medical, social services, video relay, post-secondary and legal. Seven years of teaching, mentoring experience and presenting with diverse students, skill levels, and goals. Experience with state testing and rating system development. Skills in statistical analysis, curriculum development and grant writing. Team contributor to community organizations and committees.

Certification:

December 2007-present	Registry of Interpreters for the Deaf (RID) National Interpreter Certification (NIC)
August 2003-present	Utah Professional Certification (Utah State Court Approved, 2010)
December 2005-present	Utah Level I Professional Educator: Mathematics Endorsed Level 4 ASL Endorsement

Education:

December 2013	University of North Florida Master of Science with emphasis in American Sign Language/English Interpreting Pedagogy
December 2005	Utah State University Bachelor of Science with emphasis in Mathematics and Statistics Secondary Education
May 2002	Salt Lake Community College Associate of Arts with emphasis in American Sign Language/Interpreter Training Program

Employment Experience:

June 2013-present	VRS Interpreting Institute, Faculty
December 2003-present	Sorenson Communications, Video Relay Interpreter
August 2002-present	Salt Lake Community College Disability Resource Center Sign Language Interpreter, Mentor, Deaf Student Math Tutor
August 2007-January 2012	Utah State Office of Rehabilitation Staff Interpreter, Rater Trainer, Certification Testing, Mentor
August 2006-June 2011	Salt Lake Community College American Sign Language/Interpreter Training Program/Fast Track Adjunct Faculty, Mentor, Director
October 2006-August 2007	University of Utah Pediatrics of Education Department Staff Interpreter
August 2005-August 2007	Utah Interpreter Program, Certification Rater
August 2005-June 2006	Granite School District Mathematics Teacher: Salt Lake Valley Detention Center.
August 2003-May 2005	Utah State University Disability Resource Center Sign Language Interpreter, Mentor, Workshop Leader

Recent Seminar Presentations:

January 2012	VRS Interpreting Institute, School to Work Interns <i>Transliterating: More Than Just Mouthing the Words</i>
November 2011	Salt Lake Community College, Staff Interpreters Co-Presented with Katie Hoover

Michelle D. Draper

1624 W. Plum Creek Drive*West Jordan, Utah 84088* (801) 598-3555 michelleddraper@gmail.com

- June 2011 *My Team Won't Switch with Me: Tips for Effective Communication*
UTRID Mini Conference: Interpreting Community
I am a Native English Speaker! So Why Don't I Sound Like One?
- May 2011 Interpreter Certification Advancement Network, participants
Co-Presented with Jennifer Storrer
Cohesion: The Glue That Holds the Message Together.

Recent Professional Development:

- September 2013 VRS Interpreting Institute Educators Symposium
April 2012 Institute for Legal Interpreting Conference
February 2012 *Criminal Procedure-Legal Interpreting* Carla Mathers, Esquire
April 2011 *VRS Infusion* Holly Nelson and Lisa Godfrey
June 2010 RID Region V Conference
December 2009 *Foundations of Legal Interpreting* Carla Mathers, Esquire

Professional Affiliation:

- September 2002-present Utah Registry of Interpreters for the Deaf Member
September 2002-present Registry of Interpreters for the Deaf (RID) Certified Member

Volunteer Experience:

- June 2010 RID Region V Conference Treasurer and Sponsorship Chair
February 2007 Deaflympics, Volunteer Interpreter
May 2005-August 2005 Signs of Hope International (SOHI) Taught Mathematics and trained teachers at the Secondary Technical School of the Deaf in Ghana, Africa

Awards and Publications:

- December 2011 Salt Lake Community College Student Services Staff Award for Career Contributor, Part-time Staff Disability Resource Center.
Summer 2011 RID *VIEWS*, Summer 2011, Volume 28, Issue 3.
"Journey of an Interpreter: Coming Full Circle and Starting Again."
October 2010 Division of Services for the Deaf and Hard of Hearing
Division Director's Award

Administrative Office of the Courts

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

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

MEMORANDUM

To: Management Committee

From: Nini Rich



Date: March 31, 2014

Re: ADR Committee Appointment

The Ad Hoc Committee on Alternative Dispute Resolution advises the Judicial Council on policies, plans and priorities relating to Alternative Dispute Resolution and works with the Court's ADR Programs Director to inform ADR policy as it relates to the Utah State Courts. Judge Royal L. Hansen chairs the Committee.

The ADR Committee is seeking representation from Utah Court Commissioners. Judge Hansen, as the Committee chair, recommends Commissioner Michelle Tack be appointed as a new member of the Committee.

Applicant

Commissioner Michelle Tack, Third District Court Commissioner

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

MEMORANDUM

To: Management Committee

From: Ray Wahl, Staff, Standing Committee on Children and Family Law

RE: Expiring Term – Judge John Walton, 5th District Court

DATE: March 3, 2014

Judge John Walton was originally appointed to the above committee in March of 2011 and his term is about to expire. He has expressed an interest in serving another term. He has attended all meetings either remotely or in person and consistently contributes to discussion. Both co-chairs feel he is a valuable member of the committee.

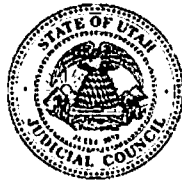
Therefore, they are asking the Management Committee to appoint Judge Walton to a second term and place the item on consent calendar of the Judicial Council.

To: Members of the Judicial Council
From: Dan Becker
Subject: Appointment to Technology Committee
Date: April 18, 2014

At the April 8th meeting of the Management Committee the vacancy on the Technology Committee resulting from the expiration of Justice Tom Lee's term was discussed. I suggested that Tim Shea be appointed to the Supreme Court slot on the committee in his capacity of appellate administrator. The appellate courts will become an increasingly important focus of the Technology Committee as development and programming e-record work shifts to the appellate information system (AIS). My thought was that Tim's direct involvement with the appellate courts move to the e-record could be extremely useful to the Technology Committee.

The Management Committee concurred and recommends the appointment of Tim Shea to this vacancy.

TAB 12



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: April 23, 2014
Re: Rule Ready for Public Comment

On April 4, 2014, the Policy and Planning Committee voted to recommend that a new rule be added to the Utah Code of Judicial Administration addressing limited scope investigations in domestic cases. The proposal, which follows, was previously reviewed and recommended by the Board of District Court Judges. The proposal is now ready for public comment.

CJA 4-902. Limited scope investigation of domestic issues. New. Provides a process for the court to appoint a custody evaluator to investigate select issues in a domestic case rather than completing a full custody evaluation.

The mission of the Utah judiciary is to provide the people an open, fair,
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

Rule 4-902. Limited scope investigation of domestic issues.

Intent:

To establish guidelines for referring select issues for investigation and report.

To give the court discretion to control the issues referred for investigation, the methods of gathering information relevant to the issues, and timely completion of the report consistent with the nature of the issues and the methods of information gathering.

Applicability:

This rule shall apply to family law cases in the district court.

Statement of the Rule:

(1) On motion or stipulation of the parties or on its own initiative, the court may refer select issues for investigation and report. Investigations and reports shall be performed by persons with the minimum qualifications required for a custody evaluation under Rule 4-903.

(2) The purpose of the investigation is to report to the court observations about the issues referred. The report shall not contain the investigator's recommendations, nor may the investigator testify about recommendations.

(3) Every motion or stipulation for an investigation and report shall include:

(3)(A) the name, address, and telephone number of each person nominated or agreed upon to conduct the investigation;

(3)(B) the anticipated dates of commencement of the investigation and completion of the report and the estimated cost;

(3)(C) the issues to be addressed in the report;

(3)(D) the methods of information gathering, which may include:

(3)(D)(i) review records from a variety of sources, (for example, court records, school records, healthcare records, childcare records and records from agencies and other institutions);

(3)(D)(ii) clinical observations;

(3)(D)(iii) observation of the child's current and proposed home;

(3)(D)(iv) interview parents, children, members of the extended family, friends and other collateral sources;

31 (3)(D)(v) psychological testing;
32 (3)(D)(vi) other information gathering methods; and
33 (3)(E) the name, address, and telephone number of each person the investigator
34 should interview or observe.
35 (4) Every order for an investigation shall:
36 (4)(A) require the parties to cooperate as requested by the investigator;
37 (4)(B) restrict disclosure of the report except to the parties and to the court;
38 (4)(C) assign responsibility for payment;
39 (4)(D) specify dates for commencement of the investigation and completion of the
40 report;
41 (4)(E) specify the issues referred, which may include those described in Rule 4-903;
42 (4)(F) specify the methods of information gathering, which may include those
43 described in paragraph (3).
44 (4)(F) require the investigator to file the report with the court and serve it on counsel
45 or parties within 7 days after the report is completed;
46 (4)(G) if the investigation or report is terminated, require the investigator to notify the
47 court and counsel or parties of the reason within seven days after termination; and
48 (4)(H) require counsel or parties to schedule a settlement conference with the court
49 and the investigator within 45 days after receiving the report.
50 (5) If it is the investigator's professional judgment that the scope of the investigation
51 should be widened, the investigator shall seek the approval of the court before going
52 beyond the court order.
53 (6) If the investigator does not possess the training or experience necessary for the
54 issue referred, the investigator shall notify the court and counsel or parties.
55 (7) If psychological tests are administered, they shall be conducted by a licensed
56 psychologist who is trained in the use of the tests and who adheres to the ethical
57 standards for the use and interpretation of psychological tests in the jurisdiction in which
58 he or she is licensed to practice.