

# JUDICIAL COUNCIL MEETING

## AGENDA

**Monday, June 23, 2014**  
**Judicial Council Room**  
**Matheson Courthouse**  
**Salt Lake City, Utah**

*Chief Justice Matthew B. Durrant, Presiding*

1. 9:00 a.m. Welcome & Approval of Minutes . . . . Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. . . . . Chief Justice Matthew B. Durrant
3. 9:15 a.m. Administrator's Report. . . . . Daniel J. Becker
4. 9:30 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant  
Liaison Committee. . . . . Justice Jill Parrish  
Policy and Planning . . . . . Judge Paul Maughan  
Bar Commission. . . . . John Lund, esq.  
(Tab 2 - Information)
5. 9:40 a.m. Standing Committee on Children and Family Law  
Update. . . . . Judge Paul Lyman  
(Information) Ray Wahl
6. 10:00 a.m. Commissioner and Senior Judge Performance  
Evaluations. . . . . Alison Adams-Perlac  
(Tab 3 - Action)
7. 10:30 a.m. Rules for Final Action. . . . . Alison Adams-Perlac  
(Tab 4 - Action)
8. 10:40 a.m. Senior Judge Certifications. . . . . Alison Adams-Perlac  
(Tab 5 - Action)
- 10:45 a.m. Break
9. 10:55 a.m. Legislative Update. . . . . Rick Schwermer  
(Information)
10. 11:05 a.m. First District - Mental Health Court Spending Plan. . . . . Rick Schwermer  
(Tab 6 - Action)

- 11. 11:15 a.m. Standing Committee on Education Update. . . Justice Christine M. Durham  
(Information)
- 12. 11:35 a.m. Executive Session . . . . .
- 13. 11:55 a.m. Board of Juvenile Court Judges Update. . . . . Judge Elizabeth Lindsley  
(Information)
- 12:15 p.m. Lunch
- 14. 12:45 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<br>(Tab 7)            | Liz Knight          |
| 2. Grant Approval<br>(Tab 8)                    | Dawn Marie Rubio    |
| 3. Rules to be Published for Comment<br>(Tab 9) | Alison Adams-Perlac |

# TAB 1

# JUDICIAL COUNCIL MEETING

Minutes  
Monday, May 19, 2014  
Matheson Courthouse  
Salt Lake City, UT

Chief Justice Matthew B. Durrant, Presiding

## ATTENDEES:

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

## STAFF PRESENT:

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

## EXCUSED:

Hon. James Davis

## GUESTS:

Joanne Slotnik, JPEC  
Prof Eric De Rosia, JPEC

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

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.

**Motion:** Judge Harmond moved to approve the minutes from the April 28, 2014 Judicial Council meeting. Judge Skanchy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following items:  
He met with members of a Kenyan delegation visiting the Utah courts on May 1 and 2.  
A meeting with the Utah State Bar leadership will be held this afternoon.  
The Appellate Court Conference was held last week.

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

Mr. Becker reported on the following items:  
Kenyan Delegation. Members of a Kenyan delegation visited the Utah courts on May 1 and 2. The levels of court represented by the delegation were noted. Court staff worked with the Kenyan delegation in creating a planning document for use by the Kenyan courts.  
Civil Justice Reform Commission Meeting. An initial meeting was held on May 12-13 in Arlington, VA. Mr. Becker noted the makeup of the Commission membership. The

Commission will focus their discussion on the seven states engaged in civil justice or discovery reform, with interest shown of the changes made by the Utah courts. The Commission is charged to identify practices and models that should be advanced for consideration by other states by way of civil justice reform and report back to the conference in 18 months. Judge Derek Pullan is working on this matter with the Federal Commission, and they are looking at Utah as a model in civil justice reform as well.

CCJJ Commission Meeting. This meeting was held on May 15. The majority of the meeting was devoted to an initial presentation by the PEW Charitable Trust Fund. PEW is working with the State of Utah on criminal justice reform, more particularly, corrections reform. PEW's focus deals with prison population, admission, and readmissions.

Mr. Becker highlighted various corrections-related statistics provided at the meeting. He mentioned that Representative Eric Hutchings and Senator Stuart Adams are members of the Commission.

Judiciary Interim Committee Meeting. They will meet on Wednesday, May 21 to hear long-range plans from the following: 1) courts, 2) Utah State Bar, 3) CCJ, and 4) JPEC. Mr. Becker provided a brief overview of what he plans to cover in his presentation to the Interim Committee.

#### **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:***

No meeting was held in May.

##### ***Policy and Planning Meeting:***

Judge Maughan reported that the Policy and Planning Committee has not met since the April Council meeting.

##### ***Bar Commission Report:***

Mr. Lund reported on the following:

The Bar Commission has not met since the April Council meeting.

The Bar Admission's Ceremony will be held today.

Ms. Katherine Fox, Utah State Bar's General Counsel, has announced her retirement.

Ms. Elizabeth Wright has been selected to replace Ms. Fox upon her retirement.

The Bar Commission hopes to have received feedback by their next meeting from the Supreme Court Advisory Committee on Rules of Professional Conduct on advertising rules for lawyers.

#### **5. JUDICIAL PERFORMANCE EVALUATION COMMISSION UPDATE: (Joanne Slotnik and Professor Eric D. de Rosia )**

Chief Justice Durrant welcomed Ms. Slotnik and Professor Eric D. de Rosia to the meeting.

He acknowledged Ms. Slotnik's recent letter to the judiciary requesting input on the judicial performance evaluation survey questions. Judges, from all court levels, were asked to provide input on the survey questions as currently written.

Ms. Slotnik introduced Professor Eric D. de Rosia to the Council.

Professor de Rosia provided background information on his experience.

Ms. Slotnik and Professor de Rosia highlighted the following in their update to the Council: 1) no major changes to the survey or evaluation process are anticipated at this time, and 2) different formats of conducting courtroom observations will be piloted in the near future.

Discussion took place relative to the surveys questions. Ms. Slotnik and Professor de Rosia responded to the questions asked of them.

Chief Justice Durrant thanked Ms. Slotnik and Professor de Rosia for their update.

**6. EMPLOYEE SATISFACTION SURVEY RESULTS: (Rob Parkes)**

Chief Justice Durrant welcomed Mr. Parkes to the meeting.

Mr. Parkes mentioned that the response rate for the 2013 employee satisfaction survey was 70% compared to the response rate for the 2011 employee satisfaction survey of 72%.

He highlighted the following in his update of the employee satisfaction survey results: 1) statewide survey trends; 2) Factor 1, the immediate supervisor; 3) Factor 2: the management team; 4) Factor 3, the work environment; 5) Factor 4, engagement; 6) themes resulting from the comments provided; and 7) positive and negative areas of focus resulting from the survey.

Mr. Parkes noted that each district was provided with a personalized version of the survey, and he mentioned what action was being taken in response to the survey. The survey results are available on the courts intranet.

**7. COURT INTPERPRETER HOURLY RATE: (Alison Adams-Perlac)**

At the request of the Council at their April 28 meeting, Ms. Adams-Perlac requested information from the following western states regarding the hourly pay rates for their contract interpreters, as well as, the hourly pay rate for rare language(s) to compare with Utah's contract interpreter pay rate: 1) Arizona, 2) California, 3) Colorado, 4) Idaho, 5) Montana, 6) Nevada, 7) New Mexico, 8) Oregon, 9) Washington, and 10) Wyoming. Seven of the ten states provided responses. Ms. Adams-Perlac reviewed Utah's contract court interpreter hourly pay rate compared to the western states providing information.

Ms. Adams-Perlac mentioned the average hourly rate for certified interpreters as reported by the National Center for State Courts in 2013 is \$31.86 - \$53.74.

Discussion took place.

**Motion:** Judge Skanchy moved to approve a 1% increase cost-of-living increase for contract court interpreters, to coincide with the 1% cost-of-living increase approved for court employees during the 2014 Legislative Session. Judge Dawson seconded the motion. The motion passed with Judge Mortensen voting no.

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

The Policy and Planning Committee recommended the following two rules, which were published for comment, be approved for final action: 1) Rule CJA 4-603 – Mandatory electronic filing, and 2) Rule CJA 10-1-602 – Orders to show cause.

Ms. Perlac noted that comments were received and reviewed relative to Rule CJA 4-603.

The Policy and Planning Committee recommended approval of the rule, as written, without any changes.

No comments were received relative to Rule CJA 10-1-602.

**Motion:** Mr. Lund moved to approve the recommendations as proposed for Rule CJA 4-603 – Mandatory electronic filing and Rule CJA 10-1-602 – Orders to show cause. Judge Higbee seconded the motion, and it passed unanimously.

**9. CODE BOOK PURCHASE: (Tim Shea)**

A memo regarding code and rule books was distributed to each Council member.

After discussing the matter of code and rule book purchases, for judges and commissioners, at the April Council meeting; it was proposed to survey the judges to determine their individual preferences. The survey would include the following preferences: 1) Annotated Utah Code, 2) Unannotated Utah Code, and 3) online research tools.

It was noted that new judges would be given the same options. Discussion took place.

**Motion:** Justice Parrish moved to approve a variant of Mr. Shea's proposal relative to the purchase of code and rule books to allow for judges to complete a survey noting their preference of up to one annotated and one unannotated copy per year. Judges would be surveyed every three years regarding any change in their preference. Upon confirmation, new judges would be allowed to determine their preference, as well. Upon selecting a preference and determining it is not to their liking, the judge may select a different option. Judge Dawson seconded the motion, and it passed unanimously.

**10. FIRST DISTRICT – MENTAL HEALTH COURT SPENDING PLAN: (Rick Schwermer)**

This item was deferred to the June meeting for further discussion and action.

**11. JUSTICE COURT JUDGE CERTIFICATIONS: (Rick Schwermer)**

Mr. Schwermer recommended the certification of the following two justice court judges who recently completed justice court judge orientation and passed the orientation exam: 1) Mr. Jon R. Carpenter, Carbon County and Wellington Justice Courts; 2) Mr. Mark Kay McIff, Sevier County Justice Court.

**Motion:** Judge Sandberg moved to approve the certification of Mr. Jon R. Carpenter and Mr. Mark Kay McIff as justice court judges. Judge Harmond seconded the motion, and it passed unanimously.

**Motion:** Judge Hornak moved to enter into an executive session to discuss a personnel matter. Judge Maughan seconded the motion, and it passed unanimously.

**12. EXECUTIVE SESSION:**

An executive session was held at this time.

**13. ADJOURN**

The meeting was adjourned.

# TAB 2



# **Management Committee Minutes**

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

**Tuesday, June 10th, 2014  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

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

**EXCUSED:**

Hon. James Davis

**GUESTS:**

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

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

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

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

**Judicial Retirements.** Judge Lee Dever has announced his upcoming retirement, effective November 1. Three judicial vacancies will be taken up at the same time by the Third District Nominating Commission when they meet. These vacancies are a result of upcoming retirements for the following judges: 1) Judge Lee Dever, 2) Judge John Kennedy, and 3) Judge Denise Lindberg.

**Code Book Purchases.** Mr. Becker highlighted the following from the surveys of judges on their preferred type of code book and rule books to include: 1) Annotated Code – 45 sets requested in 2014, compared to 75 sets requested in 2013; 2) Unannotated Code – 215 sets requested in 2014 compared to 312 sets requested in 2013; 3) Rule Books – 206 requested in 2014 compared to 331 requested in 2013; and 4) the cost for code and rule books at this time is down \$42,000.

**Meeting Regarding Judicial Compensation.** Chief Justice Durrant and Mr. Becker will meet with Mr. Roger Tew and Mr. David Bird on June 17 to discuss judicial compensation.

**Judicial Appointments.** Governor Herbert has made the following judicial appointments, subject to Senate confirmation: 1) Mr. Roger Griffin to fill the vacancy in the Fourth District with

the upcoming retirement of Judge Steven Hansen, and 2) Mr. Brandon Maynor to fill the vacancy in the First District with the upcoming retirement of Judge Ben Hadfield.

11-Month Case Filing and Juvenile Court Referral Update. Case filings in district court reflect a 4% decrease, statewide. Juvenile court referrals reflect a 5% decrease, statewide.

Judicial Weighted Caseload. Judicial weighted caseload numbers in the Fourth Juvenile Court and the Fifth District Court are at or exceeding 130%. Both districts are requesting new judgeships to their respective boards for consideration.

State Audit. The state auditor's office will be performing an audit of the drug courts.

**3. COMMITTEE APPOINTMENTS: (Liz Knight)**

Chief Justice Durrant welcomed Ms. Knight to the meeting.

Currently, there is a vacancy on the Guardian ad Litem Oversight Committee due to the resignation of Jini Roby. Four names were submitted for consideration in filling the vacancy to include: 1) Retired Judge Robert Yeates, 2) Retired Judge Larry Steele, 3) Ms. Lisa-Michele Church, and 4) Ms. Dixie Jackson.

**Motion:** Judge Hornak moved to approve the appointment of Retired Judge Robert Yeates to fill the vacancy on the Guardian ad Litem Oversight Committee and place it on the June Judicial Council consent calendar. Judge Sandberg seconded the motion, and it passed unanimously.

**4. GRANT APPROVAL: (Dawn Marie Rubio)**

Ms. Rubio requested approval of the PO/DPO Safety Training and Management Training Grant in the amount of \$121,138 with a cash match of \$13,460 which totals \$134,598. This grant funds probation officer and deputy probation officer safety training, the Restorative Justice Conference and evidence-based practice training such as NCTI and Carey Guides. Additionally, this grant supplements funding for the Leadership Conference for juvenile court.

**Motion:** Judge Sandberg moved to approve the PO/DPO Safety Training and Management Training Grant in the amount of \$134,598 and place it on the June Judicial Council consent calendar. Judge Harmond seconded the motion, and it passed unanimously.

**5. COUNCIL INPUT TO JPEC SURVEY QUESTIONS: (Daniel J. Becker)**

A draft response to JPEC, prepared by Mr. Rick Schwermer, was sent to members of the Management Committee by email prior to the meeting for review. Mr. Wahl attended JPEC's monthly meeting this morning. In their meeting, JPEC mentioned that they were awaiting input from the Judicial Council on the survey questions, and they planned to make only minor adjustments to the survey.

Mr. Becker reported that no additional input was received from the appellate, district, and juvenile courts. However, Judge Marx submitted a list of concerns raised by the justice court judges. Mr. Becker reviewed the concerns expressed by the justice court judges with members of the Management Committee.

Discussion took place.

The Management Committee was in agreement that the Chief Justice should send an amended version of Mr. Schwermer's letter in responding to JPEC.

6. **COMMISSIONER AND SENIOR JUDGE PERFORMANCE EVALUATIONS:  
(Alison Adams-Perlac)**

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

Ms. Adams-Perlac reviewed the process undertaken by the Policy and Planning Committee in preparing the senior judge and commissioner performance evaluations, which are modeled after the performance evaluations given to court employees. She noted that the requirements for evaluating senior judges differ from the requirements for evaluating commissioners.

Input and/or approval were received from the following: 1) Board of District Court Judges, 2) Board of Juvenile Court Judges, 3) Board of Senior Judges, 4) human resources, 5) all presiding judges, and 6) all TCEs.

The proposed senior judge and commissioner performance evaluation plans and proposed rule changes will be presented to the Council at their June 23 meeting.

7. **APPROVAL OF JUSTICE COURT GRANTS: (Ray Wahl)**

Mr. Wahl reviewed the process undertaken by the Board of Justice Court Judges in approving the requests for funding from the Justice Court Technology, Security and Training Grant. He noted that a substantial amount being requested from the grant is ongoing funding. The majority of the requests fall into the following two categories: 1) scanners, and 2) security.

Discussion took place. Clarification was provided on several requests.

Mr. Becker suggested that the balance remaining in the grant be used by IT to develop an application which would allow for a digital signature in the justice court judicial workspace.

**Motion:** Judge Sandberg moved to approve the grant funding as approved and submitted by the Board of Justice Court Judges with the amendment to allocate the remaining balance in the grant to IT to create software that would allow for a digital signature in the justice court judicial workspace to be coordinated with CORIS. Judge Hornak seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reviewed the proposed Council agenda for the June 23 Council meeting.

**Motion:** Judge Hornak moved to approve the agenda for the June 23 Council meeting. Judge Harmond seconded the motion, and it passed unanimously.

9. **ADJOURN**

The meeting was adjourned.

**Policy and Planning Committee  
Minutes**

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

May 23, 2014

Draft. Subject to approval

### **Members Present**

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

### **Members Excused**

### **Staff**

Alison Adams-Perlac

### **Guests**

Rick Schwermer

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

Mr. Lund moved to approve the minutes of April 4, 2014. Judge Parkin seconded the motion and it was approved unanimously.

### **(2) Rules for Final Action**

The committee discussed an amendment to CJA 3-306, Language access in the courts. The amendment adds a Utah residency requirement for interpreters seeking to be credentialed as court-certified interpreters. The proposal received no public comments.

The committee discussed an amendment to CJA 4-202.02, Records classification. The amendment classifies records from cases involving minors seeking judicial consent for abortion as sealed. The proposal received no public comments.

The committee discussed an amendment to CJA 4-403, Signature stamp use. The amendment allows a clerk to use a judge's signature stamp, with permission, on orders on unopposed motions requesting the Department of Workforce Services to release debtor information. The rule was effective March 14, 2014 under rule 2-205 of the Utah Code of Judicial Administration. The rule change received no public comments.

Judge Maughan stated that the rule should include electronic signatures in addition to signature stamps. The committee requested that Ms. Adams-Perlac draft a proposal and put it on the committee's next agenda.

The committee discussed an amendment to CJA 4-405, Juror and witness fees and expenses. The amendment increases the rate for jury snacks and breaks from \$3.00 to \$4.00 in accordance with the state rate. The proposal received no public comments.

The committee discussed an amendment to CJA 4-906, Guardian ad litem program. The amendment allows the Office of Guardian ad Litem to remove a private guardian ad litem who has not met the continuing education requirements from their case assignment roster. The proposal received no public comments.

Judge Parkin moved to recommend CJA 3-306, CJA 4-202.02, CJA 4-405, and CJA 4-906 as written to the Judicial Council. Judge Dawson seconded the motion and it passed unanimously.

### **(3) Rule 4-405 – Juror and witness fees and expenses.**

The committee discussed a proposed amendment to CJA 4-405, Juror and witness fees and expenses. The proposed amendment reflects the requirement of H.B. 247 that an attorney issuing a subpoena is responsible for reimbursing a civil witness for necessary and reasonable parking expenses.

Mr. Lund suggested adding "Upon request," to the front of the last sentence in paragraph (1)(A). Judge Dawson moved to approve the proposal, as amended, and to put it on the Judicial Council's consent calendar. Judge Parkin seconded the motion, and it passed unanimously.

### **(4) Rule 4-907 – Divorce education and divorce orientation courses.**

The committee discussed a proposed amendment to CJA 4-907, Divorce education and divorce orientation courses. The proposed amendment was necessitated by the passage of H.B. 323. In addition to providing an option to take the divorce orientation course online, the proposed amendment also reflects changes to the fees for the course.

Mr. Lund suggested change "shall be" in line 37 to "is." Mr. Lund moved to approve the proposal, as amended, and to put it on the Judicial Council's consent calendar. Judge Dawson seconded the motion and it passed unanimously.

### **(5) Rule 4-202.02 – Records classification.**

The committee discussed a proposed amendment to CJA 4-202.02, Records classification. The amendment reflects a proposal made by the Utah State Archives that the courts adopt a policy that private records such as divorces, guardianships, and conservatorships become public after 50 years. This proposal is in line with the policy addressing adoptions, which become public by statute after 100 years.

The committee discussed that the public policy interest for opening an adoption does not exist for these cases. Judge Parkin moved to reject the proposal until the Utah State Archives can provide more information in support of the proposal. Mr. Lund seconded the motion and it passed unanimously.

### **(6) Records Retention Schedule.**

The committee discussed numerous changes to the Records Retention Schedule.

The first change would require that civil stalking injunctions be retained for only five years after they expire, rather than permanently as required by the current schedule, since these injunctions are temporary in nature.

The second change clarifies that private child welfare petitions that have been dismissed without prejudice are considered abuse, neglect, and dependency records which are retained until the youngest subject of the petition is 28 years old. Judge Higbee and Ms. Adams-Perlac agreed that this language would be superfluous.

The third change provides that, aside from permanent records, all abuse, neglect, and dependency records, and all juvenile delinquency records shall be retained until the youngest subject of the petition is 28 years old. This change was recommended since juvenile cases are treated very differently under CARE, and the current retention policy is too complex for the way those cases are handled. If the current policy is maintained records might be inadvertently deleted.

For the reasons listed above, the fourth change provides that, all adult records in juvenile court be retained for 10 years.

The fifth change provides that all records from a case be retained for at least one year after a petition for expungement is processed, even if the case has otherwise met the retention period. This change would ensure that case records are available to a petition for at least a year after the order is entered.

The sixth change provides a retention period for case under advisement forms. The proposed retention period is 7 years, since these forms are relevant primarily for a current judge's term of office. Committee members expressed concern that a judge might need to use those forms later if JPEC raised any concerns about whether the judge previously met the case under advisement standard. They requested that this change be tabled until the next meeting when Ms. Adams-Perlac will provide a revised proposal.

Judge Dawson moved to recommend all of the changes, with the exception of the second and sixth change to the Judicial Council and to put them on its next consent calendar. Judge Dawson further moved to deny the second recommend change, and to table the sixth change until the proposal could be reworked. Mr. Lund seconded the motions and they passed unanimously.

### **(7) Commissioner and Senior Judge Performance Evaluations.**

The committee discussed the proposed commissioner and senior judge performance plans and evaluations. Ms. Adams-Perlac discussed that she had elicited feedback from interested parties and individuals, and she discussed the comments that were received.

Judge Parkin recommended minor changes to the Instructions language and the checklist for the senior justice court judge evaluations. Mr. Lund recommended similar changes to the Instructions language for the senior judge and commissioner. Judge Dawson recommended adding to the Instructions language that an evaluator may consider attorney surveys.



The current proposal requires that the evaluations be sent to the Judicial Council only if the commissioner or senior judge receives an overall rating of "Needs Improvement." Mr. Schwermer suggested that for commissioners, all evaluations be sent to the Judicial Council.

Mr. Lund moved to approve the proposal for consideration by the Judicial Council, subject to the recommended changes, and requested that Ms. Adams-Perlac update the proposal and circulate it to the committee by email. Judge Dawson seconded the motion and it passed unanimously.

**TAB 3**

**Senior Judge and Commissioner  
Performance Evaluations - Memo**



## 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:** June 17, 2014  
**Re:** Senior Judge and Commissioner Performance Evaluations.

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The enclosed plans and rule changes have been approved by the Policy and Planning Committee and reviewed by the Management Committee. I have also presented the plans to the applicable Boards of Judges and have sought comment from groups and individuals who will be impacted by the plan. I have outlined the feedback I received below. Additionally, I have outlined the rule changes that will be necessary to implement these plans. Unless this Council approves them on an expedited basis, none of the rule changes will be effective until November 1, 2014.

It should be noted that the checklists and form emails that are included with the plans are meant to assist evaluators and court administrators in completing the evaluations, but they are not mandatory. It should also be noted that there were two common concerns among the Boards and other groups that considered the plan. First, there was a concern that the evaluations, particularly with regard to the senior judges, are too subjective. Second, there was a concern that it is too difficult to evaluate senior judges since they typically serve so infrequently.

With regard to the first concern, I contacted Kim Allard and Brody Arishita and determined that, because senior judges have so few cases, it is difficult to evaluate them on objective criteria. However, senior justice court judges will be surveyed by attorneys this year, so that will provide some objective data. Additionally, evaluators may seek input from court staff which will assist them in completing evaluations.

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

With regard to the second concern, presiding judges may seek regular feedback from court staff and others who work with senior judges. Additionally, presiding judges are able to review cases a senior judge has handled, and can listen to the recordings on CORIS. As far as senior justice court judges are considered, they will be evaluated by each of the judges they cover for, in addition to the chair of the Board of Justice Court Judges.

### **Performance Evaluations**

#### **Senior Judge Performance Evaluation**

I presented the proposed senior judge performance evaluation with supporting documents to the Board of District Court Judges and the Board of Juvenile Court Judges. Both Boards approved the plans in concept. I also sought comment from Human Resources, all presiding judges, all TCEs, and the Board of Senior Judges.

The proposal received the following comments:

I have no quarrel with the evaluation criteria, questions, etc. The concern I have is that there are periods of time, perhaps many months, where a senior judge is not called upon to sit. It will then be extremely difficult to obtain a meaningful evaluation regarding the criteria listed.

Judge Gordon J. Low

The input I would have, and I am not very good at predicting how the PJ's would respond, is to collapse some of these categories together. While I understand that some may be perceived at separate and distinct categories, you may get some push back about the amount of work it is to fill out the evals. Just my thoughts.

Ray Wahl, Deputy Court Administrator

I think that this model of evaluating senior judges by presiding judges will not work at the court of appeals. I'm even a bit surprised that you have not received more critical response from the trial courts. PJs will find it difficult to find the time to discuss 17 distinct performance measures with senior judges twice during a term. At the appellate level, the senior judges are so few and so well known that such a conversation would serve little purpose. I

believe the evaluations would soon become a routine representation of meets or exceeds expectations in all areas.

It is important to give to the Judicial Council and the Supreme Court information on which they can make the difficult decision that someone who has served the public and the law for a half-century or more is no longer capable of doing so, but I believe that this approach will not achieve that objective. Such a detailed list of criteria may work well for attorneys responding to JPEC surveys about judges, but I think it will not work for PJs evaluating former colleagues.

I know it is rather late in the game, but perhaps consider that a short description by the PJ to the Council of any problem areas would better serve. Instructions could outline the general areas to consider and the factors in that area that make for a good judge-- although most PJs probably already know. Or perhaps a short conversation with the PJ by someone from the Council in which that information could be explored in a more dynamic manner. It is important to create the expectation that the PJ will become and remain aware of the capabilities of senior judges serving in his or her court, but the method by which that information is conveyed to the Council and Supreme Court should be simpler.

Tim Shea, Appellate Court Administrator

#### Senior Justice Court Judge Performance Evaluation

I presented the proposed senior justice court evaluation with supporting documents to the Board of Justice Court Judges. They requested that I make some changes to the plan and I returned to their next meeting with the updated proposal, which they approved. I also sought comment from Human Resources and the Board of Senior Judges.

The proposal received no comments.

#### Court Commissioner Performance Evaluation

I presented the proposed court commissioner performance evaluation with supporting documents to the Board of District Court Judges and the Board of Juvenile Court Judges. Both Boards approved the plans in concept. I also sought comment from Human Resources, all

presiding judges, all TCEs, all court commissioners, as well as the Court Commissioner Conduct Committee.

The proposal received the following comments:

Looks pretty straight-forward to me. I am curious how the PJ will identify cases to review.

Commissioner T. Patrick Casey

Overall, it looks good. However, maybe there should be an NA option for one of the questions. I am referring specifically to the question regarding writing judicial opinions. I haven't needed to write an opinion in over a year.

Commissioner Anthony Ferdon

I have no problem with any of the criteria with the exception that I have yet to issue a Judicial opinion other than short minute entries. Second, I am not sure what is meant by "shares proportionally the workload within the district." I have been concerned since I started that I am not as busy as the others in that I do not have as many hearings. But, I can't really control that. Would that be counted against me?

Commissioner Kim Luhn

[O]ne thing that struck me is including in the plan a requirement that the Commissioners receive training and maintain their expertise in the applicable area of law. I can definitely see if there is room for improvement with a performance expectation that I as the PJ will specifically require formal training as part of the plan.

Also, looking at the materials, I see it contemplated the PJ will be receiving information from other judges and court staff, but I see nothing about getting feedback or evaluations from lawyers. Is that on purpose? I believe it will be very helpful to me in evaluating my Commissioner to get information and formal evaluation responses from lawyers. The other judges don't see the Commissioner in action very often (probably never) and court staff isn't qualified to opine on performance criteria 1, 2, 3, 5, 11, and 13.

If the committee is okay with the PJs getting information from attorneys it would be very helpful to actually say that somewhere.

Right now the instructions can be read to require us to only consider feedback from other judges and court staff.

Judge Dane Nolan

### **Proposed Rule Changes**

#### **Rule 3-111. Performance evaluation of senior judges and court commissioners.**

The proposal makes the rule applicable to presiding judges and the Board of Justice Court Judges. Additionally, the proposal states the process for a performance evaluation of a court commissioner, a senior judge, and a senior justice court judge. The plan also changes the evaluation criteria, making them conform to JPEC and the proposed performance evaluation plans. Further, the proposal requires that all commissioner evaluations be provided to the Judicial Council, while all senior judge evaluations with an overall rating of "Needs Improvement" must be provided to the Judicial Council. Finally, the proposed rule provides a case under advisement standard for senior judges in the Court of Appeals.

#### **Rule 3-201. Court commissioners.**

The proposed rule updates the court commissioner performance evaluation process to conform to the new plan.

#### **Rule 11-201. Senior judges.**

The proposed rule requires that a senior judge undergo a performance evaluation ever eighteen months after an initial term as an active senior judge. The proposal also includes the previously approved residency requirement for active senior judges.

#### **Rule 11-203. Senior justice court judges.**

The proposed rule requires that a senior justice court judge undergo a performance evaluation ever eighteen months after an initial term as an active senior judge. The proposal also includes the previously approved residency requirement for active senior judges.



**Senior Judge and Commissioner Performance Evaluations**

**June 17, 2014**

**Page 6**

If the proposals and rules are approved by this committee, they will then be presented to the Judicial Council for its approval.

**Encl. Senior Judge Performance Evaluation**

**Senior Justice Court Judge Performance Evaluation**

**Court Commissioner Performance Evaluation**

**CJA 3-111. Performance evaluation of senior judges and court commissioners.**

**CJA 3-201. Court commissioners.**

**CJA 11-201. Senior judges.**

**CJA 11-203. Senior justice court judges.**

**Active Senior Judge  
Performance Evaluation**

**UTAH STATE COURTS  
ACTIVE SENIOR JUDGE PERFORMANCE EVALUATION**

---

**Senior Judge:**  
**District:**  
**Presiding Judge:**  
**Evaluation Period:**

**INSTRUCTIONS**

---

After their initial term, active senior judges shall be evaluated every 18 months based on the seventeen performance criteria listed below, and provided with an overall rating for the review period. The presiding judge shall provide a rating for each criterion. Additionally, for any criteria rated as “needs improvement”, the presiding judge shall provide a written justification summarizing the senior judge’s performance during the evaluation period. The presiding judge may take into account attorney surveys when evaluating a senior judge. When rating a senior judge’s performance, the presiding judge shall use the following scale in rating a senior judge’s performance:

- **Needs Improvement** – The senior judge does not meet expectations and requires improvement in the rating area as designated on the attached annual performance plan.
- **Meets Expectations** – The senior judge is performing at the expected level, and may periodically exceed expectations.
- **Exceeds Expectations** – The senior judge consistently exceeds expectations.

In evaluating the senior judge, the presiding judge may consider feedback from other members of the bench and court employees who work with the senior judge.

**PERFORMANCE CRITERIA**

---

**1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**2. Is Attentive to the Factual and Legal Issues before the Court**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**3. Adheres to Precedent and Clearly Explains Any Departures from Precedent**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**4. Grasps the Practical Impact on the Parties of the Judge's Rulings, Including the Effect of Delay and Increased Litigation Expense**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**5. Writes Clear Judicial Opinions**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**6. Clearly Explains the Legal Basis for Judicial Opinions**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Judge's Court**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**8. Maintains Decorum in the Courtroom**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**10. Prepares for Hearings**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**11. Avoids Impropriety and the Appearance of Impropriety**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**12. Displays Fairness and Impartiality toward All Parties**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**14. Manages Workload Appropriately**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**15. Regularly Accepts Case Assignments**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**16. Issues Opinions and Orders without Unnecessary Delay**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**17. Demonstrates the Ability and Willingness to Use the Court's Case Management Systems in All Cases**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**OVERALL PERFORMANCE RATING FOR EVALUATION PERIOD**

---

Provide a cumulative rating of the senior judge's performance for the designated evaluation period, reflective of the ratings for the sixteen performance criteria.

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations

Justification:

**SENIOR JUDGE COMMENTS**

---

Please attach or include any comments provided by the senior judge to the evaluation.

**CERTIFICATION**

---

*We have discussed this performance evaluation in detail and the senior judge understands the evaluation. Future expectations are clear as the presiding judge has provided a new performance plan with clear objectives for the next evaluation period.*

Senior Judge Signature:

Date:

Presiding Judge Signature:

Date:

**UTAH STATE COURTS  
ACTIVE SENIOR JUDGE PERFORMANCE PLAN**

---

**Senior Judge:**  
**District:**  
**Presiding Judge:**  
**Plan Period:**

**INSTRUCTIONS**

---

The performance plan communicates the performance expectations for an active senior judge in the upcoming evaluation period. Expectations should include addressing a “needs improvement” rating on a core performance criterion, and may detail job specific requirements. The expectations should be clear, concise, and reasonable. The performance plan should be the basis of the presiding judge’s meetings with the court commissioner throughout the evaluation period.

**PERFORMANCE EXPECTATIONS**

---

Please check the box next to each performance criterion to be addressed by the performance plan, and explain expectations for improvement.

*Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence*  
**Expectations:**

*Is Attentive to the Factual and Legal Issues before the Court*  
**Expectations:**

*Adheres to Precedent and Clearly Explains Any Departures from Precedent*  
**Expectations:**

*Grasps the Practical Impact on the Parties of the Judge’s Rulings, Including the Effect of Delay and Increased Litigation Expense*  
**Expectations:**

*Writes Clear Judicial Opinions*  
**Expectations:**

*Clearly Explains the Legal Basis for Judicial Opinions*  
**Expectations:**

*Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Judge’s Court*  
**Expectations:**

*Maintains Decorum in the Courtroom*

**Expectations:**

*Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System*

**Expectations:**

*Prepares for Hearings*

**Expectations:**

*Avoids Impropriety and the Appearance of Impropriety*

**Expectations:**

*Displays Fairness and Impartiality toward All Parties*

**Expectations:**

*Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions*

**Expectations:**

*Manages Workload Appropriately*

**Expectations:**

*Regularly Accepts Case Assignments*

**Expectations:**

*Issues Opinions and Orders without Unnecessary Delay*

**Expectations:**

*Demonstrates the Ability and Willingness to Use the Court's Electronic Case Management Systems in All Cases*

**Expectations:**

*Other*

**Expectations:**



**CERTIFICATION**

---

*We have discussed the performance expectations and objectives on this performance plan and both parties understand them. The performance expectations of this performance plan will be considered in the senior judge's next performance evaluation.*

**Senior Judge Signature:**

**Date:**

**Presiding Judge Signature:**

**Date:**



**UTAH STATE COURTS  
ACTIVE SENIOR JUDGE PERFORMANCE EVALUATION CHECKLIST –  
TO BE COMPLETED THROUGHOUT THE 18 MONTH EVALUATION  
PERIOD**

---

- 1. Within one week of the active senior judge's term start date, the AOC provided the senior judge with a performance plan outlining the performance expectations.
- 2. Throughout the evaluation period, the presiding judge reviewed 2 of the senior judge's, including observation or listening to recorded hearings, where possible.
- 3. Every quarter, the TCEI reminded the presiding judge to send emails to the bench and staff seeking input on the senior judge's performance.
- 4. Every quarter, the presiding judge sent emails to the bench and staff seeking input on the senior judge's performance.
- 5. Following the active senior judge's initial term, the TCEI reminded the presiding judge at month \_\_\_\_ (16 or 34) that the senior judge must be evaluated within two months, and to send emails to the bench and staff seeking input on the senior judge's performance.
- 6. At month \_\_\_\_\_ (16 or 34) of the senior judge's subsequent term, the presiding judge sent emails to the bench and staff seeking input on the senior judge's performance.
- 7. At month \_\_\_\_\_ (17 or 35) of the senior judge's subsequent term, the TCEI reminded the presiding judge that the senior judge must be evaluated within one month.
- 8. The presiding judge completed the performance evaluation and performance plan at month \_\_\_\_\_ (18 or 36) of the senior judge's subsequent term.
- 9. The presiding judge reviewed the performance evaluation and performance plan with the senior judge, sought the senior judge's input and incorporated it into the evaluation, and provided copies of the final performance evaluation and performance plan to senior judge.
- 10. If the senior judge's overall performance rating was Needs Improvement, the presiding judge provided a copy of the performance evaluation and the performance plan to the AOC Staff Attorney in charge of judicial evaluations to be forwarded to the Judicial Council.

**Email from TCE to Presiding Judge re: bench and staff feedback on senior judge**

Dear Judge,

Active Senior Judge \_\_\_\_\_'s term began on \_\_\_\_\_. I am emailing you to remind you to contact the bench and staff for feedback regarding Active Senior Judge \_\_\_\_\_'s performance.

Thank you,

**Email from TCE to Presiding Judge re: active senior judge performance evaluation and plan**

Dear Judge,

Active Senior Judge \_\_\_\_\_'s term began on \_\_\_\_\_. His/Her performance evaluation and performance plan must be completed by \_\_\_\_\_.

Thank you,

**Email from Presiding Judge re: bench feedback on active senior judge**

Dear Judges,

Senior Judge \_\_\_\_\_ is being evaluated on the following criteria. Please email me as soon as possible with any feedback you have regarding Senior Judge \_\_\_\_\_'s performance with regard to these criteria or anything else of note.

1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence
2. Is Attentive to the Factual and Legal Issues before the Court
3. Adheres to Precedent and Clearly Explains Any Departures from Precedent
4. Grasps the Practical Impact on the Parties of the Judge's Rulings, Including the Effect of Delay and Increased Litigation Expense
5. Writes Clear Judicial Opinions
6. Clearly Explains the Legal Basis for Judicial Opinions
7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Judge's Court
8. Maintains Decorum in the Courtroom
9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System
10. Prepares for Hearings
11. Avoids Impropriety and the Appearance of Impropriety
12. Displays Fairness and Impartiality toward All Parties
13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions
14. Manages Workload Appropriately
15. Regularly Accepts Case Assignments
16. Issues Opinions and Orders without Unnecessary Delay

Thank you,



**Email from Presiding Judge re: staff feedback on active senior judge**

**Dear Staff,**

**Senior Judge \_\_\_\_\_ is being evaluated. Please email me as soon as possible with any feedback you have regarding Senior Judge \_\_\_\_\_. If you have not worked with Senior Judge \_\_\_\_\_, please disregard this message.**

**Thank you,**

**Active Senior Justice Court Judge  
Performance Evaluation**

**UTAH STATE COURTS**  
**ACTIVE SENIOR JUSTICE COURT JUDGE PERFORMANCE EVALUATION**

---

**Senior Justice Court Judge:**

**District:**

**Judge:**

**Evaluation Period:**

**INSTRUCTIONS**

---

After their initial term, active senior justice court judges shall be evaluated every 18 months based on the seventeen performance criteria listed below, and provided with an overall rating for the review period. The chair of the Board of Justice Court Judges and each judge the senior judge filled in for shall evaluate the senior judge. The evaluator shall provide a rating for each criterion. Additionally, for any criteria rated as “needs improvement”, the evaluator shall provide a written justification summarizing the senior justice court judge’s performance during the evaluation period. The chair of the Board of Justice Court Judges may take into account attorney surveys when evaluating a senior judge. When rating a senior justice court judge’s performance, the judge shall use the following scale:

- **Needs Improvement** – The senior judge does not meet expectations and requires improvement in the rating area as designated on the attached annual performance plan.
- **Meets Expectations** – The senior judge is performing at the expected level, and may periodically exceed expectations.
- **Exceeds Expectations** – The senior judge consistently exceeds expectations.

In evaluating the senior judge, the judge may consider feedback from other members of the bench and court employees who work with the senior judge.

**PERFORMANCE CRITERIA**

---

**1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

**Justification:**

**2. Is Attentive to the Factual and Legal Issues before the Court**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

**Justification:**

**3. Adheres to Precedent and Clearly Explains Any Departures from Precedent**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

**Justification:**

**4. Grasps the Practical Impact on the Parties of the Judge's Rulings, Including the Effect of Delay and Increased Litigation Expense**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**5. Writes Clear Judicial Opinions**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**6. Clearly Explains the Legal Basis for Judicial Opinions**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Judge's Court**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**8. Maintains Decorum in the Courtroom**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**10. Prepares for Hearings**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**11. Avoids Impropriety and the Appearance of Impropriety**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**12. Displays Fairness and Impartiality toward All Parties**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

**Justification:**

**14. Manages Workload Appropriately**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

**Justification:**

**15. Regularly Accepts Case Assignments**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

**Justification:**

**16. Issues Opinions and Orders without Unnecessary Delay**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

**Justification:**

**17. Demonstrates the Ability and Willingness to Use the Court's Electronic Case Management Systems in All Cases**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

**Justification:**

**OVERALL PERFORMANCE RATING FOR EVALUATION PERIOD**

Provide a cumulative rating of the senior judge's performance for the designated evaluation period, reflective of the ratings for the sixteen performance criteria.

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations

**Justification:**

**SENIOR JUDGE COMMENTS**

Please attach or include any comments provided by the senior judge to the evaluation.

**CERTIFICATION**

*We have discussed this performance evaluation in detail and the senior judge understands the evaluation. Future expectations are clear as the chair of the Board of Justice Court Judges has provided a new performance plan with clear objectives for the next evaluation period.*

**Senior Judge Signature:**

**Date:**

**Judge Signature:**

**Date:**

**UTAH STATE COURTS  
ACTIVE SENIOR JUSTICE COURT JUDGE PERFORMANCE PLAN**

---

**Senior Justice Court Judge:**  
**District:**  
**Chair of Board of Justice Court Judges:**  
**Plan Period:**

**INSTRUCTIONS**

---

The performance plan communicates the performance expectations for an active senior justice court judge in the upcoming evaluation period. Expectations should include addressing a “needs improvement” rating on a core performance criterion, and may detail job specific requirements. The expectations should be clear, concise, and reasonable.

**PERFORMANCE EXPECTATIONS**

---

Please check the box next to each performance criterion to be addressed by the performance plan, and explain expectations for improvement.

*Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence*  
**Expectations:**

*Is Attentive to the Factual and Legal Issues before the Court*  
**Expectations:**

*Adheres to Precedent and Clearly Explains Any Departures from Precedent*  
**Expectations:**

*Grasps the Practical Impact on the Parties of the Judge's Rulings, Including the Effect of Delay and Increased Litigation Expense*  
**Expectations:**

*Writes Clear Judicial Opinions*  
**Expectations:**

*Clearly Explains the Legal Basis for Judicial Opinions*  
**Expectations:**

*Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Judge's Court*  
**Expectations:**

*Maintains Decorum in the Courtroom*



**Expectations:**

*Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System*

**Expectations:**

*Prepares for Hearings*

**Expectations:**

*Avoids Impropriety and the Appearance of Impropriety*

**Expectations:**

*Displays Fairness and Impartiality toward All Parties*

**Expectations:**

*Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions*

**Expectations:**

*Manages Workload Appropriately*

**Expectations:**

*Regularly Accepts Case Assignments*

**Expectations:**

*Issues Opinions and Orders without Unnecessary Delay*

**Expectations:**

*Demonstrates the Ability and Willingness to Use the Court's Electronic Case Management Systems in All Cases*

**Expectations:**

*Other*

**Expectations:**

**CERTIFICATION**

---

*We have discussed the performance expectations and objectives on this performance plan and both parties understand them. The performance expectations of this performance plan will be considered in the senior judge's next performance evaluation.*

**Senior Judge Signature:**

**Date:**

**Chair of Board of Justice Court Judges Signature:**

**Date:**

**UTAH STATE COURTS  
ACTIVE SENIOR JUSTICE COURT JUDGE PERFORMANCE EVALUATION  
CHECKLIST – TO BE COMPLETED THROUGHOUT THE 18 MONTH  
EVALUATION PERIOD**

---

- 1. Within one week of the active senior judge's term start date, the AOC provided the senior judge with a performance plan outlining the performance expectations.
- 2. Throughout the evaluation period, each judge who utilized the senior judge reviewed two of the senior judge's cases, including observation, where possible.
- 3. Every month, the AOC sent emails to the bench and staff seeking input on the senior judge's performance, including any evaluations completed by judges under paragraph 2.
- 4. Following the active senior judge's initial term, the AOC reminded the chair of the Board of Justice Court Judges at month \_\_\_\_ (16 or 34) that the senior judge must be evaluated within two months, and to send emails to the bench and staff seeking input on the senior judge's performance.
- 5. At month \_\_\_\_\_ (16 or 34) of the senior judge's subsequent term, the chair of the Board of Justice Court Judges sent emails to the bench and staff seeking input on the senior judge's performance.
- 6. At month \_\_\_\_\_ (17 or 35) of the senior judge's subsequent term, the AOC reminded the chair of the Board of Justice Court Judges that the senior judge must be evaluated within one month.
- 7. The chair of the Board of Justice Court Judges compiled information and completed the performance evaluation and the performance plan at month \_\_\_\_\_ (18 or 36) of the senior judge's subsequent term.
- 8. The chair of the Board of Justice Court Judges reviewed the performance evaluation and performance plan with the senior judge, sought the senior judge's input and incorporated it into the evaluation, and provided copies of the final performance evaluation and performance plan to the senior judge.
- 9. If the senior judge's overall performance rating was Needs Improvement, the Chair of the Board of Justice Court Judges provided a copy of the performance evaluation and the performance plan to the AOC Staff Attorney in charge of judicial evaluations to be forwarded to the Judicial Council.

**Email from AOC Staff to the Chair of the Board of Justice Court Judges and to Judges Who Utilized the Senior Judge re: active senior judge performance evaluation and plan**

Dear Judge,

Active Senior Judge \_\_\_\_\_'s term began on \_\_\_\_\_. His/Her performance evaluation and performance plan must be completed by \_\_\_\_\_.

Thank you,

**Email from AOC re: bench feedback on active senior judge**

Dear Judges,

Senior Judge \_\_\_\_\_ is being evaluated. Please email me as soon as possible with any feedback you have regarding Senior Judge \_\_\_\_\_'s performance with regard to these criteria or anything else of note. You need only comment on the criteria to which you have knowledge regarding the senior judge.

1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence
2. Is Attentive to the Factual and Legal Issues before the Court
3. Adheres to Precedent and Clearly Explains Any Departures from Precedent
4. Grasps the Practical Impact on the Parties of the Judge's Rulings, Including the Effect of Delay and Increased Litigation Expense
5. Writes Clear Judicial Opinions
6. Clearly Explains the Legal Basis for Judicial Opinions
7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Judge's Court
8. Maintains Decorum in the Courtroom
9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System
10. Prepares for Hearings
11. Avoids Impropriety and the Appearance of Impropriety
12. Displays Fairness and Impartiality toward All Parties
13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions
14. Manages Workload Appropriately
15. Regularly Accepts Case Assignments
16. Issues Opinions and Orders without Unnecessary Delay

Thank you,

**Email from AOC re: staff feedback on active senior judge**

Dear Justice Court Staff,

Senior Judge \_\_\_\_\_ is being evaluated. Please email me as soon as possible with any feedback you have regarding Senior Judge \_\_\_\_\_. If you have not worked with Judge \_\_\_\_\_, please disregard this message.

Thank you,

**Court Commissioner  
Performance Evaluation**

**UTAH STATE COURTS  
COURT COMMISSIONER PERFORMANCE EVALUATION**

---

**Court Commissioner:**

**District:**

**Presiding Judge:**

**Evaluation Period:**

**INSTRUCTIONS**

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Court commissioners shall be evaluated annually based on the sixteen performance criteria listed below, and provided with an overall rating for the review period. The presiding judge shall provide a rating and a written justification which summarizes the commissioner's performance on each of the criterion for the evaluation period. When rating a commissioner's performance, the presiding judge shall use the following scale:

- **Needs Improvement** – The commissioner does not meet expectations and requires improvement in the rating area as designated on the attached annual performance plan.
- **Meets Expectations** – The commissioner is performing at the expected level, and may periodically exceed expectations.
- **Exceeds Expectations** – The commissioner consistently exceeds expectations.

In evaluating the commissioner, the presiding judge may consider feedback from other members of the bench who work with the commissioner. The presiding judge should consider the objective data addressing the commissioner's performance provided by the TCE, and should review 5 of the commissioner's cases in conjunction with the performance evaluation.

**PERFORMANCE CRITERIA**

---

**1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
**Justification:**

**2. Is Attentive to the Factual and Legal Issues before the Court**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
**Justification:**

**3. Adheres to Precedent and Clearly Explains Any Departures from Precedent**

**Rating:**  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
**Justification:**

**4. Grasps the Practical Impact on the Parties of the Commissioner's Rulings, Including the Effect of Delay and Increased Litigation Expense**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**5. Writes Clear Judicial Opinions**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**6. Clearly Explains the Legal Basis for Judicial Opinions**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Commissioner's Court**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**8. Maintains Decorum in the Courtroom**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**10. Prepares for Hearings**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**11. Avoids Impropriety and the Appearance of Impropriety**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**12. Displays Fairness and Impartiality toward All Parties**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable  
Justification:

**14. Manages Workload Appropriately**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**15. Shares Proportionally the Workload within the District**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**16. Issues Opinions and Orders without Unnecessary Delay**

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**OVERALL PERFORMANCE RATING FOR EVALUATION PERIOD**

---

Provide a cumulative rating of the court commissioner’s performance for the designated evaluation period, reflective of the ratings for the sixteen performance criteria.

Rating:  Needs Improvement  Meets Expectations  Exceeds Expectations  Not Applicable

Justification:

**COMMISSIONER COMMENTS**

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Please attach or include any comments provided by the court commissioner to the evaluation.

**CERTIFICATION**

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*We have discussed this performance evaluation in detail and the court commissioner understands the evaluation. Future expectations are clear as the presiding judge has provided a new performance plan with clear objectives for the next evaluation period.*

**Court Commissioner Signature:**

**Date:**

**Presiding Judge Signature:**

**Date:**

**UTAH STATE COURTS  
COURT COMMISSIONER PERFORMANCE PLAN**

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**Court Commissioner:**

**District:**

**Presiding Judge:**

**Plan Period:**

**INSTRUCTIONS**

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The performance plan communicates the performance expectations for a commissioner in the upcoming evaluation period. Expectations should include addressing a “needs improvement” rating on a core performance criterion, and may detail job specific requirements. The expectations should be clear, concise, and reasonable. The performance plan should be the basis of the presiding judge’s meetings with the court commissioner throughout the evaluation period.

**PERFORMANCE EXPECTATIONS**

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Please check the box next to each performance criterion to be addressed by the performance plan, and explain expectations for improvement.

*Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence*  
**Expectations:**

*Is Attentive to the Factual and Legal Issues before the Court*  
**Expectations:**

*Adheres to Precedent and Clearly Explains Any Departures from Precedent*  
**Expectations:**

*Grasps the Practical Impact on the Parties of the Commissioner's Rulings, Including the Effect of Delay and Increased Litigation Expense*  
**Expectations:**

*Writes Clear Judicial Opinions*  
**Expectations:**

*Clearly Explains the Legal Basis for Judicial Opinions*  
**Expectations:**

*Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Commissioner's Court*  
**Expectations:**



*Maintains Decorum in the Courtroom*

**Expectations:**

*Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System*

**Expectations:**

*Prepares for Hearings*

**Expectations:**

*Avoids Impropriety and the Appearance of Impropriety*

**Expectations:**

*Displays Fairness and Impartiality toward All Parties*

**Expectations:**

*Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions*

**Expectations:**

*Manages Workload Appropriately*

**Expectations:**

*Shares Proportionally the Workload within the District*

**Expectations:**

*Issues Opinions and Orders without Unnecessary Delay*

**Expectations:**

*Other*

**Expectations:**

## **CERTIFICATION**

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*We have discussed the performance expectations and objectives on this performance plan and both parties understand them. The performance expectations of this performance plan will be considered in the court commissioner's next performance evaluation.*

**Court Commissioner Signature:**

**Date:**

**Presiding Judge Signature:**

**Date:**

**UTAH STATE COURTS  
COURT COMMISSIONER PERFORMANCE EVALUATION CHECKLIST  
TO BE COMPLETED THROUGHOUT THE ANNUAL EVALUATION  
PERIOD**

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1. Within one week of the commissioner's start date, the presiding judge provided the commissioner with a performance plan outlining the performance expectations.
2. Throughout the evaluation period, the presiding judge reviewed 5 of the commissioner's active cases, including observation or listening to recorded hearings, where possible.
3. Every quarter, the TCE reminded the presiding judge to send emails to the bench and staff seeking input on the commissioner's performance.
4. Every quarter, the presiding judge sent emails to the bench and staff seeking input on the commissioner's performance.
5. Ten months into each year of the court commissioner's term, the TCE reminded the presiding judge that the commissioner must be evaluated within two months, and to send emails to the bench and staff seeking input on the court commissioner's performance.
6. Ten months into each year of the court commissioner's term, the TCE requested objective data on the commissioner's performance as follows:
- For **district court**, the TCE requested data from the Director of Court Services including the following reports for the court commissioner: age of actively pending cases; the number of hearings and types of hearings scheduled per domestic case handled by the commissioner compared to the number of hearings in similar cases heard by judges; and a list of cases in which one or more objections to the commissioner's recommendations have been filed in a given time period with the supervising judge listed.
  - For **juvenile court**, the TCE requested data from the CARE Manager including the following delinquency reports for the court commissioner: incidents calendared; delinquency filings, adjudications, and pending summary; and judicial processing summary.
7. The TCE provided the reports on objective measures to the presiding judge as soon as they were available.
8. Ten months into each year of the court commissioner's term, the presiding judge sent emails to the bench and staff seeking input on the court commissioner's performance.
9. Eleven months into each year of the court commissioner's term, the TCE reminded the presiding judge that the commissioner must be evaluated within one month.

10. The presiding judge completed the annual performance evaluation and performance plan at the end of each year of the commissioner's term.

11. The presiding judge reviewed the performance evaluation and performance plan with the commissioner, sought the commissioner's input and incorporated it into the evaluation, and provided copies of the final performance evaluation and performance plan to the commissioner.

12. The presiding judge provided a copy of the performance evaluation and performance plan to the AOC Staff Attorney in charge of judicial evaluations to be forwarded to the Judicial Council.

**Sample email from TCE to Presiding Judge re: bench and staff feedback on commissioner**

Dear Judge,

Commissioner \_\_\_\_\_'s term began on \_\_\_\_\_. I am emailing you to remind you to contact the bench and staff for feedback regarding Commissioner \_\_\_\_\_'s performance.

Thank you,

**Sample email from TCE to Presiding Judge re: commissioner performance evaluation and plan**

Dear Judge,

Commissioner \_\_\_\_\_'s term began on \_\_\_\_\_. His/Her performance evaluation and performance plan must be completed by \_\_\_\_\_.

Thank you,

**Sample email from TCE to Director of Court Services (district court only)**

Dear \_\_\_\_\_,

Please provide me the following reports on Commissioner \_\_\_\_\_ for \_\_\_\_\_ (MM/YY) to \_\_\_\_\_ (MM/YY) as soon as possible:

1. Age of actively pending cases.
2. Number of hearings and types of hearings scheduled per domestic case handled by the commissioner compared to the number of hearings in similar cases heard by judges.
3. Cases in which one or more objections to the commissioner's recommendations have been filed in a given time period with the supervising judge listed.

Thank you,

**Sample email from TCE to CARE Manager (juvenile court only)**

Dear \_\_\_\_\_,

Please provide to me the following reports on Commissioner \_\_\_\_\_ as soon as possible. The relevant dates are \_\_\_\_\_ (MM/YY) to \_\_\_\_\_ (MM/YY).

1. Incidents Calendared;
2. Delinquency Filings, Adjudications, and Pending Summary; and
3. Judicial Processing Summary.

Thank you,

**Sample email from Presiding Judge re: bench feedback on commissioner**

Dear Judges,

Commissioner \_\_\_\_\_ is being evaluated on the following criteria. Please email me as soon as possible with any feedback you have regarding Commissioner \_\_\_\_\_'s performance with regard to these criteria or anything else of note.

1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence
2. Is Attentive to the Factual and Legal Issues before the Court
3. Adheres to Precedent and Clearly Explains Any Departures from Precedent
4. Grasps the Practical Impact on the Parties of the Judge's Rulings, Including the Effect of Delay and Increased Litigation Expense
5. Writes Clear Judicial Opinions
6. Clearly Explains the Legal Basis for Judicial Opinions
7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Judge's Court
8. Maintains Decorum in the Courtroom
9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System
10. Prepares for Hearings
11. Avoids Impropriety and the Appearance of Impropriety
12. Displays Fairness and Impartiality toward All Parties
13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions
14. Manages Workload Appropriately
15. Shares Proportionally the Workload within the District
16. Issues Opinions and Orders without Unnecessary Delay

Thank you,

**Sample email from Presiding Judge re: staff feedback on commissioner**

Dear Staff,

Commissioner \_\_\_\_\_'s performance is being evaluated. Please email me as soon as possible with any feedback you have regarding Commissioner \_\_\_\_\_. If you have not worked with Commissioner \_\_\_\_\_, please disregard this message.

Thank you,

**Rule 3-111**  
**Performance Evaluation of Senior**  
**Judges and Court Commissioners**

1 **Rule 3-111 Performance evaluation of senior judges and court commissioners.**

2 Intent:

3 To establish a performance evaluation, including the criteria upon which senior  
4 judges and court commissioners will be evaluated, the standards against which  
5 performance will be measured and the methods for fairly, accurately and reliably  
6 measuring performance.

7 To generate and to provide to senior judges and court commissioners information  
8 about their performance.

9 To establish the procedures by which the Judicial Council will evaluate and certify  
10 senior judges and court commissioners for reappointment.

11 Applicability:

12 This rule shall apply to presiding judges, the Board of Justice Court Judges and the  
13 Judicial Council, and to the active senior judges and court commissioners of the courts  
14 of record and courts not of record.

15 Statement of the Rule:

16 (1) Performance evaluations.

17 (1)(A) On forms provided by the administrative office, the presiding judge of the  
18 district a court commissioner primarily serves shall complete an annual evaluation of the  
19 court commissioner's performance.

20 (1)(B) On forms provided by the administrative office, the presiding judge of the  
21 district an active senior judge primarily serves shall complete an evaluation of the senior  
22 judge's performance every eighteen months starting after the senior judge's initial term.

23 (1)(C) On forms provided by the administrative office, the chair of the Board of  
24 Justice Court Judges shall complete an evaluation of the active senior justice court  
25 judge's performance every eighteen months starting after the senior judge's initial term.

26 (1)(D) The presiding judge shall provide a copy of each commissioner evaluation to  
27 the Judicial Council.

28 (1)(E) If a senior judge receives an overall "Needs Improvement" rating on the  
29 performance evaluation, the evaluator shall provide a copy of the evaluation to the  
30 Judicial Council.

31       (21) Active Senior judges and court commissioners shall be evaluated and certified  
32 upon the following criteria:

33       (21)(A) integrity demonstration of understanding of the substantive law and any  
34 relevant rules of procedure and evidence;

35       (21)(B) knowledge and understanding of the law and procedures attentiveness to  
36 factual and legal issues before the court;

37       (21)(C) ability to communicate adherence to precedent and ability to clearly explain  
38 departures from precedent;

39       (21)(D) preparation, attentiveness, dignity and control over proceedings grasp of the  
40 practical impact on the parties of the commissioner's or senior judge's rulings, including  
41 the effect of delay and increased litigation expense;

42       (21)(E) skills as a manager ability to write clear judicial opinions;

43       (21)(F) punctuality ability to clearly explain the legal basis for judicial opinions;

44       (21)(G) service to the profession and the public demonstration of courtesy toward  
45 attorneys, court staff, and others in the commissioner's or senior judge's court; and

46       (21)(H) effectiveness in working with other court personnel, maintenance of decorum  
47 in the courtroom;

48       (21)(I) demonstration of judicial demeanor and personal attributes that promote public  
49 trust and confidence in the judicial system;

50       (21)(J) preparation for hearings;

51       (21)(K) avoidance of impropriety or the appearance of impropriety;

52       (21)(L) display of fairness and impartiality toward all parties;

53       (21)(M) ability to clearly communicate, including the ability to explain the basis for  
54 written rulings, court procedures, and decisions;

55       (21)(N) workload management;

56       (21)(O) willingness to share proportionally the workload within the court or district, or  
57 regularly accepting assignments; and

58       (21)(P) issuance of opinions and orders without unnecessary delay.

59       (32) Standards of performance.

60       (32)(A) Survey of attorneys.



61 (32)(A)(i) The Council shall measure satisfactory performance by a sample survey of  
62 the attorneys appearing before the senior judge or court commissioner during the period  
63 for which the senior judge or court commissioner is being evaluated. The Council shall  
64 measure satisfactory performance based on the results of the final survey conducted  
65 during a court commissioner's term of office, subject to the discretion of a court  
66 commissioner serving an abbreviated initial term not to participate in a second survey  
67 under Section (2)(A)(vi) of this rule.

68 (32)(A)(ii) Survey scoring. The survey shall be scored as follows.

69 (32)(A)(ii)(a) Each question of the attorney survey will have six possible responses:  
70 Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No  
71 Personal Knowledge. A favorable response is Excellent, More Than Adequate or  
72 Adequate.

73 (32)(A)(ii)(b) Each question shall be scored by dividing the total number of favorable  
74 responses by the total number of all responses, excluding the "No Personal Knowledge"  
75 responses. A satisfactory score for a question is achieved when the ratio of favorable  
76 responses is 70% or greater.

77 (32)(A)(ii)(c) A court commissioner's performance is satisfactory if:

78 (32)(A)(ii)(c)(1) at least 75% of the questions have a satisfactory score; and

79 (32)(A)(ii)(c)(2) the favorable responses when divided by the total number of all  
80 responses, excluding "No Personal Knowledge" responses, is 70% or greater.

81 (32)(A)(ii)(d) The Judicial Council shall determine whether the senior judge's survey  
82 scores are satisfactory.

83 (32)(A)(iii) Survey respondents. The Administrative Office of the Courts shall identify  
84 as potential respondents all lawyers who have appeared before the court commissioner  
85 during the period for which the commissioner is being evaluated.

86 (32)(A)(iv) Exclusion from survey respondents.

87 (32)(A)(iv)(a) A lawyer who has been appointed as a judge or court commissioner  
88 shall not be a respondent in the survey. A lawyer who is suspended or disbarred or who  
89 has resigned under discipline shall not be a respondent in the survey.

90 (32)(A)(iv)(b) With the approval of the Management Committee, a court  
91 commissioner may exclude an attorney from the list of respondents if the court  
92 commissioner believes the attorney will not respond objectively to the survey.

93 (32)(A)(v) Number of survey respondents. The Surveyor shall identify 180  
94 respondents or all attorneys appearing before the court commissioner, whichever is  
95 less. All attorneys who have appeared before the senior judge shall be sent a survey  
96 questionnaire as soon as possible after the hearing.

97 (32)(A)(vi) Administration of the survey. Court commissioners shall be the subject of  
98 a survey approximately six months prior to the expiration of their term of office. Court  
99 commissioners shall be the subject of a survey during the second year of each term of  
100 office. Newly appointed court commissioners shall be the subject of a survey during the  
101 second year of their term of office and, at their option, approximately six months prior to  
102 the expiration of their term of office.

103 (32)(A)(iv) Survey report. The Surveyor shall provide to the subject of the survey, the  
104 subject's presiding judge, and the Judicial Council the number and percentage of  
105 respondents for each of the possible responses on each survey question and all  
106 comments, retyped and edited as necessary to redact the respondent's identity.

107 (32)(B) Survey of presiding judges and court staff. The Council shall measure  
108 performance of senior judges by a survey of all presiding judges and trial court  
109 executives of districts in which the senior judge has been assigned. The Administrative  
110 Office of the Courts shall distribute survey forms with instructions to return completed  
111 surveys to the Surveyor. The Surveyor shall provide to the subject of the survey, the  
112 subject's presiding judge, and the Judicial Council the number and percentage of  
113 respondents for each of the possible responses on each survey question and all  
114 comments, retyped and edited as necessary to redact the respondent's identity. The  
115 Judicial Council shall determine whether the senior judge's survey scores are  
116 satisfactory.

117 (32)(C) Case under advisement standard. A case is considered to be under  
118 advisement when the entire case or any issue in the case has been submitted to the  
119 senior judge or court commissioner for final determination. The Council shall measure

120 satisfactory performance by the self-declaration of the senior judge or court  
121 commissioner or by reviewing the records of the court.

122 (3)(C)(i) A senior judge or court commissioner in a trial court demonstrates  
123 satisfactory performance by holding:

124 (32)(C)(i)(a) no more than three cases per calendar year under advisement more  
125 than 60 days after submission; and

126 (32)(C)(ii)(b) no case under advisement more than 180 days after submission.

127 (3)(C)(ii) A senior judge in the court of appeals demonstrates satisfactory  
128 performance by:

129 (3)(C)(ii)(a) circulating no more than an average of three principal opinions per  
130 calendar year more than six months after submission with no more than half of the  
131 maximum exceptional cases in any one calendar year; and

132 (3)(C)(ii)(b) achieving a final average time to circulation of a principal opinion of no  
133 more than 120 days after submission.

134 (32)(D) Compliance with education standards. Satisfactory performance is  
135 established if the senior judge or court commissioner annually complies with the judicial  
136 education standards of this Code, subject to the availability of in-state education  
137 programs. The Council shall measure satisfactory performance by the self-declaration  
138 of the senior judge or court commissioner or by reviewing the records of the state court  
139 administrator.

140 (32)(E) Substantial compliance with Code of Judicial Conduct. Satisfactory  
141 performance is established if the response of the senior judge or court commissioner  
142 demonstrates substantial compliance with the Code of Judicial Conduct, if the Council  
143 finds the responsive information to be complete and correct and if the Council's review  
144 of formal and informal sanctions lead the Council to conclude the court commissioner is  
145 in substantial compliance with the Code of Judicial Conduct. Under Rule 11-201 and  
146 Rule 11-203, any sanction of a senior judge disqualifies the senior judge from  
147 reappointment.

148 (32)(F) Physical and mental competence. Satisfactory performance is established if  
149 the response of the senior judge or court commissioner demonstrates physical and

150 mental competence to serve in office and if the Council finds the responsive information  
151 to be complete and correct. The Council may request a statement by an examining  
152 physician.

153 (43)(A) At its meeting in August, the Council shall begin the process of determining  
154 whether the senior judges and court commissioners whose terms of office expire that  
155 year meet the standards of performance provided for in this rule. The Administrative  
156 Office of the Courts shall assemble all evaluation information, including:

157 (43)(A)(i) survey scores;

158 (43)(A)(ii) judicial education records;

159 (43)(A)(iii) self-declaration forms;

160 (43)(A)(iv) records of formal and informal sanctions; and

161 (43)(A)(v) performance evaluations, if the commissioner or senior judge received an  
162 overall rating of Needs Improvement; and

163 (4)(A)(vi) any information requested by the Council.

164 (43)(B) Prior to the meeting the Administrative Office of the Courts shall deliver the  
165 records to the Council and to the senior judges and court commissioners being  
166 evaluated.

167 (43)(C) In a session closed in compliance with Rule 2-103, the Council shall  
168 consider the evaluation information and make a preliminary finding of whether a senior  
169 judge or court commissioner has met the performance standards.

170 (43)(D) If the Council finds the senior judge or court commissioner has met the  
171 performance standards, it is presumed the Council will certify the senior judge or court  
172 commissioner for reappointment. If the Council finds the senior judge or court  
173 commissioner did not meet the performance standards, it is presumed the Council will  
174 not certify the senior judge or court commissioner for reappointment. The Council may  
175 certify the senior judge or court commissioner or withhold decision until after meeting  
176 with the senior judge or court commissioner.

177 (43)(E) A presumption against certification may be overcome by a showing of good  
178 cause to the contrary. A presumption in favor of certification may be overcome by:

179        ~~(43)~~(E)(i) reliable information showing non-compliance with a performance standard;  
180 or

181        ~~(43)~~(E)(ii) formal or informal sanctions of sufficient gravity or number or both to  
182 demonstrate lack of substantial compliance with the Code of Judicial Conduct.

183        ~~(43)~~(F) At the request of the Council the senior judge or court commissioner shall  
184 meet with the Council in September. At the request of the Council the presiding judge  
185 shall report to the Council any meetings held with the senior judge or court  
186 commissioner, the steps toward self-improvement identified as a result of those  
187 meetings, and the efforts to complete those steps. Not later than 5 days after the August  
188 meeting, the Administrative Office of the Courts shall deliver to the senior judge or court  
189 commissioner being evaluated notice of the Council's action and any records not  
190 already delivered to the senior judge or court commissioner. The notice shall contain an  
191 adequate description of the reasons the Council has withheld its decision and the date  
192 by which the senior judge or court commissioner is to deliver written materials. The  
193 Administrative Office of the Courts shall deliver copies of all materials to the Council and  
194 to the senior judge or court commissioner prior to the September meeting.

195        ~~(43)~~(G) At its September meeting in a session closed in accordance with Rule 2-103,  
196 the Council shall provide to the senior judge or court commissioner adequate time to  
197 present evidence and arguments in favor of certification. Any member of the Council  
198 may present evidence and arguments of which the senior judge or court commissioner  
199 has had notice opposed to certification. The burden is on the person arguing against the  
200 presumed certification. The Council may determine the order of presentation.

201        ~~(43)~~(H) At its September meeting in open session, the Council shall approve its final  
202 findings and certification regarding all senior judges and court commissioners whose  
203 terms of office expire that year.

204        ~~(43)~~(I) The Judicial Council shall communicate its certification decision to the senior  
205 judge or court commissioner. The Judicial Council shall communicate its certification  
206 decision for senior judges to the Supreme Court and for court commissioners to the  
207 presiding judge of the district the commissioner serves.

**Rule 3-201**  
**Court Commissioners**

1       **Rule 3-201. Court commissioners.**

2       Intent:

3       To define the role of court commissioner.

4       To establish a term of office for court commissioners.

5       To establish uniform administrative policies governing the qualifications,  
6 appointment, supervision, discipline and removal of court commissioners.

7       To establish uniform administrative policies governing the salaries, benefits and  
8 privileges of the office of court commissioner.

9       Applicability:

10      This rule shall apply to all trial courts of record.

11      Statement of the Rule:

12      (1) Definition. Court commissioners are quasi-judicial officers established by the  
13 Utah Code.

14      (2) Qualifications.

15      (A) Court commissioners must be at least 25 years of age, United States citizens,  
16 Utah residents for three years preceding appointment and residents of Utah while  
17 serving as commissioners. A court commissioner shall reside in a judicial district the  
18 commissioner serves.

19      (B) Court commissioners must be admitted to practice law in Utah and exhibit good  
20 character. Court commissioners must possess ability and experience in the areas of law  
21 in which the court commissioner serves.

22      (C) Court commissioners shall serve full time and shall comply with Utah Code  
23 Section 78A-2-221.

24      (3) Appointment - Oath of office.

25      (A) Selection of court commissioners shall be based solely upon consideration of  
26 fitness for office.

27      (B) When a vacancy occurs or is about to occur in the office of a court  
28 commissioner, the Council shall determine whether to fill the vacancy. The Council may  
29 determine that the court commissioner will serve more than one judicial district.

30 (C) A committee for the purpose of nominating candidates for the position of court  
31 commissioner shall consist of one judge from each court that the commissioner will  
32 serve, three lawyers, and two members of the public. Committee members shall be  
33 appointed by the presiding judge of the district court of each judicial district. The  
34 committee members shall serve three year terms, staggered so that not more than one  
35 term of a member of the bench, bar, or public expires during the same calendar year.  
36 The presiding judge shall designate a chair of the committee. All members of the  
37 committee shall reside in the judicial district. All members of the committee shall be  
38 voting members. A quorum of one-half the committee members is necessary for the  
39 committee to act. The committee shall act by the concurrence of a majority of the  
40 members voting. When voting upon the qualifications of a candidate, the committee  
41 shall follow the voting procedures of the judicial nominating commissions.

42 (D) If the commissioner will serve more than one judicial district, the presiding judges  
43 of the districts involved shall select representatives from each district's nominating  
44 committee to form a joint nominating committee with a size and composition equivalent  
45 to that of a district committee.

46 (E) No member of the committee may vote upon the qualifications of any candidate  
47 who is the spouse of that committee member or is related to that committee member  
48 within the third degree of relationship. No member of the committee may vote upon the  
49 qualifications of a candidate who is associated with that committee member in the  
50 practice of law. The committee member shall declare to the committee any other  
51 potential conflict of interest between that member and any candidate as soon as the  
52 member becomes aware of the potential conflict of interest. The committee shall  
53 determine whether the potential conflict of interest will preclude the member from voting  
54 upon the qualifications of any candidate. The committee shall record all declarations of  
55 potential conflicts of interest and the decision of the committee upon the issue.

56 (F) The administrative office of the courts shall advertise for qualified applicants and  
57 shall remove from consideration those applicants who do not meet minimum  
58 qualifications of age, citizenship, residency, and admission to the practice of law. The



59 administrative office of the courts shall develop uniform guidelines for the application  
60 process for court commissioners.

61 (G) The nominating committee shall review the applications of qualified applicants  
62 and may investigate the qualifications of applicants to its satisfaction. The committee  
63 shall interview selected applicants and select the three best qualified candidates. The  
64 committee may indicate its order of preference. The chair of the committee shall present  
65 the names, applications, and the results of background investigations of the nominees  
66 to the judges of the courts the court commissioner will serve.

67 (H) The judges of the courts the court commissioner will serve shall select one of the  
68 nominees by a concurrence of a majority of judges voting. The concurrence of each  
69 court independent of the others is necessary for selection.

70 (I) The presiding judge of the district court of the district the court commissioner will  
71 primarily serve shall present the name of the selected candidate to the Council. The  
72 selection shall be final upon the concurrence of two-thirds of the members of the  
73 Council. The Council shall vote upon the selection within 45 days of the selection or the  
74 concurrence of the Council shall be deemed granted.

75 (J) If the Council does not concur in the selection, the judges of the district may  
76 select another of the nominees or a new nominating process will be commenced.

77 (K) The appointment shall be effective upon the court commissioner taking and  
78 subscribing to the oath of office required by the Utah Constitution and taking any other  
79 steps necessary to qualify for office. The court commissioner shall qualify for office  
80 within 45 days after the concurrence by the Council.

81 (4) Term of office. The court commissioner shall be appointed until December 31 of  
82 the third year following concurrence by the Council. At the conclusion of the first term of  
83 office and each subsequent term, the court commissioner shall be retained for a term of  
84 four years unless the judges of the courts the commissioner serves remove the  
85 commissioner in accordance with paragraph (6)(B). The term of office of court  
86 commissioners holding office on April 1, 2011 shall end December 31 of the year in  
87 which their term would have ended under the former rule.

88 (5) Performance evaluation. The presiding judge ~~or judges of the district shall~~  
89 ~~develop a performance plan for the court commissioner and shall~~ prepare an evaluation  
90 of the commissioner's performance on an annual basis, on forms provided by the  
91 administrative office. The presiding judge shall provide copies of the evaluation to the  
92 Judicial Council. A copy of the performance plan and any subsequent evaluation shall  
93 be maintained in the official personnel file in the administrative office. Court  
94 commissioners shall comply with the program for judicial performance evaluation,  
95 including any recommendations made in the evaluation.

96 (6) Removal and sanctions.

97 (A) If the commissioner's performance is not satisfactory, the presiding judge, with  
98 the concurrence of the judges of that jurisdiction, may discipline the commissioner or  
99 remove the commissioner from office. If the commissioner disagrees with the presiding  
100 judge's decision, the commissioner may request a review of the decision by the  
101 Management Committee of the Council.

102 (B) The court commissioner may be removed by the Council:

103 (i) as part of a reduction in force;

104 (ii) for failure to meet the evaluation and certification requirements; or

105 (iii) as the result of a formal complaint filed under CJA Rule 3-201.02 upon the  
106 concurrence of two-thirds of the Council.

107 (C) The court commissioner may be removed without cause by the judges of the  
108 courts the commissioner serves at the conclusion of a term of office. Removal under  
109 this paragraph shall be by the concurrence of a majority of all judges of the courts the  
110 commissioner serves. A decision to remove a commissioner under this paragraph shall  
111 be communicated to the commissioner within a reasonable time after the decision is  
112 made, and not less than 30 days prior to termination.

113 (D) The court commissioner may be sanctioned by the Council as the result of a  
114 formal complaint or by the presiding judge or judges of the courts the commissioner  
115 serves. Sanctions may include but are not limited to private or public censure,  
116 restrictions in case assignments, mandatory remedial education, suspension for a  
117 period not to exceed 60 days, and reduction in salary.

118 (7) Salaries and benefits.

119 (A) The Council shall annually establish the salary of court commissioners. In  
120 determining the salary of the court commissioners, the Council shall consider the effect  
121 of any salary increase for judges authorized by the Legislature and other relevant  
122 factors. Except as provided in paragraph (6), the salary of a commissioner shall not be  
123 reduced during the commissioner's tenure.

124 (B) Court commissioners shall receive annual leave of 20 days per calendar year  
125 and the same sick leave benefits as judges of the courts of record. Annual leave not  
126 used at the end of the calendar year shall not accrue to the following year. A  
127 commissioner hired part way through the year shall receive annual leave on a pro rated  
128 basis. Court commissioners shall receive the same retirement benefits as non-judicial  
129 officers employed in the judicial branch.

130 (8) Support services.

131 (A) Court commissioners shall be provided with support personnel, equipment, and  
132 supplies necessary to carry out the duties of the office as determined by the presiding  
133 judge.

134 (B) Court commissioners are responsible for requesting necessary support services  
135 from the presiding judge.

136

**Rule 11-201**  
**Senior Judges**

1       **Rule 11-201. Senior judges.**

2       Intent:

3       To establish the qualifications, term, authority, appointment and assignment for  
4 senior judges and active senior judges.

5       Applicability:

6       This rule shall apply to judges of courts of record.

7       The term "judge" includes justices of the Supreme Court.

8       Statement of the Rule:

9       (1) Qualifications.

10      (1)(A) Senior Judge. To be a senior judge, a judge shall:

11      (1)(A)(i) have been retained in the last election for which the judge stood for election;

12      (1)(A)(ii) have voluntarily resigned from judicial office, retired upon reaching the  
13 mandatory retirement age, or, if involuntarily retired due to disability, shall have  
14 recovered from or shall have accommodated that disability;

15      (1)(A)(iii) demonstrate appropriate ability and character;

16      (1)(A)(iv) be admitted to the practice of law in Utah, but shall not practice law; and

17      (1)(A)(v) be eligible to receive compensation under the Judges' Retirement Act,  
18 subject only to attaining the appropriate age.

19      (1)(B) Active Senior Judge. To be an active senior judge, a judge shall:

20      (1)(B)(i) meet the qualifications of a senior judge;

21      (1)(B)(ii) be a current resident of Utah;

22      (1)(B)(iii) be physically and mentally able to perform the duties of judicial office;

23      (1)(B)(iv) maintain familiarity with current statutes, rules and case law;

24      (1)(B)(v) satisfy the education requirements of an active judge;

25      (1)(B)(vi) attend the annual judicial conference;

26      (1)(B)(vii) accept assignments, subject to being called, at least two days per  
27 calendar year;

28      (1)(B)(viii) conform to the Code of Judicial Conduct, the Code of Judicial  
29 Administration and rules of the Supreme Court;

30 (1)(B)(~~viii~~x) obtain attorney survey results on the final judicial performance evaluation  
31 survey conducted prior to termination of service sufficient to have been certified for  
32 retention election regardless whether the survey was conducted for self-improvement  
33 or certification;

34 (1)(B)(ix) continue to meet the requirements for certification for judicial retention  
35 election as those requirements are determined by the Judicial Council to be applicable  
36 to active senior judges;

37 (1)(B)(xi) undergo a performance evaluation every eighteen months following an  
38 initial term as an active senior judge; and

39 (1)(B)(xii) take and subscribe an oath of office to be maintained by the state court  
40 administrator.

41 (2) Disqualifications. To be an active senior judge, a judge:

42 (2)(A) shall not have been removed from office or involuntarily retired on grounds  
43 other than disability;

44 (2)(B) shall not have been suspended during the judge's final term of office or final  
45 six years in office, whichever is greater;

46 (2)(C) shall not have resigned from office as a result of negotiations with the Judicial  
47 Conduct Commission or while a complaint against the applicant was pending before the  
48 Supreme Court or pending before the Judicial Conduct Commission after a finding of  
49 reasonable cause; and

50 (2)(D) shall not have been subject to any order of discipline for conduct as a senior  
51 judge.

52 (3) Term of Office.

53 (3)(A) The initial term of office of a senior judge is until December 31 of the second  
54 year following appointment. The initial term of office of an active senior judge less than  
55 age 75 years is until December 31 of the second year following appointment or until  
56 December 31 of the year in which the judge reaches age 75, whichever is shorter. The  
57 initial term of office of an active senior judge age 75 years or more is until December 31  
58 of the year following appointment.

59 (3)(B) A subsequent term of office of a senior judge is for three years. A subsequent  
60 term of office of an active senior judge is three years or until December 31 of the year in  
61 which the judge reaches age 75, whichever is shorter. The subsequent term of office of  
62 an active senior judge age 75 years or more is for one year.

63 (3)(C) All subsequent appointments begin on January 1. The Supreme Court may  
64 withdraw an appointment with or without cause.

65 (3)(D) The term of office of senior judges and active senior judges in office on  
66 November 1, 2005 shall continue until December 31 of the year in which their terms  
67 would have expired under the former rule.

68 (4) Authority. A senior judge may solemnize marriages. In addition to the authority of  
69 a senior judge, an active senior judge, during an assignment, has all the authority of the  
70 office of a judge of the court to which the assignment is made.

71 (5) Application and Appointment.

72 (5)(A) To be appointed a senior judge or active senior judge a judge shall apply to  
73 the Judicial Council and submit relevant information as requested by the Judicial  
74 Council.

75 (5)(B) The applicant shall:

76 (5)(B)(i) provide the Judicial Council with the record of all orders of discipline entered  
77 by the Supreme Court; and

78 (5)(B)(ii) declare whether at the time of the application there is any complaint against  
79 the applicant pending before the Supreme Court or pending before the Judicial Conduct  
80 Commission after a finding of reasonable cause.

81 (5)(C) The Judicial Council may apply to the judicial performance evaluation  
82 information the same standards and discretion provided for in Rule 3-111.05. After  
83 considering all information the Judicial Council may certify to the Supreme Court that  
84 the applicant meets the qualifications of a senior judge or active senior judge and the  
85 Chief Justice may appoint the judge as a senior judge or active senior judge.

86 Judges who declined, under former Rule 3-111, to participate in an attorney survey  
87 in anticipation of retirement may use the results of an earlier survey to satisfy  
88 Subsection (1)(B)(viii).

89 (6) Assignment.

90 (6)(A) With the consent of the active senior judge, the presiding judge may assign an  
91 active senior judge to a case or for a specified period of time. Cumulative assignments  
92 under this subsection shall not exceed 60 days per calendar year except as necessary  
93 to complete an assigned case.

94 (6)(B) In extraordinary circumstances and with the consent of the active senior  
95 judge, the chief justice may assign an active senior judge to address the extraordinary  
96 circumstances for a specified period of time not to exceed 60 days per calendar year,  
97 which may be in addition to assignments under subsection (6)(A). To request an  
98 assignment under this subsection, the presiding judge shall certify that there is an  
99 extraordinary need. The state court administrator shall certify whether there are funds  
100 available to support the assignment.

101 (6)(C) An active senior judge may be assigned to any court other than the Supreme  
102 Court.

103 (6)(D) The state court administrator shall provide such assistance to the presiding  
104 judge and chief justice as requested and shall exercise such authority in making  
105 assignments as delegated by the presiding judge and chief justice.

106 (6)(E) Notice of an assignment made under this rule shall be in writing and  
107 maintained by the state court administrator.



**Rule 11-203**  
**Senior Justice Court Judges**

1       **Rule 11-203. Senior justice court judges.**

2       Intent:

3       To establish the qualifications, term, authority, appointment and assignment for  
4 senior justice court judges and active senior justice court judges.

5       Applicability:

6       This rule shall apply to judges of courts not of record.

7       Statement of the Rule:

8       (1) Qualifications.

9       (1)(A) Senior Justice Court Judge. To be a senior justice court judge, a judge shall:

10       (1)(A)(i) have been certified by the Judicial Council for retention election or  
11 reappointment at the last time the Judicial Council considered the judge for certification;

12       (1)(A)(ii) have voluntarily resigned from judicial office, retired upon reaching the  
13 mandatory retirement age, or, if involuntarily retired due to disability, shall have  
14 recovered from or shall have accommodated that disability;

15       (1)(A)(iii) demonstrate appropriate ability and character;

16       (1)(A)(iv) have been in office for at least five years; and

17       (1)(A)(v) comply with the restrictions on secondary employment provided by the  
18 Utah Code.

19       (1)(B) Active Senior Justice Court Judge. To be an active senior justice court judge,  
20 a judge shall:

21       (1)(B)(i) meet the qualifications of a senior justice court judge;

22       (1)(B)(ii) be a current resident of Utah;

23       (1)(B)(iii) be physically and mentally able to perform the duties of judicial office;

24       (1)(B)(iv) maintain familiarity with current statutes, rules and case law;

25       (1)(B)(v) satisfy the education requirements of an active justice court judge;

26       (1)(B)(vi) accept assignments, subject to being called, at least two days per calendar  
27 year;

28       (1)(B)(vii) conform to the Code of Judicial Conduct, the Code of Judicial  
29 Administration and rules of the Supreme Court;

30 (1)(B)(viii) continue to meet the requirements for certification as those requirements  
31 are determined by the Judicial Council to apply to active senior justice court judges; and

32 (1)(B)(viiiix) undergo a performance evaluation every eighteen months following an  
33 initial term as an active senior judge; and

34 (1)(B)(x) take and subscribe an oath of office to be maintained by the state court  
35 administrator.

36 (2) Disqualifications. To be an active senior justice court judge, a judge shall not:

37 (2)(A) have been removed from office or involuntarily retired on grounds other than  
38 disability;

39 (2)(B) have been suspended during the judge's final term of office or final four years  
40 in office, whichever is greater;

41 (2)(C) have resigned from office as a result of negotiations with the Judicial Conduct  
42 Commission or while a complaint against the applicant was pending before the  
43 Supreme Court or pending before the Judicial Conduct Commission after a finding of  
44 reasonable cause; and

45 (2)(D) have been subject to any order of discipline for conduct as a senior justice  
46 court judge.

47 (3) Term of Office.

48 (3)(A) The initial term of office of a senior justice court judge is until December 31 of  
49 the second year following appointment. The initial term of office of an active senior  
50 justice court judge less than age 75 years is until December 31 of the second year  
51 following appointment or until December 31 of the year in which the judge reaches age  
52 75, whichever is shorter. The initial term of office of an active senior justice court judge  
53 age 75 years or more is until December 31 of the year following appointment.

54 (3)(B) A subsequent term of office of a senior justice court judge is for three years. A  
55 subsequent term of office of an active senior justice court judge is three years or until  
56 December 31 of the year in which the judge reaches age 75, whichever is shorter. The  
57 subsequent term of office of an active senior justice court judge age 75 years or more is  
58 for one year.

59 (3)(C) All subsequent appointments begin on January 1. The Supreme Court may  
60 withdraw an appointment with or without cause.

61 (3)(D) The term of office of senior justice court judges and active senior justice court  
62 judges in office on November 1, 2005 shall continue until December 31 of the year in  
63 which their terms would have expired under the former rule.

64 (4) Authority. A senior justice court judge may solemnize marriages. In addition to  
65 the authority of a senior justice court judge, an active senior justice court judge, during  
66 an assignment, has all the authority of a justice court judge.

67 (5) Application and Appointment.

68 (5)(A) To be appointed a senior justice court judge or active senior justice court  
69 judge a judge shall apply to the Judicial Council and submit relevant information as  
70 requested by the Judicial Council.

71 (5)(B) The applicant shall:

72 (5)(B)(i) provide the Judicial Council with the record of all orders of discipline entered  
73 by the Supreme Court; and

74 (5)(B)(ii) declare whether at the time of the application there is any complaint against  
75 the applicant pending before the Supreme Court or pending before the Judicial Conduct  
76 Commission after a finding of reasonable cause.

77 (5)(C) The Judicial Council may apply to the judicial performance evaluation  
78 information the same standards and discretion provided for in Rule 3-111.04. After  
79 considering all information the Judicial Council may certify to the Supreme Court that  
80 the applicant meets the qualifications of a senior justice court judge or active senior  
81 justice court judge. The chief justice may appoint the judge as a senior justice court  
82 judge or active senior justice court judge.

83 (6) Assignment.

84 (6)(A) With the consent of the active senior justice court judge, the appointing  
85 authority for a justice court may assign an active senior justice court judge to a case or  
86 for a specified period of time. Cumulative assignments under this subsection shall not  
87 exceed 60 days per calendar year except as necessary to complete an assigned case.

88 (6)(B) In extraordinary circumstances and with the consent of the active senior  
89 justice court judge, the chief justice may assign an active senior justice court judge to  
90 address the extraordinary circumstances for a specified period of time not to exceed 60  
91 days per calendar year, which may be in addition to assignments under subsection  
92 (6)(A). To request an assignment under this subsection, the appointing authority shall  
93 certify that there is an extraordinary need.

94 (6)(C) An active senior justice court judge may be assigned to any justice court in  
95 the state.

96 (6)(D) The appointing authority shall make the assignment in writing and send a  
97 copy to the court to which the active senior justice court judge is assigned and to the  
98 state court administrator.

99

# 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 *Handwritten signature*  
**Date:** June 17, 2014  
**Re:** Rules for Final Action

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The public comment periods for the following rules are closed and the rules are now ready for final action by the Judicial Council. None of the proposals received public comment. The Policy and Planning Committee voted to recommend each of these rules, as written, to the Council. If the Council approves the proposals, they will be effective November 1, 2014.

**CJA 4-202.02. Records classification.** Amend. Adds a Utah residency requirement for individuals seeking to be credentialed as court-certified interpreters.

**CJA 4-405. Juror and witness fees and expenses.** Amend. Increases the rate for jury snacks and breaks from \$3.00 to \$4.00 in accordance with the state rate.

**CJA 4-906. Guardian ad litem program.** Amend. Allows the Office of Guardian ad Litem to remove a private guardian ad litem who has not met the continuing education requirements from their case assignment roster.

Encl.           CJA 4-202.02  
                  CJA 4-405  
                  CJA 4-906

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.

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

2       Intent:

3       To classify court records as public or non-public.

4       Applicability:

5       This rule applies to the judicial branch.

6       Statement of the Rule:

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

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

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

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

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

13       (2)(D) audit reports;

14       (2)(E) case files;

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

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

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

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

23       (2)(J) financial records;

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

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

28       (2)(K)(ii) attorney name;

29       (2)(K)(iii) case number;

30       (2)(K)(iv) case status;



- 31 (2)(K)(v) civil case type or criminal violation;
- 32 (2)(K)(vi) civil judgment or criminal disposition;
- 33 (2)(K)(vii) daily calendar;
- 34 (2)(K)(viii) file date;
- 35 (2)(K)(ix) party name;
- 36 (2)(L) name, business address, business telephone number, and business email
- 37 address of an adult person or business entity other than a party or a victim or witness of
- 38 a crime;
- 39 (2)(M) name, address, telephone number, email address, date of birth, and last four
- 40 digits of the following: driver's license number; social security number; or account
- 41 number of a party;
- 42 (2)(N) name, business address, business telephone number, and business email
- 43 address of a lawyer appearing in a case;
- 44 (2)(O) name, business address, business telephone number, and business email
- 45 address of court personnel other than judges;
- 46 (2)(P) name, business address, and business telephone number of judges;
- 47 (2)(Q) name, gender, gross salary and benefits, job title and description, number of
- 48 hours worked per pay period, dates of employment, and relevant qualifications of a
- 49 current or former court personnel;
- 50 (2)(R) unless classified by the judge as private or safeguarded to protect the
- 51 personal safety of the juror or the juror's family, the name of a juror empaneled to try a
- 52 case, but only 10 days after the jury is discharged;
- 53 (2)(S) opinions, including concurring and dissenting opinions, and orders entered in
- 54 open hearings;
- 55 (2)(T) order or decision classifying a record as not public;
- 56 (2)(U) private record if the subject of the record has given written permission to
- 57 make the record public;
- 58 (2)(V) probation progress/violation reports;
- 59 (2)(W) publications of the administrative office of the courts;

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

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

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

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

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

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

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

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

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

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

85 (3) The following court records are sealed:

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

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

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

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

93 (3)(B) expunged records;

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

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

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

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

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

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

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

104 (4) The following court records are private:

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

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

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

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

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

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

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

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

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

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

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

180 (5) The following court records are protected:

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

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

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

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

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

193 (5)(F) court security plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

216 (5)(Q) test questions and answers;

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

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

220 (5)(T) presentence investigation report; and

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

222 (6) The following are juvenile court social records:

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

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

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

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

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

229 (6)(F) referral reports;

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

231 (6)(H) treatment or service plans.

232 (7) The following are juvenile court legal records:

233 (7)(A) accounting records;

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

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

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

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

242 (8) The following are safeguarded records:

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

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

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

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

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

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

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



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

2       Intent:

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

4       Applicability:

5       This rule shall apply to all trial courts of record.

6       Statement of the Rule:

7       (1) Fees.

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

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

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

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

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

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

30       (3) Meals and refreshments.

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

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

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

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

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

52 (5) Method and record of payment.

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

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

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

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

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

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

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

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

2       Intent:

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

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

7       To establish responsibility for management of the program.

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

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

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

13       Applicability:

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

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

17       Statement of the Rule:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

107 (7) Staff and Volunteers.

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

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

119 (8) Private guardians ad litem.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

174 (9) Complaints and appeals.

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

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

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

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

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

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

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

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

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

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

# TAB 6

## FIRST DISTRICT MENTAL HEALTH COURT FUNDING PRIORITIES

The goal of the Mental Health Court program is to decrease the frequency of participants' contacts with the criminal justice system by providing programs with resources to impact and improve social functioning while providing vital links to employment, housing, treatment, and allied support services. To accomplish these goals, it is critical to remove key economic barriers to success, especially with respect to housing and treatment. The mental health court program is intended as a jail diversion strategy; however, unless a defendant has available financial resources with which to secure a residence as well as clinical services, release from incarceration is impractical, as the individual can neither obtain shelter, treatment or sustenance without economic assets. Not all program participants are determined eligible for Medicaid, SSI or Social Security Disability funding, or are unfortunately hampered, waiting months on end for such determinations. Unfunded defendants, without stabilizing treatment and stable housing, are at certain risk for decompensation and re-entry into the criminal justice systems to the disadvantage of both the individual and the community.

The Mental Health Court Funding Initiative is proposed as a temporary safety net through which the funding of appropriate shelter and treatment will provide the footing necessary for the individual to make the transition toward mental health recovery, gainful employment, and independent living as well as provide a bridge from incarceration to community re-integration.

There are significant cost benefits and return on investment to be realized by providing community-based services and diverting people from County jails. It is well established that intensive community-based treatment programs dramatically reduce the incarceration and hospitalization rates for persons with serious and persistent mental illness. Subsequently, it is anticipated that expanding access to more intensive levels of care and targeted programs will further reduce the influx of people with mental illness into the criminal justice system. As a result, savings will be realized across law enforcement and judicial systems, freeing up county jail beds for more appropriate inmates and reducing the need for future facility construction.

From a secondary prevention point of view, diversion programs (pre- and post-booking) and post-incarceration intervention approaches have shown that time spent in jail can be reduced with little or no increased risk to public safety, and lower criminal justice costs can be realized in the process. However, not surprisingly, there are additional treatment costs beyond traditional therapy and medication management as mentally ill offenders typically have functional living and coping skill difficulties that require additional intervention. The offset of lower County costs realized through jail diversion must be redirected back to essential treatment and other functional support resources such as adjunct wrap-around services in order to effectively maintain the general cost and risk reduction benefits to the community.

The overall effort to advance treatment as a priority over incarceration is a primary objective of the First District Mental Health Court program in securing and utilizing mental health court funding. Subsequently, resource-allocation decisions outlined in the following budget proposal are decidedly in support of allocating the subsidy of community-based services.

Although arguments in favor of the decriminalization of people with mental illness should not rest solely on the basis of fiscal logic, the positive cost-benefit of treatment versus incarceration is a primary justification for this funding position.

Consequently, the following outline represents targeted areas for mental health court program funding allocations that the First District program intends to pursue.

- **Program Coordination**

Many mental health court programs support and fund a formal program coordinator, sometimes referred to as a “boundary spanner.” The role and function of such a position may vary depending on the size and scope of the court program. In larger volume programs, where an extensive amount of time and effort is required to provide an effective bridge between mental health, court, substance abuse, and other systems that span not only organizational but also geographical boundaries, it seems reasonable to dedicate funds toward the fulfillment of a coordinating position. However, in single jurisdictional programs which contain only a modest number of participants, it seems unnecessary to establish a coordinating position within the court system when the same function can be accomplished within the mental health system, where funding is better dedicated toward assessment and treatment subsidies in exchange for the administrative activities of program coordination.

- **Transitional Housing subsidies**

Clearly, without suitable housing resources, release from incarceration to homelessness in the community is not a social benefit for either the community or the individual. Sacrificing public safety for increased jail space is not a fair trade-off as the context of homelessness will likely just compound the propensity for criminal conduct in the interest of basic survival.

The plan for transitional housing assistance with respect to the first district court program is to financially subsidize three separate single bedroom or studio apartment units through perhaps a lease agreement arrangement with available and willing community property owners. This strategy avoids co-locating program participants or otherwise congregating the population together in housing. Funds dedicated for the subsidy of transitional mental health court housing would occupy an estimated 20% of the program budget.

- **Treatment subsidies**

Entry into a mental health court program necessitates the clinical evaluation of defendants to determine whether or not they meet clinical eligibility criteria. Typically, more than half of all referrals to the First District Mental Health Court program are unfunded. Consequently, the mental health provider in such cases has been assuming the cost burden of these assessments.

Equally problematic is release into community settings without appropriate ongoing treatment supports. Direct service is a critical ingredient for program success as without the stabilizing effects of a therapeutic support system including psychotherapy, skills training and

development, case management, behavior management, medication treatment and continuing management, defendants are merely left to the dictates of their illness and eventually costly hospitalization or recidivism to incarceration. Given the substantial scope of clinical services applied to the mental health court population, provisionally, an estimated 55% of funding would be allocated for subsidized treatment and other direct services.

- Incentives

Mental health court programs cannot exclusively rely on judicial sanctions as the sole method of behavioral influence. Mental health court programs must have an array of available rewards or incentives for immediate reinforcement. The use of modest but tangible incentives may be particularly impactful for high-risk offenders because many of these individuals have habituated to punishment and are not accustomed to receiving positive reinforcement. Tangible rewards may exert substantially greater influence over their behavior than threats of punishment. As such, an initial estimation of 10% of allocated funding would be directed toward program incentives.

- District travel, supplies, training, and published materials.

The court's funding allocation would dedicate approximately 15% of its budget for district travel, supplies, training, and other expenses including the ongoing cost of the variety of published materials that are utilized in specific treatment groups as well as program orientation.

**FIRST DISTRICT ADULT MENTAL HEALTH COURT FUNDING INITIATIVE  
PROVISIONAL BUDGET ALLOCATIONS - OVERVIEW**

<b>BUDGET AREA</b>	<b>% OF BUDGET</b>	<b>BUDGET AMOUNT</b>	<b>BUDGET DESCRIPTION</b>
Transitional Housing	20%	\$15,000	3 Subsidized independent transitional housing units.
Treatment Subsidies	55%	\$41,250	Assessments, treatment and direct services.
Incentives	10%	\$7,500	Funds directed toward tangible behavioral reinforcements.
Other	15%	\$11,250	District travel, supplies, training, and published materials.
<b>TOTALS</b>	<b>100%</b>		<b>\$75,000</b>



**TAB 7**

Utah Office of Guardian ad Litem  
Oversight Committee

To: The Utah Judicial Council  
From: Elizabeth Knight, Director, on behalf of the GAL Oversight Committee  
Date: June 17, 2014  
Subject: Recommendation for Oversight Committee

At the last Management Committee Meeting, the Committee voted to recommend retired Judge Robert Yeates to fill the vacancy on the Guardian ad Litem Oversight Committee. Judge Yeates, who has served in many capacities related to improving the lives of Utah's children, has indicated a willingness to serve on the Oversight Committee and I am respectfully requesting that the Judicial Council approve his appointment. Thank you for your consideration.

# TAB 8

**Judicial Council Grant Application Proposal  
Code of Judicial Administration 3-411**

**FEDERAL GRANTS**

Contact Person/Phone: Krista L. Airam Date: 6/3/2014

Judicial District or Location: Administrative Office of the Courts

Grant Title: PO/DPO Safety Training and Management Training Grantor: Utah Commission on Criminal & Juvenile Justice/ DOJ Office of Juvenile Justice & Delinquency Prevention

Grant type (check one):  New  Renewal  Revision

Grant Level (check one):  Low  Med.  High  
 Under \$1,000,000      \$1,000,000 to \$10,000,000      Over \$10,000,000

Issues to be addressed by the Project: This grant funds probation officer and deputy probation officer safety training, the Restorative Justice Conference, and Evidence Based practice training such as NCTI & Carey Guides. Additionally this grants supplements funding for the Leadership Conference for Juvenile Court

Explanation of how the grant funds will contribute toward resolving the issues identified: The grant provides for training of over 150 new and existing probation officers and deputy probation officers on implementation of policy, safety issues, and de-escalation techniques and on the Balanced and Restorative Justice Model through the conference. Additionally it helps to support the implementation of evidence based practices through assisting with funding for various other trainings such as NCTI and Carey Guides as well as the Leadership Conference. All of these trainings expose probation staff and management to national best practices and approaches in leadership and case management.

Fill in the chart(s) for estimated state fiscal year expenditures for up to three years

**Total Funding Sources**

(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)

		Other Matching Funds from Non-State Entities	MATCHING STATE DOLLARS					Total Funds
CASH MATCH			General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	
State Fiscal Year	Grant Amount							
FY 2014 (FED FY11)	\$121,138		\$13,460				\$134,598	
FY							\$0	
FY							\$0	

(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)

		Other Matching Funds from Non-State Entities	MATCHING STATE DOLLARS					Total Funds
IN-KIND MATCH			General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	
State Fiscal Year	Grant Amount							
FY							\$0	
FY							\$0	
FY							\$0	

Comments \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced? Yes  No  If yes, explain: Funds will be needed to continue safety training for staff. Additionally funds will be needed to continue to provide training on NCTI and other EBP programs

Will the funds to continue this program come from within your existing budget Yes \_\_\_\_\_ No  N/A \_\_\_\_\_

How many additional permanent FTEs are required for the grant? 0 Temp FTEs: 0

This proposal has been reviewed and approved by the following:  
 The court executives and judges in the affected district(s)  
 The Grant Coordinator and the Budget Director at the Administrative Office of the Courts  
 The affected Board(s) of Judges

Approved by the Judicial Council \_\_\_\_\_ by \_\_\_\_\_  
 Date \_\_\_\_\_ Court Administrator

Copy forwarded to Legislative Fiscal Analyst \_\_\_\_\_  
 date \_\_\_\_\_

SECTION 1: COVER SHEET

## Juvenile Accountability Block Grant Application



**State of Utah  
Commission on Criminal and  
Juvenile Justice**

Utah State Capitol Complex  
Senate Building Suite 330  
PO Box 142330  
Salt Lake City, Utah 84114-2330  
Ph: (801) 538-1031  
Fax: (801) 538-1024

**For CCJJ use ONLY:**

1. Implementing Agency Name & Address  
(Include full 9 digit zip code)

Utah Administrative Office of the Courts  
450 South State, P.O. Box 140241  
Salt Lake City Utah 84114-0241

2. Director's phone number: 801-578-3811

Director's cellular number:

Dir. E-mail Address: kristaa@utcourts.gov

3. Authorized Official's phone #: 801-578-3807

Authorized Officials cellular #:

E-mail Address: danb@utcourts.gov

4. Will this award (check one):

Enhance an Existing Program       Initiate a New Program

5. Beginning & Ending Dates of Program:

07/01/2014 to 12/31/2015

Previous grant # (if applicable): 10L08

6. DUNS Number:

096311365

7. CCR Number

10. Federal Tax Identification Number  
(87-?????)

87-876000545

8. CCR Expiration Date:

11. Title which *describes* the program to be funded:  
PO/DPO Safety Training and Management Training

1. Budget Summary	Total Project Costs	Federal Grant Funds	Cash Match
Personnel	\$0	\$0	\$0
Consultant/Contract	\$35,994	\$35,994	\$0
Equipment / Supplies & Operating (ESO)	\$36,686	\$36,686	\$0
Travel/Training	\$61,918	\$48,458	\$13,460
<b>Column Totals</b>	<b>\$134,598</b>	<b>\$121,138</b>	<b>\$13,460</b>

13. \*Print Name & Title of Official Authorized to Sign

Daniel Becker, Utah State Courts Administrator

14. Signature of Official Authorized to Sign

Date:

15. \*\*Print Name of Program Director

Krista Airam, Assistant Juvenile Court Administrator

16. Signature of Program Director

Date:

**For CCJJ Use Only**

**Ronald B. Gordon, Jr.**  
**Executive Director of CCJJ**

Date:

(e.g. Mayor, County Commissioner, State Agency CEO) NOTE: Chiefs and Sheriffs are not authorized to approve contracts for their local government. \*\* This is the individual responsible for the day-to-day management of the grant program

## Section 2: PROGRAM AREA CHECKLIST

The Office of Juvenile Justice and Delinquency Prevention requires all projects to identify the purpose for which these funds will be used on the table below. You must account for 100% of the requested funds in one purpose area.

<b>Program Area</b>		
<b>01</b>	<b>Graduated Sanctions</b>	<b>\$</b>
<b>06</b>	<b>Training for Law Enforcement &amp; Court Personnel</b>	<b>\$121,138</b>
<b>15</b>	<b>Court/Probation Programming</b>	<b>\$</b>
<b>10</b>	<b>Information Sharing</b>	<b>\$</b>

**Section 3: PROJECT SUMMARY (Sections will expand. Limit to one page.)**

**Problem Statement (problem being addressed)**

The lack of training for line staff can create safety issues, lack of understanding of policy, potential liability for the state, and problems implementing new initiatives. In addition, changes in technology and implementation of evidence-based practices requires additional training for staff, managers, and community partners to ensure the quality of evidence intervention delivery. This also helps to ensure fidelity and the effective implementation of the Case Planning model which Utah has adopted. The lack of training for management and no exposure to national best practices and approaches can result in the inability to adapt to the changing environment. Exposure to such practices also helps to ensure appropriate responsivity approaches in responding to and helping youth within the juvenile justice system.

**Project Description (include numbers served)**

The safety training will train over 150 new and existing deputy probation officers and probation officers on implementation of policy, safety issues, and de-escalation techniques. The Restorative Justice Conference will train over 80 staff and supervisors on work crew safety and the Balanced and Restorative Justice model principles.

**Goals and Objectives**

1. Deliver approximately 12-15 probation officer and deputy probation officer safety training sessions to approximately 150 staff.
2. Deliver a two day training to staff and supervisors who are involved in work crew activities for over 80 staff.
3. Deliver a two day management conference for over 120 managers.
4. Provide a 40 hour facilitator training for the NCTI curriculum for 20-25 new facilitators.
5. Provide two 1 day refresher trainings for 50 NCTI facilitators.
6. Expose probation management to state of the art training by attending national conferences or training institutes to obtain up to date information on juvenile justice initiatives and best practice approaches.
7. Deliver a two day training on evidence based practices to juvenile court staff and management.
8. Deliver a 1 day training on conducting quality electronic case audits to ensure adherence to case planning principles and evidence based practices to all juvenile court probation managers.

**Programmatic Activities**

1. Annual safety training for approximately 150 deputy probation officers and probation officers.
2. One management training conference.
3. One NCTI new facilitator training.
4. Two NCTI refresher training for existing trainers.
5. One conference for individuals involved in the implementation of work programs.
6. One day training on conducting quality electronic case audits for juvenile court probation managers.
7. Ongoing, on-site, online, and interactive trainings on evidence based practices, assessments, and implementing quality electronic records.

**Participating Agencies**

Juvenile Court staff, Juvenile Court judges, attorneys, private providers, and community partners.

**Plans for Supplemental and Future Funding of the Project**

NCTI trainers and associated licensed curriculum are funded by the juvenile court. The management leadership conference is partially funded by the district and juvenile court funds. Given the budget situation, it is unlikely the Judicial Council or Legislature will be able to fund the above trainings and activities in the future. However, the Juvenile Court is committed to ensuring staff are training on appropriate safety measures, evidence-based practice principles, transition to electronic records, risk assessments, and management trainings for staff and community partners.

## Section Performance Measurement Data Collection Plan

The Office of Juvenile Justice and Delinquency Prevention requires projects identify and report on select performance measures from OJJDP's performance measurement system and develop a data collection plan that specifies the collection method and measurement. Projects are required to report: 1) All applicable Core measures and two optional output measures, and 2) two Non-Mandatory output and outcome measures (total of 4 non-mandatory measures). Use the JABG Performance Measures found at: [https://www.ojjdp-dctat.org/help/program\\_logic\\_model.cfm?grantID=17](https://www.ojjdp-dctat.org/help/program_logic_model.cfm?grantID=17)

Program Name: PO/DPO Safety and Management Training

Program Area: Training for Law Enforcement and Court Personnel

MEASURE & ITS #	DEFINITION	REPORTING FORMAT	FREQUENCY OF COLLECTION	RESPONSIBLE FOR COLLECTION	DATA SOURCE (UNIT AND/OR AGENCY)	HOW PROCESSED OR RETRIEVED
<b>Core Measures</b>						
<b>1. Number and percent of programs/initiatives employing evidence-based programs or practices</b>	Report the number and percent of programs/initiatives employing evidence based programs or practices. These include programs and practices that have been shown, through rigorous evaluation and replication, to be effective at preventing or reducing juvenile delinquency or related risk factors, such as substance abuse. Model programs can come from many valid sources (e.g., Blueprints, OJJDP's Model Programs Guide, SAMHSA's Model Programs, state model program resources, etc.).	A. Number of program/initiatives employing evidence based programs or practices B. Total number of programs/initiatives C. Percent (A/B)	Annually	Krista Airam	Administrative Office of the Courts, Judicial Training Institute	Training Records
<b>2. Number and percent of youth with whom an evidence-based program or practice was used</b>	The number and percent of youth served with whom an evidence-based program or practice was used. These include programs and practices that have been shown, through rigorous evaluation and replication, to be effective at preventing or reducing juvenile delinquency or related risk factors, such as substance abuse. Model programs can come from many valid sources (e.g., Blueprints for Violence Prevention, OJJDP's Model Programs Guide, SAMHSA's Model Programs, etc.).	A. The number of youth served using an evidence-based program or practice B. Total number of youth served during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
<b>3. Number of program youth and/or families served during the reporting period</b>	An unduplicated count of the number of youth (or youth and families) served by the program during the reporting period. Program records are the preferred data source.	A. Number of program youth/families carried over from the previous reporting period B. New admissions during the reporting period C. Total youth/families served during the reporting period (A+B)				Not applicable (Not a direct services program)



<p><b>4. Number and percent of program youth completing program requirements</b></p>	<p>The number and percent of program youth who have successfully fulfilled all program obligations and requirements. This does not include youth who are still participating in ongoing programs. Program obligations will vary by program, but should be a predefined list of requirements or obligations that clients must meet before program completion. The total number of youth (the "B" value) includes those youth who have exited successfully and unsuccessfully. Program records are the preferred data source.</p>	<p>A. Number of program youth who exited the program having completed program requirements  B. Total number of youth who exited the program during the reporting period (either successfully or unsuccessfully)  C. Percent (A/B)</p>			<p>Not applicable (Not a direct services program)</p>
<p><b>5. Number and percent of program youth who OFFEND (short term)</b></p> <p>Updated 04/01/2012</p>	<p>The number and percent of participating program youth who were arrested or seen at a juvenile court for a delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for arrests or offenses. Ideally this number should be all youth served by the program during the reporting period.</p> <p>A youth may be 'committed' to a juvenile facility anytime that he/she is held overnight.</p> <p>Certain jurisdictions refer to adjudications as 'sentences'.</p> <p>Other sentences may be community based sanctions, such as community service, probation etc. Example: If I am tracking 50 program youth then, 'B' would be 50. Of these 50 program youth that I am tracking, if 25 of them were arrested or had a delinquent offense during the reporting period, then 'C' would be 25. This logic should follow for 'D' and 'E' and 'F' values. The percent of youth offending measured short-term will be auto calculated in 'G'.</p>	<p>A. Total number of program youth served  B. Number of program youth tracked during the reporting period  C. Of B, the number of program youth who had an arrest or delinquent offense during the reporting period  D. Number of program youth who were committed to a juvenile facility during the reporting period  E. Number of program youth who were sentenced to adult prison during the reporting period  F. Number of youth who received another sentence during the reporting period  G. Percent OFFENDING (C/B)</p>			<p>Not applicable (Not a direct services program)</p>

**6. Number and percent of program youth who OFFEND**  
(long term)

Updated 04/01/2012

The number and percent of participating program youth who were arrested or seen at a juvenile court for a delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.

The number of youth tracked should reflect the number of program youth that are followed or monitored for arrests or offenses 6-12 months after exiting the program.

A youth may be 'committed' to a juvenile facility anytime that he/she is held overnight.

Certain jurisdictions refer to adjudications as 'sentences'.

Other sentences may be community based sanctions, such as community service, probation etc.

Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them, therefore, the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago, 65 had an arrest or delinquent offense during the reporting period, therefore the 'B' value should be recorded as 65. This logic should follow for 'C' and 'D' and 'E' values. The percent of youth offending measured long-term will be auto calculated in 'F'

- A. Total number of program youth who exited the program 6-12 months ago that you are tracking
- B. Of A, the number of program youth who had an arrest or delinquent offense during the reporting period
- C. Number of program youth who were committed to a juvenile facility during the reporting period
- D. Number of program youth who were sentenced to adult prison during the reporting period
- E. Number of youth who received another sentence during the reporting period
- F. Percent OFFENDING (B/A)

Not applicable  
(Not a direct services program)

**7. Number and percent of program youth who RE-OFFEND**  
(short term)

Updated 04/01/2012

The number and percent of participating program youth who were arrested or seen at a juvenile court for a new delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.

The number of youth tracked should reflect the number of program youth that are followed or monitored for new arrests or offenses. Ideally this number should be all

- A. Total number of program youth served
- B. Number of program youth tracked during the reporting period
- C. Of B, number of program youth who had a new arrest or new delinquent offense during the reporting period
- D. Number of program youth who were

Not applicable  
(Not a direct services program)

	<p>youth served by the program during the reporting period.</p> <p>Certain jurisdictions refer to adjudications as 'sentences'.</p> <p>Other sentences may be community based sanctions, such as community service, probation etc.</p> <p>Example: If I am tracking 50 program youth then the 'B' value would be 50. Of these 50 program youth that I am tracking, if 25 of them had a new arrest or had a new delinquent offense during the reporting period, then 'C' would be 25. This logic should follow for 'D', 'E', and 'F' values. The percent of youth re-offending measured short-term will be auto calculated in 'G'.</p>	<p>recommitted to a juvenile facility during the reporting period</p> <p>E. Number of program youth who were sentenced to adult prison during the reporting period</p> <p>F. Number of youth who received another sentence during the reporting period</p> <p>G. Percent RECIDIVISM (C/B)</p>			
<p><b>8. Number and percent of program youth who RE-OFFEND (long term)</b></p> <p>Updated 04/01/2012</p>	<p>The number and percent of participating program youth who were arrested or seen at a juvenile court for a new delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for new arrests or offenses 6-12 months after exiting the program.</p> <p>Certain jurisdictions refer to adjudications as 'sentences'.</p> <p>Other sentences may be community based sanctions, such as community service, probation etc.</p> <p>Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them for re-offenses, therefore, and the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago 65 had a new arrest or new delinquent offense during the reporting period.</p>	<p>A. Number of program youth who exited the program 6-12 months ago that you are tracking</p> <p>B. Of A, the number of program youth who had a new arrest or new delinquent offense during the reporting period</p> <p>C. Number of program youth who were recommitted to a juvenile facility during the reporting period</p> <p>D. Number of program youth who were sentenced to adult prison during the reporting period</p> <p>E. Number of youth who received another sentence during the reporting period</p> <p>F. Percent RECIDIVISM (B/A)</p>			<p>Not applicable (Not a direct services program)</p>

	<p>therefore the 'B' value should be recorded as 65. This logic should follow for 'C', 'D', and 'E' values. The percent of youth offending measured long-term will be auto calculated in 'F'.</p>				
<p><b>9. Number and percent of program youth who are VICTIMIZED (short term)</b></p> <p>Updated 04/01/2012</p>	<p>The measure determines the number of program youth who are harmed or adversely affected by someone else's criminal actions. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for victimization. Ideally this number should be all youth served by the program during the reporting period.</p> <p>Example: If I am tracking 50 program youth, then, the 'B' value would be 50. Of these 50 program youth that I am tracking, if 25 of them were victimized during the reporting period, then 'C' would be 25. The percent of youth who are victimized measured short-term will be auto calculated in 'D' based on 'B' and 'C' values.</p>	<p>A. Total number of program youth served</p> <p>B. Number of program youth tracked during the reporting period for victimization</p> <p>C. Of B, the number of program youth who were victimized</p> <p>D. Percent VICTIMIZED (C/B)</p>			<p>Not applicable (Not a direct services program)</p>
<p><b>10. Number and percent of program youth who are VICTIMIZED (long term)</b></p> <p>Updated 04/01/2012</p>	<p>The measure determines the number of program youth who are harmed or adversely affected by someone else's criminal actions. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property. The number of youth tracked should reflect the number of program youth that are followed or monitored for victimization 6-12 months after exiting the program. Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them, therefore, and the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago 65 had been victimized during the reporting period, therefore the 'B' value should be recorded as 65. The percent of youth who are victimized measured long-term will be auto calculated in 'C' based on 'A' and 'B'</p>	<p>A. Number of program youth who exited the program 6-12 months ago that you are tracking for victimization</p> <p>B. Of A, the number of program youth who were victimized during the reporting period</p> <p>C. Percent VICTIMIZED (B/A)</p>			<p>Not applicable (Not a direct services program)</p>

<p><b>11. Number and percent of program youth who are RE-VICTIMIZED (short term)</b></p> <p>Updated 04/01/2012</p>	<p>The re-victimization measure counts the number of youth who experienced subsequent victimization. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for re-victimization. Ideally this number should be all youth served by the program during the reporting period.</p> <p>Example: If I am tracking 50 program youth, then, the 'B' value would be 50. Of these 50 program youth that I am tracking, if 25 of them were re-victimized during the reporting period, then 'C' would be 25. The percent of youth who are re-victimized measured short-term will be auto calculated in 'D' based on 'B' and 'C' values.</p>	<p>A. Total number of program youth served</p> <p>B. Number of program youth tracked during the reporting period for re-victimization</p> <p>C. Of B, the number of program youth who were re-victimized</p> <p>D. Percent RE-VICTIMIZED (C/B)</p>				<p>Not applicable (Not a direct services program)</p>
<p><b>12. Number and percent of program youth who are RE-VICTIMIZED (long term)</b></p> <p>Updated 04/01/2012</p>	<p>The re-victimization measure counts the number of youth who experienced subsequent victimization. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for re-victimization 6-12 months after exiting the program.</p> <p>Example: If I am tracking 50 program youth, then, the 'A' value would be 50. Of these 50 program youth that I am tracking, if 25 of them were re-victimized during the reporting period, then 'B' would be 25. The percent of youth who are re-victimized measured long-term will be auto calculated in 'C' based on 'A' and 'B' values.</p>	<p>A. Number of program youth who exited the program 6-12 months ago that you are tracking for re-victimization</p> <p>B. Of A, the number of program youth who were re-victimized during the reporting period</p> <p>C. Percent RE-VICTIMIZED (B/A)</p>				<p>Not applicable (Not a direct services program)</p>
<p><b>Select one of the following from 13A through 13L depending on the primary focus of the program &amp; delete the remain other rows.</b></p>						
<p><b>13A. Substance use (short term)</b></p>	<p>The number and percent of program youth who have exhibited a decrease in substance use during the reporting period. Self-report, staff rating, or urinalysis are</p>	<p>A. Number of program youth served during the reporting period with the noted behavioral change</p>				<p>Not applicable (Not a direct services program)</p>

	most likely data sources.	<ul style="list-style-type: none"> <li>B. Total number of youth receiving services for target behavior during the reporting period</li> <li>C. Percent (A/B)</li> </ul>				
<b>13A. Substance use</b> (long term)	The number and percent of program youth who exhibited a decrease in substance use 6-12 months after exiting the program. Self-report, staff rating, or urinalysis are most likely data sources.	<ul style="list-style-type: none"> <li>A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change</li> <li>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</li> <li>C. Percent (A/B)</li> </ul>				Not applicable (Not a direct services program)
<b>13B. Social competence</b> (short term)	The number and percent of program youth who have exhibited a desired change in social competencies during the reporting period. Social competence is the ability to achieve personal goals in social interaction while simultaneously maintaining positive relationships with others over time and across situations. Self-report or staff ratings are the most likely data sources.	<ul style="list-style-type: none"> <li>A. Number of program youth served during the reporting period with the noted behavioral change</li> <li>B. Total number of youth receiving services for the target behavior during the reporting period</li> <li>C. Percent (A/B)</li> </ul>				Not applicable (Not a direct services program)
<b>13B. Social competence</b> (long term)	The number and percent of program youth who exhibited a desired change in social competencies 6-12 months after exiting the program. Social competence is defined as the ability to achieve personal goals in social interaction while simultaneously maintaining positive relationships with others over time and across situations. Self-report or staff ratings are the most likely data sources.	<ul style="list-style-type: none"> <li>A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change</li> <li>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</li> <li>C. Percent (A/B)</li> </ul>				Not applicable (Not a direct services program)
<b>13C. School attendance</b> (short term)	The number and percent of program youth who have exhibited a desired change in school attendance during the reporting period. Self-report or official records are the most likely data sources.	<ul style="list-style-type: none"> <li>A. Number of program youth served during the reporting period with the noted behavioral change</li> <li>B. Total number of youth receiving services for the target behavior during the reporting period</li> </ul>				Not applicable (Not a direct services program)

<p><b>13C. School attendance</b> (long term)</p>	<p>The number and percent of program youth who exhibited a desired change in school attendance 6-12 months after exiting the program. Self-report or official records are the most likely data sources.</p>	<p>C. Percent (A/B)</p> <p>A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change</p> <p>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</p> <p>C. Percent (A/B)</p>			<p>Not applicable (Not a direct services program)</p>
<p><b>13D. GPA</b> (short term)</p>	<p>The number and percent of program youth who have exhibited a desired change in GPA during the reporting period. Self-report or official records are the most likely data sources.</p>	<p>A. Number of program youth served during the reporting period with the noted behavioral change</p> <p>B. Total number of youth receiving services for target behavior during the reporting period</p> <p>C. Percent (A/B)</p>			<p>Not applicable (Not a direct services program)</p>
<p><b>13D. GPA</b> (long term)</p>	<p>The number and percent of program youth who exhibited a desired change in GPA 6-12 months after exiting the program. Self-report or official records are the most likely data sources.</p>	<p>A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change</p> <p>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</p> <p>C. Percent (A/B)</p>			<p>Not applicable (Not a direct services program)</p>
<p><b>13E. GED</b> (short term)</p>	<p>The number and percent of program youth who earned their GED during the reporting period. Self-report or staff ratings are the most likely data sources.</p>	<p>A. Number of program youth served during the reporting period with the noted behavioral change</p> <p>B. Total number of youth receiving services for target behavior during the reporting period</p> <p>C. Percent (A/B)</p>			<p>Not applicable (Not a direct services program)</p>
<p><b>13E. GED</b> (long term)</p>	<p>The number and percent of program youth who earned their GED 6-12 months after exiting the program. Self-report or staff ratings are the most</p>	<p>A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral</p>			<p>Not applicable (Not a direct services program)</p>

	likely data sources.	change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				
<b>13F. High School Completion (short term)</b>	The number of youth who have completed High School during the reporting period. Program records are the preferred data source.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
<b>13F. High School Completion (long term)</b>	The number and percent of program youth who exhibited an increase in high school completion 6-12 months after exiting the program. Program records are the preferred data source.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)
<b>13G. Job Skills (short term)</b>	The number and percent of program youth who exhibited an increase in job skills during the reporting period. Self-report or staff rating is most likely data source.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
<b>13G. Job Skills (long term)</b>	The number and percent of program youth who exhibited an increase in job skills 6-12 months after exiting the program. Self-report or staff rating is most likely data source.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the				Not applicable (Not a direct services program)



<p>13H. Employment status (short term)</p> <p>The number of program youth who have exhibited an improvement in employment status during the reporting period. Self-report or staff ratings are most likely data sources.</p>	<p>A. Number of program youth served during the reporting period with the noted behavioral change</p> <p>B. Total number of youth receiving services for target behavior during the reporting period</p> <p>C. Percent (A/B)</p>	<p>program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>13H. Employment status (long term)</p> <p>The number and percent of program youth who exhibited an improvement in employment status 6-12 months after exiting the program. Self-report or staff ratings are most likely data sources.</p>	<p>A. Total number of youth who exited the program 6-12 months ago</p> <p>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>13I. Family relationships (short term)</p> <p>The number and percent of program youth who have exhibited a desired change in family relationships during the reporting period. Such changes are positive ones that could be related to increased positive interaction with family members. Examples are improved communication and increased emotional and practical support. Self-report or staff ratings are the most likely data sources.</p>
<p>13I. Family relationships (long term)</p> <p>The number and percent of program youth who have exhibited a desired change in family relationships 6-12 months after exiting the program. Such changes are positive ones that could be related to increased positive interaction with family members. Examples are improved communication and increased emotional and practical support. Self-report or staff ratings are the most likely data sources.</p>	<p>A. Total number of youth who exited the program 6-12 months ago</p> <p>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>13I. Family relationships (short term)</p> <p>The number and percent of program youth who have exhibited a desired change in family relationships during the reporting period. Such changes are positive ones that could be related to increased positive interaction with family members. Examples are improved communication and increased emotional and practical support. Self-report or staff ratings are the most likely data sources.</p>	<p>A. Total number of youth who exited the program 6-12 months ago</p> <p>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>13H. Employment status (long term)</p> <p>The number and percent of program youth who exhibited an improvement in employment status 6-12 months after exiting the program. Self-report or staff ratings are most likely data sources.</p>
<p>13H. Employment status (short term)</p> <p>The number of program youth who have exhibited an improvement in employment status during the reporting period. Self-report or staff ratings are most likely data sources.</p>	<p>A. Number of program youth served during the reporting period with the noted behavioral change</p> <p>B. Total number of youth receiving services for target behavior during the reporting period</p> <p>C. Percent (A/B)</p>	<p>program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>13H. Employment status (long term)</p> <p>The number and percent of program youth who exhibited an improvement in employment status 6-12 months after exiting the program. Self-report or staff ratings are most likely data sources.</p>	<p>A. Total number of youth who exited the program 6-12 months ago</p> <p>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>13I. Family relationships (short term)</p> <p>The number and percent of program youth who have exhibited a desired change in family relationships during the reporting period. Such changes are positive ones that could be related to increased positive interaction with family members. Examples are improved communication and increased emotional and practical support. Self-report or staff ratings are the most likely data sources.</p>
<p>13I. Family relationships (long term)</p> <p>The number and percent of program youth who have exhibited a desired change in family relationships 6-12 months after exiting the program. Such changes are positive ones that could be related to increased positive interaction with family members. Examples are improved communication and increased emotional and practical support. Self-report or staff ratings are the most likely data sources.</p>	<p>A. Total number of youth who exited the program 6-12 months ago</p> <p>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>13I. Family relationships (long term)</p> <p>The number and percent of program youth who have exhibited a desired change in family relationships 6-12 months after exiting the program. Such changes are positive ones that could be related to increased positive interaction with family members. Examples are improved communication and increased emotional and practical support. Self-report or staff ratings are the most likely data sources.</p>	<p>A. Total number of youth who exited the program 6-12 months ago</p> <p>B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago</p> <p>C. Percent (A/B)</p>	<p>13H. Employment status (long term)</p> <p>The number and percent of program youth who exhibited an improvement in employment status 6-12 months after exiting the program. Self-report or staff ratings are most likely data sources.</p>

<b>13J. Antisocial behavior</b> (short term)	The number and percent of program youth who have exhibited a desired change in antisocial behavior during the reporting period. Antisocial behavior is a pervasive pattern of behavior that displays disregard for and violation of the rights of others, societal mores, or the law (such as deceitfulness, irritability, fighting, disruptive behavior, consistent irresponsibility, lack of remorse, or failure to conform to social norms). Self-report or staff ratings are the most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for the target behavior during the reporting period C. Percent (A/B)			Not applicable (Not a direct services program)
<b>13J. Antisocial behavior</b> (long term)	The number and percent of program youth who exhibited a desired change in antisocial behavior 6–12 months after exiting the program. Antisocial behavior is a pervasive pattern of behavior that displays disregard for and violation of the rights of others, societal mores, or the law (such as deceitfulness, irritability, fighting, disruptive behavior, consistent irresponsibility, lack of remorse, or failure to conform to social norms). Self-report or staff ratings are the most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)			Not applicable (Not a direct services program)
<b>13K. Gang resistance/ involvement</b> (short term)	The number and percent of program youth who have exhibited a desired change in gang resistance behavior during the reporting period. Self-report or staff ratings are the most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for the target behavior during the reporting period C. Percent (A/B)			Not applicable (Not a direct services program)
<b>13K. Gang resistance/ involvement</b> (long term)	The number and percent of program youth who exhibited a desired change in gang resistance behavior 6–12 months after exiting the program. Self-report or staff ratings are the most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)			Not applicable (Not a direct services program)

<b>13L. Cultural Skill building/Cultural Pride</b> (short term)	The number of program youth who exhibit increased knowledge and/or understanding of tribal background, history, traditions, language and/or values.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for the target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
<b>13L. Cultural Skill building/Cultural Pride</b> (long term)	The number of program youth who exhibit increased knowledge and/or understanding of tribal background, history, traditions, language and/or values 6-12 months after exiting the program.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)

MEASURE & ITS #	DEFINITION	REPORTING FORMAT	FREQUENCY OF COLLECTION	RESPONSIBLE FOR COLLECTION	DATA SOURCE (UNIT AND/OR AGENCY)	HOW PROCESSED OR RETRIEVED
<b>OUTPUT MEASURES</b>						

**Mandatory Measures**

1. Number and percent of programs/initiatives employing evidence-based programs or practices	Report the number and percent of programs/initiatives employing evidence based programs or practices. These include programs and practices that have been shown, through rigorous evaluation and replication, to be effective at preventing or reducing juvenile delinquency or related risk factors, such as substance abuse. Model programs can come from many valid sources (e.g., Blueprints, OJJDP's Model Program Guide, SAMHSA's Model programs, state model program resources, etc.).	A. Number of program/initiatives employing evidence based programs or practices B. Total number of programs/initiatives C. Percent (A/B)	Quarterly	Krista Airam	Administrative Office of the Court	Manually
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**Non-Mandatory Measures**

<p>150. Number and percent of court personnel trained in preventing or controlling juvenile crime</p>	<p>Measure of infrastructure. Appropriate for programs providing or facilitating training for court personnel or programs, such as court, that utilize court personnel. Report the raw number of court personnel to receive any formal training about preventing or controlling crime during the reporting period (include both training that offers general information about the topics and practical training). Include training from any source and using any medium as long as the training receipt can be verified. Include staff that started training during the reporting period even if the training did not conclude before the end of the reporting period. Percent is the raw number divided by the total number of court personnel in the pool from which those trained were selected. For example, if 10 law clerks from the district court were trained, the total pool would be the total personnel serving the district court.</p>	<p>A. Number of court personnel trained B. Number of court personnel Percent (A/B)</p>	<p>Quarterly</p>	<p>John Bowers</p>	<p>Judicial Education</p>	<p>Training Records</p>
<p>152. Number of hours of training offered to court staff</p>	<p>Measure of system accountability based on the idea that properly trained staff can provide better service. Appropriate for programs providing or facilitating training for court personnel or programs, such as courts, that use court personnel. Report the raw number of hours of training offered to staff during the reporting period. Include in-house and external training and any training medium as long as it can be verified that the target staff were aware of the training opportunity and were able to avail themselves of it (e.g., the training was not cost prohibitive or offered at a time that conflicted with other necessary duties). Include training that started during the reporting period even if it did not conclude before the end of the reporting period.</p>	<p>A. Number of hours of training offered to court personnel</p>	<p>Quarterly</p>	<p>John Bowers</p>	<p>Judicial Education</p>	<p>Training Records</p>
<p><b>OUTCOME MEASURES</b></p>						
<p><b>Mandatory Measures</b></p>						
<p>None Required</p>						

**Non-Mandatory Measures**

<p>162. Number and percent of staff to rate the training received as helpful</p>	<p>Measure of program quality. Appropriate for programs offering training, whether directly or indirectly. Report the raw number of staff to rate the training as helpful. Programs will most likely need to use training evaluation forms. Programs do not need to report the specific rating level, just counts of people that found it at least minimally helpful. Percent is the raw number divided by the total number of training attendees.</p>	<p>A. Number of staff to rate training helpful B. Number of staff trained C. Percent (A/B)</p>	<p>Quarterly</p>	<p>Class Evaluation Records</p>	<p>Judicial Education and Administrative Office of the Courts, State of Utah</p>	<p>Course Evaluations</p>
<p>170. Number of complaints about staff filed by youth</p>	<p>Measure of program operations. Based on the idea that well-trained staff will receive fewer complaints. Appropriate for programs such as police departments or courts, whose staff or personnel have received at least some training in crime prevention and control. Report the number of complaints recorded during the reporting period. Include only formal complaints filed or for which the filing process was started.</p>	<p>A. Number of complaints about staff filed by youth</p>	<p>Quarterly</p>	<p>Trial Court Executives Chief Probation Officers</p>	<p>Court files</p>	<p>Administrative records</p>

## Section Performance Measures Targets

**Instructions:** Transfer only the applicable measures (those you can realistically collect and are applicable to the project) from the previous section to the chart below. Please add or remove rows as needed. (The annual target will not always match the sum of the four quarters. For example, the number of youth served each quarter will most likely not equal the total number of youth served during the grant year as youth carry over from one quarter to the next.) Use the columns to indicate the target or goal you plan to reach each quarter, aggregating the targets/goals for an annual total in the final column. Use raw numbers and the reporting format identified in the OJJDP Performance Measurement Data Collection Tool.

Program Name: DPO/PO Safety Training and Management Training

Program Area:   

#	MEASURE	1 <sup>ST</sup> QUARTER TARGET	2 <sup>ND</sup> QUARTER TARGET	3 <sup>RD</sup> QUARTER TARGET	4 <sup>TH</sup> QUARTER TARGET	ANNUAL TARGET OR GOAL TOTAL
<b>OUTPUT MEASURES</b>						
150	Number and percent of court personnel trained in preventing or controlling juvenile crime	125	195	85	90	<b>495</b>
152	Number of training hours offered to Court Personnel	43	65	107	20	<b>235</b>
<b>OUTCOME MEASURES</b>						
162	Number and percent of staff to rate the training as helpful	113/90%	176/90%	77/90%	81/90%	<b>90%</b>
170	Number of complaints about staff filed by youth	0	0	0	0	<b>0</b>

**Section 5: TARGET POPULATION**

**A. TARGET POPULATION DESCRIPTION:**

This project is not a direct service project. The target population is Juvenile Court staff and community partners.

Check all that apply to the project's service population:

**Justice Related Criteria:**  At-Risk Population (no priors)  First Time Offenders  Repeat Offenders  
 Sex Offenders  Status Offenders  Violent Offenders  
 Youth population not served directly

**Age:**  0-10  11-17  18 and over  
 Youth population not served directly

**Geographic:**  Rural  Suburban  Tribal  Urban  Not Applicable

**Populations Served:**  Mental Health  Substance Abuse  Truant/Dropout  
 Youth population not served directly

**B. ESTIMATED NUMBERS TO BE SERVED BY PROJECT (use raw numbers, not percentages):**

Gender		Ages	
Males	___	___ To ___	
Females	___	___ To ___	

OJJDP requires each state to examine the disproportionate confinement of minorities in the juvenile justice system and to develop a plan to address the problem. The following data assists the state in identifying any programs that serve this population.

**C. ESTIMATED NUMBER OF YOUTH TO BE SERVED (use raw numbers, not percentages):**

Race/Ethnicity	Totals	Male	Female	Age Ranges
American Indian & Alaska Native				
Asian				
Black/African American				
Hispanic Origin (of any race)				
Native Hawaiian & other Pacific Islander				
Two or More Races				
White				
<b>GRAND TOTALS</b>				

#### D. DESCRIBE SERVICES PROVIDED SPECIFICALLY FOR MINORITIES:

1. Will the project provide targeted services for any of the racial/ethnic groups noted above? If so, which?
2. Demonstrate extensive knowledge of the barriers that clients face. Show how they are appropriately addressed and removed. How will the cultural competency of the staff be ensured. Demonstrates extensive knowledge of specific cultural characteristics of the target population.

The mission of the Utah Court requires fair and equal justice for all patrons of the system. The Courts are addressing disproportionate minority representation in the system in several ways. First, all employees and judges are required to attend cultural competency training. The Court's Education Department also offers several classes that focus on better serving diverse populations with more in-depth understanding of cultural practices and traditions of populations.

Secondly, the courts have been successful in hiring employees that reflect the racial makeup of clients served. The employment of a diverse workforce provides an added benefit of employees being able to communicate to parents and youth in their native language. Financial incentives are provided for employees who use their language skills for their job. For employees who are not bi-lingual, the courts maintain a list of approved interpreters covering 36 different languages. These interpreters are available for court hearings as well as for probation preliminary inquiries and other court-related meetings. The probation order and other printed materials are also provided in both English and Spanish. The Court is finalizing programming for the Spanish version of the Non-Judicial Agreement that will be incorporated in the juvenile court's information and case management system C.A.R.E. By conducting meetings in the youth and family's native language and by providing translated materials, the court is assuring equal access to the justice system.

Thirdly, the Juvenile Court has taken steps to improve the collection of racial data on the patrons it serves and continuously monitors the collection of data in districts. Changes to the C.A.R.E. information system have provided information that is more specific when race is not able to be collected. These distinctions allow court employees to identify if the lack of data is due to the youth or family declining to provide the information or if the information was not readily available at the time the record was created. With this additional information, employees are in a better position to know when additional efforts are needed to collect that information. This information is used to identify areas of disparity and then to adopt approaches to help address this disparity. The Utah Juvenile Court continues to work on areas identified as a concern by RRI in collaboration with the Utah Commission on Criminal and Juvenile Justice and the Utah Criminal Justice Center.

The Juvenile Court continues their efforts to reduce disproportionate minority contact (DMC) by working with CCJJ to reduce overrepresentation at multiple points in the system. Currently, the Juvenile Court is working with both the Utah Criminal Justice Center (UCJC) and CCJJ to reduce the disparity in diversion rates for minority youth. DMC local working groups have been formed in Weber, Salt Lake, and Utah counties to address issues of disproportionality at the local levels. These three working groups are currently chaired by the local chief probation officer in the area. Additionally, Juvenile Court probation managers are taking an active role in evaluating current policies and practices and adopting new practices to reduce this disparity.

As part of the safety training, the instructor is required to address cultural differences and how they might influence a particular situation, and focusing on appropriate responses to those situations. Scenarios created in all trainings reflect cultural awareness and class participants are to consider how their understanding of cultures may influence their responses to situations. In addition, evidence based practices training covers the issue of responsivity, where probation officers are trained to assess and respond to individual and family factors that would influence the likelihood of an intervention or approach being effective. Responsivity factors include cultural, social, educational, and economic factors. Probation officers are trained to assess and respond appropriately to these factors to ensure that all youth have a greater likelihood of being successful and maintaining law abiding behavior. Additionally, probation officers are trained to match their style to the learning style of the youth and refer to appropriate programs that support evidence-based programming that consider responsivity factors.



## **Section 6: PROBLEM STATEMENT**

Describe the problem this project will address. Provide statistics documenting identified risk and protective factors. Include data from the UBJJ Risk & Protective Factors Tool and the SMART system provided by OJJDP. Data from other official sources (.e.g. school district, units of local government, state government, federal government or institution of higher learning) also be included. Limit of three pages.

The requirements of probation staff have changed since the implementation of sentencing guidelines, state supervision programs, evidence based practices and case planning practices. In addition, budget reductions have placed expectations on management to address the changing environment of the courts. Legislative requirements, evolving technology, and the need to be more efficient, are increasingly requiring the Juvenile Court to move to solely electronic records. As the result, several areas of specialty training are needed.

The first specialty area is safety training. Probation staff spend a great deal of time in the community supervising juveniles with identified risk and protective factors. Additionally, deputy probation officers spend the majority of their time supervising youth on work crew sites. According to a national survey conducted by the American Probation and Parole Association, staff safety was regarded as the most important issue in community corrections. Research has indicated that at least half of all probation officers will be physically assaulted at least once in their career. These findings indicate that officers need regular and frequent training on officer safety and that those skills should emphasize prevention, planning and safety as mechanisms that will reduce the need to employ physical skills. Safety training techniques also need to be consistent with policy and uniform across the organization. Such an approach reduces the likelihood officers will be harmed and lowers agency liability. In the past, safety training was delivered in the districts, which resulted in divergent practices, training in law enforcement rather than probation techniques, and no lesson plans. The Board of Juvenile Court Judges recognized this disparate training and adopted safety policies for probation staff and work crew operations.

The second specialty area focuses on the training of management in leadership principles. The Court has undergone significant changes in the last ten years that includes the adoption of evidence based practices, implementing a new computer system, reorganizing the clerical operation to focus on a team approach, and significant budget reductions. Very little training focuses on teaching managers skills to adapt to these changes. Effective leadership training can help organizations and individuals improve and build upon what is currently happening in the organization and increase performance, motivation and overall effectiveness for the future. Without training, the Court runs the risk of having staff in decision-making roles that do not have the tools to do their job.

Another specialty area is training staff on evidence based practices, such as Carey Guides. It is essential that probation officers receive ongoing training in evidence based practices. Research shows that it is not merely the amount of time spent on probation duties that relates to better outcomes, but the quality and focus of the time spent (Bonita et al.2008). Bonta et al. (2008) found offenders who receive services and interventions based on evidence based practices tend to show lower recidivism rates than offenders who do not receive interventions and services based on evidence based practices (Andrews & Bonta 2006). When probation staff follow principles of effective intervention and target criminogenic needs, it can lead to reductions in recidivism (Bonta et al. 2008).

The fourth area of specialty training relates to the training of staff involved in work crew activities. In Juvenile Court probation officers and deputy probation officers are involved in work crew activities. Work crew provides a means for youth to work off their victim restitution owed. The youth gains practical skills by completing work in the community, the community benefits from the services performed and the victim receives payment. This is supportive of the Balanced and Restorative Justice Model (BARJ) which encompasses offender accountability, public protection, and competency

development. Supervising a work crew requires deputy probation officers to be familiar with adolescent development, motivational interviewing techniques, and the ability to ensure safety of youth and community work sites. Due to budget reductions, responsibility for specialized training for staff involved in work crew was delegated to the districts. As has been our experience with the probation officer safety program, district-level training often varies greatly. Because these staff have direct and on-going contact with youth, it has been determined that we must prioritize this training to ensure that staff have the necessary training and tools to effectively perform their work.

The fifth specialty area includes the involvement of staff in national conferences. Attendance at these conferences not only exposes staff to state of the art training in evidence based practices, but allows staff to share and incorporate this knowledge in Utah's Juvenile Court system. In the past, this funding has resulted in staff being elected to national leadership positions, awards for programs the Juvenile Court operates, provided opportunities for several staff to present at National Conferences regarding Utah's Case Planning Model, and opportunities for staff to develop additional leadership skills. In addition, through the knowledge gained at national conferences and trainings, the Utah Juvenile Court has remained at the forefront of effective practices instead of using outdated ineffective strategies.

The sixth area of specialty is the training of probation management staff on conducting quality case audits in an electronic environment and consistent with evidence-based practice principles. The National Implementation Research Network (NIRN) suggests when implementing evidence-based practices within an organization one area management should consider is the leadership drivers and whether or not these drivers are adaptive or technical challenges. NIRN suggests agencies should be prepared to address both types of challenges in implementing evidence based practices. As such one of Utah's challenges, both technical and adaptive, involves ensuring quality implementation of evidence based practices. The statewide chief probation officers have assigned a working committee *Best Practices Work Group*, to identify areas of action. An immediate area of attention involves quality case reviews. This committee has worked with computer programmers to revise the notes section in the statewide data base to provide clearer identification of case planning efforts with individual cases. A new *Electronic Case File Record Audit* has been approved by the Board of Juvenile Court Judges which considers Utah's electronic record initiative. Additionally, the committee is currently reviewing the form and is developing grading definitions and a matrix scoring chart to assist supervisors in ensuring case planning strategies receive attention and to ensure consistency in application. The committee will look at processes for the automating of case audits in the statewide computer system, improving the quality of case reviews and the training of supervisors which will include the standardization of the methods of how supervisors evaluate the audit and how they give quality feedback.

#### **Sources:**

Andrews, D. A., and Bonta, J. 2006. *The Psychology of Criminal Conduct* (4<sup>th</sup> ed.). Newark, NJ: LexisNexis.

Bonta, J. Ruge, T., Scott, T., Bourgon, G., and Yessine, A. 2008. Exploring the Black Box of Community Supervision. *Journal of Offender Rehabilitation* 47(3): 248-270.

NIRN - The National Implementation Research Network. (n.d.). *NIRN*. Retrieved May 26, 2014, from <http://nirn.fpg.unc.edu/>

## **Section 7: PROJECT DESIGN AND MANAGEMENT**

Explain how your program will work. Cite relevant research to show that the program strategy is effective. Explain each step or phase of the project in the following areas: project activities, client flow, staffing, and collaboration. Include a timeline identifying program activities for the entire grant year.

Is the project an evidence based program?  YES

NO (*not a direct service program*)

The Juvenile Court will be using the Risk, Need, Responsivity Model, which is the core of evidence based practices in probation as seen by the research of Andrews & Bonta, Latessa, Lipsey, and other leaders in the field. This research will be used in the Leadership Conference training, RESTA work crew conference training, NCTI, and ongoing evidence-based practices training. When the Risk, Need, Responsivity model is applied, it has shown to decrease recidivism by 26 percent (Andrews, Bonta & Hogue, 1990; Andrews & Bonta, 2006). In addition, when probation staff use evidence-based practices with juveniles on probation, it has shown to increase effectiveness by up to 46 percent (Bonta, Rugge, Scott, Bourgon, & Yessine 2008).

### **Name of the evidence based model:**

The Utah Juvenile Court will be applying the Risk, Needs, Responsivity Model, which is a well-researched, effective approach to probation as seen by the following publications:

Andrews, D. A. (1989). Recidivism is Predictable and Can Be Influenced: Using Risk Assessments to Reduce Recidivism. *Forum on Correctional Research*, 1(2), 11-17.

Andrews, D.A. (1994). *An Overview of Treatment Effectiveness: Research and Clinical Principles*. Ottawa, Canada: Department of Psychology, Carleton University.

Andrews, D., I. Zinger, R. Hoge, J. Bonta, P. Gendreau, and F. Cullen. (1990). Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis.

Joplin, Lore et al, *Using an Integrated Model to Implement Evidence-based Practices in Corrections*, 2004; and *Implementing Evidence-Based Practices in Community Corrections: The Principles of Effective Intervention*, Crime and Justice Institute, 2004.

Latessa, E.J. (1998). A Summary of ICCA's "What Works with Substance Abusers" Research Conference. *The ICCA Journal*. (March), 6-8.

Latessa, E. J. (1999). What Works in Correctional Intervention. *Southern Illinois University Law Review*, 23:415-426.

Latessa, E. J. (1999). *What Works Strategic Solutions: International Community Corrections Association Examines Substance Abusers: Substance Abuse*. Lanham, MD: American Correctional Association.

Latessa, E.J. & J. Gordon. (1994). Examining the Factors Related to Success or Failure with Felony Probationers: A Study of Intensive Supervision. In C. B. Fields (Ed.), *Community-Based Corrections: Innovative Trends and Specialized Strategies*. Garland Press.

Latessa, E.J. and A. Holsinger. (1998). The Importance of Evaluating Correctional Programs: Assessing Outcome and Quality. *Corrections Management Quarterly*, 2(4), 22-29.

Latessa, E. and M. Moon. *A Practitioners Guide to Evaluation Research*. Cincinnati, OH: University of Cincinnati.

Lipsey, M. (1990). *Juvenile Delinquency Treatment: A Meta-analytic Inquiry into the Variability of Effects*. Paper prepared for the Research Synthesis Committee of the Russell Sage Foundation.

Lipsey, M.W. and D.B. Wilson. (1998). Effective Intervention for Serious Juvenile Offenders: A Synthesis of Research. In R. Loeber and D. P. Farrington (Eds.), *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, Thousand Oaks, CA: Sage. *Criminology*, 28(3), 369-404.

### **PROJECT DESIGN:**

Probation safety training will be delivered in three levels: one taught by probation managers that focuses on policy implementation, one that is taught by a consultant that focuses on strategies to avoid violence in the work site, and one taught by a consultant that focuses on defensive tactics, handcuffing, and the proper use of O.C. spray. All new probation officers are required to attend all three courses during their first year of employment. All

existing probation officers are required to attend a refresher course annually. The trainings will be held at various locations throughout the state to reduce the need for staff to travel.

To enhance officers' ability to practice the defensive tactics learned, the instructors have been videotaped discussing and demonstrating the tactics taught. These segments are distributed to all district offices and also are accessible through the court's intranet. Such effort will continue to keep the tactics fresh in the minds of the probation officer and allow them to continue to practice the skills learned.

The Leadership Conference will not only focus on the experienced manager but also those who have recently been appointed to management positions. Managers that are cross-trained to work in district court and juvenile court will be invited to attend. The conference will include such topics as learning practical leadership skills that can assist managers in leading the transition to electronic records, transitioning from line staff to management, and the implementation of evidence-based practices. Speakers will include both local and national speakers, with approval sought from CCJJ for speakers once they are identified.

The third area of specialty relates to ongoing onsite and online training for probation officers and managers on the effective implementation of evidence-based practices in case planning and risk assessment. The Juvenile Court will provide training and training materials on tools for effective case planning such as NCTI and the Carey Guides, responsibility principles, matching youth with appropriate and effective programs, and quality assurance of evidence-based practices implementation. This will also include supervisor training on conducting quality case audits consistent with evidence based practices.

The Juvenile Court is also proposing that specialized training be provided for those who are involved with work crew activities, and include van safety training, supervising youth on work crew activities, liability, and policy training in those areas.

Management staff will also attend national training conferences and institutes such as the American Probation and Parole Association National Conference. The information learned at these trainings will be used to help develop the conference agendas for the training identified in this proposal.

Name of the evidence based model: NA

If yes, select one source from which the program model was cited:

- |   |  |
|---|--|
| <input type="checkbox"/> Blueprints for Violence Prevention                               | <input type="checkbox"/> Hamilton Fish Institute                         |
| <input type="checkbox"/> CASEL (Collaborative for Academic, Social, & Emotional learning) | <input type="checkbox"/> Institute for Medicine                          |
| <input type="checkbox"/> Centers for Disease Control and Prevention                       | <input type="checkbox"/> NIDA Preventing Drug Abuse                      |
| <input type="checkbox"/> Community Guide to Helping America's Youth                       | <input type="checkbox"/> National Institute of Justice What Works Report |
| <input type="checkbox"/> Department of Education Safe, Disciplined, & Drug-free Schools   | <input type="checkbox"/> OJJDP Model Programs Guide                      |
| <input type="checkbox"/> Drug Strategies, Inc.  | <input type="checkbox"/> Promising Practices Network                     |
| <input type="checkbox"/> Making the Grade   | <input type="checkbox"/> SAMSHA Model Programs                           |
|   | <input type="checkbox"/> Surgeon General's Youth Violence Report         |
|   | <input type="checkbox"/> Other (e.g., State model program resources)     |

If other, please specify: NA

Please indicate the name of the evidence-based program implemented: NA

## Section 8: WORK PLAN AND TIMETABLE

Provide a detailed WORK PLAN, using the chart below, giving a month by month description of activity for the time period covered by this application. You must include the following (table will expand to fit):

- Activities necessary to achieve objectives
- Timetable for completion of each activity
- Staff position or consultants to be assigned to each activity
- Location where the activity will occur

Calendar Months	Activities	Assigned Position	Location
07/01/2014 to 12/31/2015	<p style="text-align: center;"><b>DPO/PO Safety Training</b></p> <ul style="list-style-type: none"> <li>• Work with PO Safety Committee and Education Department to schedule appropriate trainings.</li> <li>• Conduct evaluation of the training.</li> <li>• Consider best practice approach and sustainability of training.</li> </ul>	Mike Martinez/ Chris Morgan/ PO Safety Committee/John Bowers	Various areas of the state
09/01/2014 to 10/30/2014	<p style="text-align: center;"><b>Management Training</b></p> <ul style="list-style-type: none"> <li>• Hold planning committee meetings.</li> <li>• Find venue and sign contract with instructors.</li> <li>• Speaker approval from CCJJ</li> <li>• Provide on-site organization and monitor training.</li> <li>• Conduct evaluation of the training.</li> </ul>	Leadership Conference Planning Committee-Education Department	SLC for Planning Committee  Appropriate site for management training
07/01/2014 to 09/30/2014	<p style="text-align: center;"><b>Work Crew Conference</b></p> <ul style="list-style-type: none"> <li>• Utilize the Restorative Justice Committee to plan work crew conference.</li> <li>• Find venue and sign contract.</li> <li>• Speaker approval from CCJJ.</li> <li>• Provide on-site organization.</li> <li>• Conduct evaluation of the training.</li> </ul>	Restorative Justice Committee	RJ Committee to meet in SLC or Provo  Appropriate site for work crew conference
11/01/2014 to 12/31/2014	<p style="text-align: center;"><b>NCTI Training</b></p> <ul style="list-style-type: none"> <li>• Provide new facilitator training in approximately November 2014.</li> <li>• Provide booster/refresher training for existing facilitators in approximately November 2014</li> <li>• Find venue and sign contract.</li> <li>• Conduct evaluation of the training.</li> </ul>	Chief Probation Officers/Krista Airam	Appropriate site for NCTI training
07/01/2014 to 04/01/2015	<p style="text-align: center;"><b>EBP Training</b></p> <ul style="list-style-type: none"> <li>• Provide EBP implementation and quality assurance training for probation managers on effective quality audits in approximately December 2014.</li> <li>• Additional EBP training is anticipated in March of 2015.</li> </ul>	Evidence Based Practices Committee, Chief Probation Officers, & PO Education Committee	Chief Probation Officers meet monthly. EBP committee meets monthly.  Determine appropriate site and trainers for quality assurance and EBP implementation.

	<ul style="list-style-type: none"><li>• Find venue and sign contract</li><li>• Contract/consultants will be approved through CCJJ.</li><li>• Develop and provide training materials on EBP</li></ul>		
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## Section 9: PROJECT GOALS AND OBJECTIVES

Goals and objectives should be directly related to the Problem Statement. **Goals** should describe what you expect your project to achieve when it is completed. Goals need to be both realistic and achievable. **Objectives** identify what your agency will do to reach the project goals. They are the short-term results produced by the project that together will lead to accomplishment of the goals. **Activities** are the specific actions that will help reach your goals and objectives.

<b>Goal: To ensure that probation officers and deputy probation officers have the necessary training in order to comply with policy, effectively implement evidence-based practices, and perform duties in a manner that maintains the safety and the effectiveness of the officers working with the youth, the public, and community partners.</b>	
<b>Project Objective</b>  1. Train all probation officers and deputy probation on safety issues on an annual basis.	<b>Activities</b>  1. Conduct probation and deputy probation officer safety training.
<b>Project Objective</b>  2. Training all probation officers and deputy probation officers in work crew on safety issues, policies, and effective interventions with youth.	<b>Activities:</b>  2. Conduct training for probation and deputy probation officers involved in the work program on annual basis. This training will identify best practice approaches to safety, compliance with policy, and effective intervention approaches in dealing with youth.

<b>Goal: To ensure that training is conducted which helps management assimilate changes in our business process and practical application of best practices.</b>	
<b>Project Objective</b>  1. Train all juvenile court management staff on effective management practices and strategies.	<b>Activities</b>  1. Conduct a Leadership Training to identify best practice approaches to leadership and effective management strategies.
<b>Project Objective</b>  2. Train all juvenile court staff and management involved in work crew operations on the Balanced and Restorative Justice Model and principles.	<b>Activities:</b>  2. Conduct a Restorative Justice Conference for all juvenile court staff and management involved in work crew operations. Training will consist of best practice approaches involving youth and policy review and implementation.
<b>Project Objective</b>  3. Participate in and attend National Conferences on evidence-based practices and effective leadership.	<b>Activities</b>  3. Participate in and attend National Conferences on evidence based practices and effective leadership.

<b>Goal: To ensure juvenile court probation staff and managers have the necessary training to effectively and successfully implement evidence-based programming which incorporate case planning principles. In addition to ensure quality assurance of Utah's Case Planning Model.</b>	
<b>Project Objective</b>  1. Provide training on implementation of evidence based practices and to ensure quality assurance of the case planning model for juvenile court probation staff.	<b>Activities</b>  1. Provide training to juvenile court probation staff on effective implementation and quality assurance of evidence based practices in Utah's Case Planning Model and interventions such as NCTI and Carey Guides.

**Section 10: BUDGET MATRIX AND NARRATIVE**

Category	In-Kind Match	Cash Match	Grant Funds	Total
Personnel	\$0	\$0	\$0	\$0
Consultant/Contract	\$0	\$0	\$35,994	\$35,994
Equipment / Supplies/ Operating	\$0	\$0	\$36,686	\$36,686
Travel & Training	\$0	\$13,460	\$48,458	\$61,918
<b>Total</b>	<b>\$0</b>	<b>\$13,460</b>	<b>\$121,138</b>	<b>\$134,598</b>

**FISCAL OFFICER (IMPLEMENTING AGENCY)**

(Name, title, mailing address and zip code, area code and phone, fax, e-mail)

Milton Margaritas, Budget Officer  
450 South State, P.O. Box 140241  
Salt Lake City, Utah 84114-0241

801-578-3863 office  
801-578-3854 fax  
[miltonm@email.utcourts.gov](mailto:miltonm@email.utcourts.gov)



**PERSONNEL SALARIES AND FRINGE BENEFITS**

This section is for full or part-time salaried employees. Employees who are not on the payroll are classified as consultants. If known, list name of individual. If a person has not been hired, type "vacant" and give the title of the position. "Number of hours" refers to total hours spent on the grant implementation. **Do not request grant funding for an employee who is already on the payroll unless the original position held by that person will be filled by a new employee.** Salaries may not exceed those normally paid for comparable positions in the community or the unit of government associated with the project. The hourly rate for personnel salaries can be determined on the basis of 8 hours per day, 40 hours per week, 173.33 hours per month, or 2,080 hours per year. Paid vacation and sick leave are allowable expenditures, but *must not exceed the time that is normally allowed by the agency or unit of government associated with the project.* All leave earned must be used or paid during the period of the grant. See Guidelines for additional information regarding overtime restrictions.

Name	Title	# Hours	Hourly Rate	Total Salary
Salary Subtotal				\$0

**EMPLOYER'S SHARE OF FRINGE BENEFITS**

Fringe benefits are to be based on the employer's share only. Enter the percentage of monthly rate for each fringe benefit, the total wage amount, the number of months, if applicable, and the total amount of the employer's share of benefits. Fringe benefit base wage amounts for part-time employees must be prorated according to the percentage of total time spent with each employer. "FICA", "Pension", "Health Insurance", "Workers Compensation", and "Unemployment Compensation" are matters that should be reviewed by the applicant's fiscal or personnel officer before completing this part of the application.

Fringe Benefits	% or Monthly Rate	Eligible Wage Amount or Number of Months	Total Employer's Share of Fringe Benefits
FICA			
Pension/Medicare			
Health Insurance			
Worker's Comp			
Unemployment Comp			
Other (explain)			
Other (explain)			
Fringe Subtotal			\$0

Grant Funds Requested	Match Provided (if applicable)	Personnel Total
\$0	\$0	\$0

**BUDGET NARRATIVE/PERSONNEL**

Provide a brief description of the duties of personnel charged to this project, including educational background and prior work experience. If administrative personnel not engaged in the day-to-day activities of the project are included in this budget, explain why they are essential to the project's operation.

PERSONNEL	NARRATIVE

## CONSULTANTS/CONTRACTS

Persons with specialized skills who are not on the payroll are considered consultants. **When a consultant is known, a resume listing the consultant's qualifications and contract must accompany the application.** However, if the position is vacant and the project receives funding, this information must be forwarded to UBJJ/CCJJ when a contract with consultant is signed. All procurement transactions whether negotiated or competitively bid without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. Describe the procedure to be used in acquiring the consultant (i.e., small purchase procedures, competitively sealed bids, non-competitive negotiation, etc.) **Consultant fees for individuals may not exceed \$56.25 per hour or \$450 per day, for an 8-hour day, plus expenses, without prior approval from UBJJ/CCJJ. Fee justification must be provided in the budget narrative.**

Consultant Name	Services to be Provided	# Hours	Hourly Rate	Total Cost
Lloyd Prescott	Safety Training	26 days	\$450 per day	\$11,700
Management Consultants	Leadership Training	TBD	TBD	\$3,000
Speakers	Work Crew Conference	TBD	TBD	\$1,500
Evidence Based Practice Consultants	Evidence Based practice implementation	TBD	TBD	\$7,650

### Consultant Expenses

(May include travel, training, food, lodging, and other allowable incidental travel costs.)

#### Mr. Prescott & Associates for Safety Training:

Per diem \$39/day x 60 days \$1950

Lodging \$90 x 6 = \$540

Mileage .56 x 3000 = \$1680

Subtotal= \$4,170

#### Leadership Training- Consultants and speakers to be determined:

Airfare and transportation: \$1200 x 2 = \$2,400

Lodging: \$90 x 2 x 2=\$360

Per diem: \$39 x 11 x 1or 2 days= \$858

Subtotal= \$3,618

#### Work Crew Conference

Airfare and transportation \$600 x 1= \$600

Per diem \$39 x 2 = \$78

Lodging \$75 x 2= \$150

Mileage .56 x 500 =\$94

Subtotal = \$922

#### Evidence Based Practice Training- Consultants to be determined

Airfare/transportation \$500 x 4 \$2,000

Per diem \$39 x 16 days \$624

Lodging \$90 x 9 nights \$810

Subtotal = \$3,434

**Consultant Fee Justification**

(Include the basis of selection and method of procurement. Any sole source consultant requires prior approval from CCJJ.)

Lloyd Prescott and Associates is the current contract provider for PO Safety and this selection was previously made by an RFP Process and he is currently under contract to provide these services.

The court will identify approximately two trainers on issues relevant for the work crew conference that will meet the budget limitations noted here. Information regarding trainers and the training content will be provided to CCJJ for approval before contracts are signed. As speakers are to be determined, some consultants may be local and will not require airfare or lodging, but may require per diem.

The court will identify approximately three trainers on issues relevant to leadership and management that will meet budget limitations noted here. Information regarding trainers and the training content will be provided to CCJJ for approval before contracts are signed.

The court will identify approximately one or two trainers on issues relevant to evidence based implementation and quality assurance that will meet the budget limitations noted her. Information regarding trainers and the training content will be provided to CCJJ for approval before contracts are signed. As speakers are to be determined, some consultants may be local and will not require airfare or lodging but may require per diem.

Grant Funds Requested	Match Provided (if applicable)	Consultants Total
\$35,994	\$0	\$35,994

**EQUIPMENT / SUPPLIES / OPERATING**

Equipment: items to be purchased that are over \$5,000. Supplies: office supplies, cleaning, maintenance, AND OPERATING supplies, training materials, books and subscriptions, research forms, postage stamps, food, and other materials that are expendable with the life of the project. All equipment and supply purchases covered by this grant must be necessary for the project to achieve its goals and objectives. All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide a maximum open and free competition. Purchases between \$1,000 and \$5,000: Quotes should be obtained (by phone, fax or letter) from at least two vendors. Awards must be made to vendor submitting the lowest quote meeting the minimum specifications and required delivery date. Purchases exceeding \$5,000: A competitive sealed bid process must be conducted. Sole source contracts must be approved by CCJJ prior to being awarded.

Item	Cost	Time Period	Total
Rent-Facilities	\$1,500/day	10 days	\$15,000
Telephone			
Non-consultant Contract Help			
a. Bookkeeping/Audit			
b. Maintenance			
c. Other (Specify)			
Auto Lease/Short-Term Rental			
Equipment Lease/Short-Term Rental	\$500/day	8 days	\$4,000
Photocopying	\$1,032		\$1,036
Printing	\$1,000		\$1,000
Grant Management Costs (In-Kind)			
Other (Specify) Training materials for leadership conference, work crew conference, and supervisor training	\$1,000		\$1,000
Other (Specify) EBP materials and supplies such as NCTI, youth workbooks, and Carey Guides, and EBP implementation materials	\$14,050		\$14,050
Other (Specify) OC Spray for Safety Training	\$15/each	40 cans at \$15 each covers one year	\$600

**Procurement Method to be Used** (cell will expand)  
 All grant and Utah State purchasing guidelines will be followed in the purchase of materials. Printing and publication will be done through the Utah State Copy Center.

**Equipment / Supplies / Operating Justification and Narrative:** Justify the purpose and use of each item noted above.

**Rent Facilities** – to pay for conference room rental for leadership conference, NCTI training, EBP training, and work crew conference at a projected cost of \$1,500 a day. Costs are projected to be higher than in the past because food is no longer purchased at the venue, which often resulted in a reduced rate on conference rooms and AV equipment.

**Equipment Lease**- to pay for AV equipment, equipment hook-ups, etc. for conference rooms at the leadership conference, NCTI training, EBP training, and work crew conference at a projected cost of \$500 a day. Costs are projected to be higher than in the past because food is no longer purchased as part of the venue package, which often resulted in a reduced rate on conference rooms and AV equipment.

**Training materials** include binders, guides, and materials for leadership conference, NCTI training, EBP training,

and Work crew conference.

**OC Spray** is needed for safety training. All employees attending the training need holsters to practice using the OC spray.

**Copying** includes materials for the evidence based practices training, management conference, and work crew conference.

**Printing** includes materials for the evidence based practices training, management conference, and work crew conference.

Grant Funds Requested	Match Provided (if applicable)	"Other" Total
\$36,686		\$36,686

## TRAVEL & TRAINING

Grant related travel charges must not exceed the rates allowed by the State of Utah. Organizations whose written travel policies are less restrictive than the State of Utah, or that do not have their own written travel policy, must adhere to the State of Utah travel policy. "Per Diem" includes food and lodging. Meals provided gratis must be deducted from the per diem rate allowed. The "Other" category includes parking, telephone, or other allowable incidental travel costs. (This applies to grant funded employees only, not consultants.) The mileage rate may not exceed \$.50/mile.

Vehicle	# Miles	Mileage Rate	Total
<b>Air, Bus, etc.</b>	<b>Destination</b>	<b>Fare</b>	<b>Total</b>
APPA/National Conference airfare	TBD	TBD- approximately \$600 x 6	\$3,600(cash match)
APPA/National Conference taxi/shuttle costs	New Orleans, LA	6 people x \$50	\$300
APPA/National Conference taxi/shuttle costs	TBD	6 people x \$50	\$300
<b>Per Diem</b>	<b># Days</b>	<b>Per Diem Rate</b>	<b>Total</b>
Work crew Conference	2 days x 80 people	\$39 a day (breakfast, lunch, & dinner)	\$6,240
Lodging for Work crew conferences (2 days, 1 night)	60 participants needing lodging (double occupancy- various nights due to travel)	40 rooms @ \$75/night	\$3,000
NCTI Training (New Facilitator)	5 days x 25 people	\$39 a day (breakfast, lunch, & dinner)	\$4,875
NCTI (Refresher)	50 participants	\$39/day X 34 (breakfast, lunch, dinner)	\$1,326
Lodging for the NCTI new facilitator training (5 days)	25 participants (double occupancy rooms-various nights due to travel)	15 rooms x \$75/night x 5 nights	\$5,625
Lodging for NCTI refresher training	50 participants (double occupancy rooms-various nights due to travel)	22 rooms x \$75/night x 1	\$1,650
Leadership Conference	2 days x 80 participants	\$39 a day x 80 (breakfast, lunch, & dinner)	\$3,120
Leadership Conference Lodging	2 days x 80 participants double occupancy-various nights due to travel and location of participants)	\$90 a day x 2 X 40	\$7,200
National Conference per diem	TBD	\$46/day x 12 participants x 4 days	(partial cash match)\$2,208
APPA Lodging	New Orleans	6 people x \$128 x 4 days	\$3,072(cash match)
Lodging Costs for APPA/Notational Conference	TBD	6 people x \$128 x 4 days	\$3,072(cash match)
Lodging Costs for EBP training	2 day x 80 participants(double occupancy-various nights due to travel and location of participants)	50 people x \$75 x 2 days	\$7,500
EBP Training	2 days x 80 people- per diem will vary based upon travel and location	80 people x 2 days x 39	\$6,240
<b>Conference Registration</b>	<b># People</b>	<b>Rate</b>	<b>Total</b>
APPA	6 people at 2 conferences	\$340.00	\$2,040(cash match)

<b>Other</b>			<b>Total</b>
APPA Agency annual membership		\$550	\$550

**Travel and Training Justification and Narrative**

Leadership Conference, EBP training, NCTI training and work crew conference per diem and lodging rates are based on the state per diem. All rooms are double occupancy except for trainers if training is done by one male and one female trainer. Leadership conference will be offset by court funds and to minimize costs to the grant.

National conference expenditures are based on estimate costs. The majority of these expenses will be covered by the courts cash match. Additional participants will be attending the upcoming New Orleans APPA conference due to a Leadership Institute graduation therefore the courts will be funding airfare and conference registration to offset costs and to maximize attendance and minimize costs to the grant. Attendance at these conferences will help to support leadership potential within the organization and to identify potential speakers for local statewide and district conferences. In addition, attendance will allow participants to bring back best practice approaches in both evidence based programming and in leadership practices.

Grant Funds Requested	Match Provided (if applicable)	Travel & Training Total
\$48,458	\$13,460	\$61,918



**SECTION 12: LETTERS OF PARTICIPATION**

Applicants must submit a Letter of Participation from each local agency or organization that is involved with the project, contributing resources, or making referrals (e.g., courts, treatment programs, shelters). Applicants should refer to the appropriate category in the Guidelines to ensure that appropriate letters are included. Failure to submit the appropriate Letters of Participation may remove the application from further funding consideration. List below the agencies providing letters of participation and the number of referrals:

Participating Agency Name and Role	Projected # of Referrals (if applicable)

**Attach copies of each letter to all copies of the application.**

**LETTER OF PARTICIPATION FORMAT**

All responses must show active cooperation with the applicant and with the project and must use the format below. Please do not solicit or include letters of support. Each participating agency should use its letterhead and this format.

To: Utah Board of Juvenile Justice

From: (Participating Agency)

Re: (Project Name)

Date: (Must be current dated letter)

We hereby commit to providing the following services or referrals to further the objective of \_\_\_\_\_ project:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Authorized Signature

Typed Name

Title

# TAB 9



# 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@utcourts.gov*  
**Date:** June 17, 2014  
**Re:** Recommended Amendments to the Utah Code of Judicial Administration

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

**CJA 4-405. Juror and witness fees and expenses.** Amend. Makes an attorney issuing the subpoena responsible for reimbursing a civil witness for necessary and reasonable parking expenses as required by H.B. 247.

**CJA 4-907.** Amend. Provides an option to take the divorce orientation course online, and reflects changes to the fees for the course as required by H.B. 323.

Encl.           CJA 4-405  
                  CJA 4-907

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.

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

2 Intent:

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

5 Applicability:

6 This rule shall apply to all trial courts of record.

7 Statement of the Rule:

8 (1) Fees.

9 (1)(A) The courts shall pay the fee established by statute for all jurors of  
10 the courts of record. The courts shall pay the fee established by statute for  
11 witnesses subpoenaed by the prosecutor or by an indigent defendant in  
12 criminal cases in the courts of record and in actions in the juvenile court. The  
13 courts shall pay no fee to a witness appearing for a hearing that was canceled  
14 or postponed with at least 24 hours' notice to the parties, excluding Saturdays,  
15 Sundays, and holidays. The parties shall notify witnesses when a hearing is  
16 canceled or postponed. Upon request, a civil witness's necessary and  
17 reasonable parking expenses shall be reimbursed by the attorney who issued  
18 the subpoena.

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

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

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

26 (1)(C) A witness requesting payment shall present a subpoena on which  
27 appears the certification of the attorney general, county attorney, district

28 attorney or legal defender of the number of days the witness attended court,  
29 as defined in subsection (1)(B).

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

36 (3) Meals and refreshments.

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

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

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

48 (3)(D) Refreshments may be provided to a jury during the course of trial,  
49 upon order of the judge. Payment for refreshments shall not exceed \$3.00 per  
50 person per day.

51 (4) Lodging. Lodging for jurors shall be paid if the judge orders the jury  
52 sequestered, if the juror must travel more than 100 miles one-way from the  
53 juror's residence to the courthouse and the judge orders that lodging be paid,  
54 or if the judge orders that lodging be paid due to inclement weather. A witness

55 in a criminal case or juvenile court case to whom the court pays a witness fee  
56 traveling from outside the county shall be provided lodging only upon a  
57 determination by the court executive that returning to the point of origin on the  
58 date in question places a hardship upon the witness or that the  
59 reimbursement for travel for repeat appearances is greater than the cost of  
60 lodging. Unless unavailable, lodging costs shall not exceed the rates adopted  
61 by the Department of Administrative Services.

62 (5) Method and record of payment.

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

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

71 (5)(C) Jurors. Jurors must present a summons for payment for the first day  
72 of service. If a juror does not present a summons, the clerk may certify that  
73 the juror was summoned. The clerk shall file the summons and shall record  
74 the attendance of jurors for payment, including subsequent days of service.

75 (5)(D) Witnesses in criminal cases and juvenile court cases. Witnesses in  
76 criminal cases and juvenile court cases must present a subpoena for  
77 payment. If the subpoena is issued on behalf of an indigent defendant, it shall  
78 bear the certificate of defense counsel that the witness has appeared on  
79 behalf of the defendant at state expense, regardless of the number of days for  
80 which the witness is eligible for payment. If the subpoena is issued on behalf  
81 of the prosecution, the prosecutor shall certify the number of days and the

82 number of miles for which the witness is eligible for payment. The clerk shall  
83 file the subpoena and record of attendance. If a witness does not present a  
84 subpoena, the clerk may record the witness' attendance and mailing address  
85 that is certified by the prosecutor or defense counsel.

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

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

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**Rule 4-907. Divorce education and divorce orientation courses.**

**Intent:**

To establish policies for the implementation of the divorce education course required by Utah Code Section 30-3-11.3 and the divorce orientation course required by Utah Code Section 30-3-11.4.

**Applicability:**

This rule shall apply to all proceedings in which Utah Code Section 30-3-11.3, Utah Code Section 30-3-11.4 or a court order require attendance at one or both courses.

**Statement of the Rule:**

(1) The education department within the Administrative Office of the Courts shall:

(1)(A) establish uniform specifications and standards for the courses;

(1)(B) issue a request for proposals setting forth the uniform specifications and standards;

(1)(C) award contracts for live courses; and

(1)(D) produce the courses by video and other effective formats.

(2)(A) Each party required to attend one or both courses shall attend the live course at any location at which it is offered.

(2)(B) A party required to attend one or both courses may watch a video of the course if:

(2)(B)(i) the party lives out of state or more than 60 miles from the nearest live class;

(2)(B)(ii) the party is in prison, jail or other detention facility;

(2)(B)(iii) the party is an in-patient at a medical facility; or

(2)(B)(iv) the party's request to watch the video is approved by the divorce education administrator.

(2)(C) The party may purchase the video or watch it at any district court courthouse.

(3) The course provider or the custodian of the video shall provide the party with a certificate of completion.

(4) When the petition is filed, the clerk shall notify the petitioner of the course requirement. The petitioner shall notify the respondent of the requirement and file a certificate of service of the notice.

31 (5) Any person attending a course shall present a valid form of photo identification,  
32 and pay the course fee or present a copy of an order waiving the fee or a motion to  
33 waive fees that has been filed with the court. If the court determines that the party is not  
34 impecunious, the court may enter judgment for the amount of the course fee.

35 (6) The fee for attending the education course or watching the video is \$35.00, which  
36 includes \$8.00 for deposit in the Children's Legal Defense Fund. The fee for attending  
37 the orientation course is \$15.00 for petitioners who attend the course within 30 days of  
38 filing and for respondents who attend the course within 30 days of service. Otherwise,  
39 ~~¶~~the fee for attending the orientation course, taking the course online, or watching the  
40 video is \$230.00, which includes \$5.00 for deposit in the Children's Legal Defense  
41 Fund.

42 (7) The course provider shall, within 72 hours of each course, provide the court with  
43 an alphabetized list of each party who completed the course.