

JUDICIAL COUNCIL MEETING

AGENDA

Monday, November 24, 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 Reed Parkin
Bar Commission. John Lund, esq.
(Tab 2 - Information)
5. 9:40 a.m. Judicial Performance Evaluation Commission (JPEC)
Update. Joanne Slotnik
(Information)
6. 10:00 a.m. 2015 Council Calendar Follow-up. Ray Wahl
(Action) John Lund
7. 10:15 a.m. Rules for Final Action. Alison Adams-Perlac
(Tab 3 - Action)
8. 10:25 a.m. Sworn Statement for Closed Meetings. Alison Adams-Perlac
(Tab 4 - Action)
- 10:30 a.m. Break
9. 10:40 a.m. Standing Committee on Technology – Strategic and
Tactical Plans. Judge John Pearce
(Tab 5 - Action) Ron Bowmaster
10. 11:00 a.m. Approval for Proposed Problem-Solving Court Judge Royal Hansen
Project – Third and Fourth District Court's Peyton Smith
Veterans Courts. Judge Samuel McVey
(Tab 6 - Action) Shane Bahr

11. 11:15 a.m. Board of District Court Judges Update. Judge Derek Pullan
(Information) Debra Moore
- 11:35 a.m. Council Photo
- 11:50 a.m. Lunch
12. 12:20 p.m. Judicial Outreach Committee Update. Judge Elizabeth Hruby-Mills
(Tab 7 - Information) Nancy Volmer
13. 12:40 p.m. Commissioner Workgroup Report. Judge Brent West
(Tab 8 - Action) Debra Moore
14. 12:10 p.m. Executive Session
15. 1:00 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 Appointment Nancy Sylvester
(Tab 9)
2. Rules for Public Comment Alison Adams-Perlac
(Tab 10)

TAB 1

JUDICIAL COUNCIL MEETING

Minutes

Monday, October 27, 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. Marvin Bagley
Hon. Ann Boyden
Hon. James Davis
Hon. Glen Dawson
Hon. Thomas Higbee
Hon. David Marx
Hon. David Mortensen
Hon. Reed Parkin
Hon. John Sandberg
Hon. Randall Skanchy
Rob Rice, esq. for John Lund, esq.

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Debra Moore
Rick Schwermer
Tim Shea
Alison Adams-Perlac
Liz Knight
Nancy Sylvester
Nancy Volmer

GUESTS:

Judge Marsha Thomas
Ron Gordon

EXCUSED:

John Lund, esq.

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

Chief Justice Durrant welcomed everyone to the meeting. A special welcome was extended to the new Council members: 1) Judge Ann Boyden, and 2) Judge Marvin Bagley.

Motion: Judge Higbee moved to approve the minutes from the September 9, 2014 Judicial Council meeting. Judge Hornak seconded the motion, and it passed unanimously.

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

Chief Justice Durrant administered the oath of office to the new members to include: 1) Judge Marvin Bagley, and 2) Judge Ann Boyden.

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

Chief Justice Durrant reported on the following items:

Chief Justice Durrant, Mr. Becker, Mr. Wahl, and Mr. Schwermer will be meeting with the Governor tomorrow afternoon to discuss various court matters.

Chief Justice Durrant and Mr. Ray Wahl will be attending a PEW Conference in San Diego, November 17-19.

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

Mr. Becker reported on the following items:

Elected Offices and Judicial Compensation Commission. The Commission met on October 9. The Commission has received information from the courts and from the National Center for State Courts (NCSC) relative to judicial compensation. The Commission is considering a target amount rather than a specific percentage increase. Final action on any proposed recommendations will be taken at their October 30 meeting.

Meeting with the Governor. Chief Justice Durrant, Mr. Becker, Mr. Wahl, and Mr. Schwermer will meet with the Governor on October 28 to discuss the following items: 1) the importance of treatment services and how they can be enhanced, 2) the Justice Reinvestment Initiative, 3) judicial compensation, and 4) the courts 2016 budget requests.

FY 2015 – First Quarter Case Filing Review. Mr. Becker highlighted the following case filing data for district court: 1) criminal, 9% increase; 2) felony, 10% increase; 3) domestic, 2% decrease; 4) general civil, 11% increase; 5) probate, 0% change; 6) property rights, 6% decrease; 7) tort, 14% decrease; 8) traffic, 10% increase; and 9) district court overall, 2% increase.

He highlighted the following referral data for juvenile court: 1) juvenile court overall, 1% decrease; 2) felony, 6% increase; 3) misdemeanor, 8% decrease; 4) infraction, 48% decrease; 5) child welfare proceedings, 14% increase; 6) termination of parental rights, 2% increase; and 7) voluntary relinquishment, 25% increase.

E-Filing Update. Mr. Becker mentioned that the last phase of mandatory e-filing of criminal cases is the requirement for criminal informations, effective January 1, 2015. Filing of the criminal information, on a voluntary basis, went live three weeks ago.

New Council Member Orientation. An orientation was held with new members of the Council prior to today's meeting.

Council Norms. A copy of the Council norms was distributed to members of the Council.

JPEC Update. Mr. Schwermer provided an update of the October JPEC meeting. He highlighted the following in his update: 1) evaluation reports are to be published three months after the April 15 filing date (by July 15), 2) no JPEC legislation has been proposed, 3) future public relations efforts, 4) \$25,000 received from the Lieutenant Governor to use for public relations efforts this election cycle, 5) receipt of \$200 for sponsored social media, and 6) use of a public service ad, prior to the upcoming election, that was developed for use in Georgia.

Mr. Schwermer previewed video footage of the ad being used in Utah.

Discussion took place.

5. **COMMITTEE REPORTS:**

Management Committee Report:

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

Liaison Committee Report:

No meeting was held in October.

Policy and Planning Meeting:

Judge Dawson reported on the following items: 1) amended rule 1-205 relative to the Model Utah Jury Instructions Committees which is on the agenda later for final approval, 2) amended Rule 4-510.03 relative to qualifications of ADR providers which is on the agenda later for final approval, and 3) amended Rule 3-111 relative to performance evaluation of senior judges and court commissioners which is on the consent calendar.

Bar Commission Report:

Mr. Rice reported on the following items: 1) the Pro Bono Commission has signed a contract with a provider to help in the implementation process of matching unrepresented parties with pro bono volunteers, and to help with the modest means program matching as well, and 2) held their last meeting at the University of Utah Law School and toured the new law school building, which is under construction.

6. GAL OVERSIGHT COMMITTEE UPDATE: (Liz Knight)

Chief Justice Durrant welcomed Ms. Knight to the meeting.

Ms. Knight highlighted the following performance measures in her update to the Council: 1) in FY14, GAL attorneys had on average 142 children on their caseloads – down from 160; 2) an additional \$300,000 was funded by the Legislature to increase attorney salaries in the GAL; 3) in FY 14, 50% of children attended and participated in their court hearings; 4) in FY14, the Office of GAL participated in 116 appeals on behalf of their clients; 5) in FY14, the Office of GAL attorneys engaged in 50,184 activities in order to complete independent investigations on behalf of the 11,463 children represented; 6) in FY14, 770 Court Appointed Special Advocates (CASAs) served 1,422 children and donated 34,588 volunteer hours; 7) 130 private GAL attorneys with coordination provided by the private guardian ad litem coordinator; 8) implementation of CJA R4-906(8)(G) in November 2014 requiring Private Guardian ad Litem attorneys to obtain an additional three hours of training per year in order to stay certified; and 9) the GAL celebrated their 20th anniversary in September.

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

Chief Justice Durrant reviewed the proposed 2015 Council committee appointments. He recommended the appointment of Judge Marvin Bagley and Judge Ann Boyden to serve as members of the Policy and Planning Committee.

Motion: Judge Skanchy moved to approve the Council committee appointments as proposed by Chief Justice Durrant. Judge Sandberg seconded the motion, and it passed unanimously.

8. 2015 COUNCIL CALENDAR APPROVAL: (Ray Wahl)

Mr. Wahl reviewed the proposed 2015 Council calendar. He highlighted the following relative to the 2015 Judicial Council meeting dates: 1) March meeting to be held in St. George in conjunction with the Utah State Bar's Spring Conference, 2) change in date for the May meeting due to the Memorial Day holiday, 3) August meeting being held in conjunction with the Council's budget and planning session, 4) September meeting being held in conjunction with the Annual Judicial Conference, and 5) consideration of holding the July meeting on July 13 at the

new Ogden Juvenile Courthouse or in Sun Valley, Idaho in conjunction with the Utah State Bar's Summer Conference.

Mr. Wahl compared expenses incurred with travel to the July 2014 Council meeting in Snowmass, CO to the lodging room rates in Sun Valley, ID, as well as, other expense details relative to traveling to Sun Valley, ID.

Attendance at the Utah State Bar's Summer Conference since 2002 was referenced, noting a decline in attendance since 2007.

Discussion took place. The Council agreed to defer approval of the July 2015 meeting date and location to the November meeting to allow Mr. John Lund to be present and provide information on behalf of the State Bar, relative to the 2015 Bar Conference in Sun Valley.

Motion: Justice Parrish moved to approve the 2015 Council calendar as proposed, with the exception of the July 2015 meeting. Judge Sandberg seconded the motion, and it passed unanimously.

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

Mr. Schwermer provided a legislative update for the Council. He highlighted the following in his update: 1) health reform and the criminal justice population, 2) Medicaid expansion – update on Healthy Utah Plan, 3) domestic asset protection trusts, 4) penalty for traffic violation causing a death, 5) Interim Judiciary Committees with regard to minimum mandatory sentencing, 6) veteran's and military affairs, 7) Utah Veterans Court, and 8) development of a request for proposals to develop the curriculum for continuing education on federalism.

10. OPEN AND PUBLIC MEETING LAW ORIENTATION: (Alison Adams-Perlac)

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

Ms. Adams-Perlac provided the annual training to Council members on the Open and Public Meetings Act as required by Rule 2-103 and 2-104. She highlighted the following: 1) the key principles of the rule include—the Council meetings must be open unless they are closed in the proper way and for the proper reason, the requirements for an open meeting, and the intent to establish procedures consistent with the philosophy of the Utah Open and Public Meetings Act; 2) what a meeting is; 3) public notice must be given; 4) audio recording and minutes – what the minutes shall include and access to the meeting recording and minutes; 5) public access to the meeting; and 6) closed meetings – how the meetings are closed, reasons for closing a meeting, and limits on decisions made in a closed meeting.

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

The Policy and Planning Committee recommended the following rules for final action:

CJA 1-205 – Standing and ad hoc committees. This rule has been amended to make the Committee on Model Utah Civil Jury Instructions and the Committee on Model Utah Criminal Jury Instructions standing committees of the Judicial Council. It has been recommended that the rule be approved on an expedited basis, and if approved, would be effective immediately.

CJA 4-405 – Juror and witness fees and expenses. This rule has been amended to make an attorney issuing the subpoena responsible for reimbursing a civil witness for necessary and reasonable parking expenses as required by statute.

CJA 4-907 – Divorce education and divorce orientation courses. This rule has been amended to provide an option to take the divorce orientation course online, and it reflects changes to the fees for the course as required by statute.

CJA 4-510.03 – Qualification of ADR providers. This rule has been amended to correct an incorrect reference to another rule.

Motion: Judge Dawson moved to approve Rules CJA 1-205 (on an expedited basis), CJA 4-405, CJA 4-907, and CJA 4-510.03 as recommended by the Policy and Planning Committee. Judge Skanchy seconded the motion, and it passed unanimously.

12. STUDY ITEM CHARGE/MEMBERSHIP: (Daniel J. Becker)

Mr. Becker noted that the Council, at their September meeting, requested a charge, timetable and membership be developed by the AOC for approval at their October meeting. Mr. Becker reviewed the proposed committee charge, timetable and membership with members of the Management Committee to include the following: 1) committee charge – the committee is charged with conducting a thorough assessment of existing pre-trial release practices used in Utah's courts and determining if there are alternatives which should be considered, 2) the committee should complete their work and report their findings and recommendations to the Judicial Council at their November 2015 meeting, and 3) reviewed the recommended membership.

The proposed names included:

District Court judges: Judge Todd Shaughnessy to serve as the committee chair, and Judge James Brady

Juvenile Court judge: Judge Janice Frost

Justice Court Judges: Judge Brendan McCullagh, and Judge Andrea Lockwood

Prosecutor: David Brickey

Defense Attorney: Todd Utzinger

County Sheriff: Sheriff James Tracy

Member of the Senate: Senator Lyle Hillyard

Member of the House: Representative Eric Hutchings

Commission on Criminal and Juvenile Justice Staff: Jennifer Valencia

County Government: David Litvack, CJAC

Commercial Bail Agent: Gary Walton

Insurance Commission Representative: Deputy Commissioner Brett Barratt

AOC: Brent Johnson and Rick Schwermer

Mr. Becker noted that the members of the proposed committee have not been contacted yet. He requested that the Council delegate filling open slots, if any of the proposed members decline, to the Management Committee.

Motion: Judge Skanchy moved to approve the 2015 study committee charge, timetable and membership and delegate filling open slots to the Management Committee, if any of the proposed members decline. Judge Sandberg seconded the motion, and it passed unanimously.

13. RESOURCES FOR SELF-REPRESENTED PARTIES COMMITTEE UPDATE: (Judge Marsha Thomas)

Chief Justice Durrant welcomed Judge Thomas to the meeting.

Judge Thomas provided an update to the Council on the activities of the Resources for Self-Represented Parties Committee. She highlighted the following in her update: 1) a brief history of the committee, 2) where the committee is today, and 3) where they would like to go.

The original committee charge included: 1) provide leadership to identify needs of self-represented parties, 2) coordinate the resources to meet those needs, 3) assess available resources, 4) ensure court programs are integrated into statewide planning, 5) recommend measures for improving the legal system that serve self-represented parties, and 6) develop an action plan.

The Resources for Self-Represented Parties Committee created a survey to gather information relative to self-represented parties. A strategic plan was developed and presented to the Council in 2006 based upon the survey results to include the following goals: 1) ensure access to the legal system, 2) increase education of court users, 3) provide clarification to the court system, 4) increase efficiency and effectiveness of the court system, and 5) increase the understanding of court orders, once issued. The main principle of the strategic plan was to allow for equal availability of the court system to all parties.

The specific recommendations of the strategic plan included: 1) suggested creation of a self-help center, 2) development of clinic and resource availability, 3) information provided statewide by the law library, 4) form availability, 5) address potential rule changes, 6) support of unbundled legal services, and 7) support of low or no fee representation.

The strategic plan for the Resources for Self-Represented Parties Committee was revised in 2011 to include the following recommendations: 1) continuation of the self-help center to the entire state, 2) continuance of development of legal forms, 3) creation of instruction videos, 4) increased collaboration with the Online Court Assistance Program (OCAP) and the Utah State Bar, and 5) the study of alternative processes for self-represented parties.

Judge Thomas highlighted the following successes of the committee: 1) the Self-Help Center was funded statewide, 2) a forms committee was created, 3) videos on small claims and landlord tenant matters were created, 4) the unauthorized practice of law rule was changed to allow for clerical assistance in completing forms, and 5) a website redesign was completed.

The current needs the committee views as areas to address include: 1) referral to available legal services, 2) document assembly assistance or resolution help, 3) help for the non-English speakers, and 4) additional collaboration with the Utah State Bar's pro bono and modest means programs.

Judge Thomas noted that the Resources for Self-Represented Parties Committee plans to review the previous strategic plans and prepare a revised plan to present to the Council in the Spring of 2015.

Chief Justice Durrant thanked Judge Thomas for her update.

14. SUNSET OF JUSTICE COURT STANDARDS COMMITTEE: (Rick Schwemer)

Mr. Schwemer provided background information on the origin and original charge of the Justice Court Standards Committee. In recent years, fewer and fewer issues were brought before the committee, and the committee membership has not changed in the past eight years.

Mr. Schwemer mentioned that 27 counties with justice courts are up for recertification in January 2015.

The following was recommended relative to the existence of the Justice Court Standards Committee: 1) delete the rule pertaining to the Justice Court Standards Committee as a standing committee of the Judicial Council, 2) sunset the committee, and 3) proceed with justice court standards to be handled similarly to the process for approving justice court grants.

Discussion took place. Clarification was requested regarding the process for applying for recertification by a justice court. Mr. Schwermer provided clarification.

Motion: Judge Higbee moved to approve the recommendations as proposed by Mr. Schwermer relative to the Justice Court Standards Committee and allow the Management Committee to approve justice court recertification requests unless a matter of decertification comes before the Management Committee. At that time, the recommendation for decertification would be placed on the Judicial Council agenda for further action. Judge Sandberg seconded the motion, and it passed unanimously.

15. JUSTICE REINVESTMENT INITIATIVE: (Ron Gordon)

Chief Justice Durrant welcomed Mr. Gordon to the meeting.

Mr. Gordon reported on the draft Justice Reinvestment Initiative. He highlighted the following in his report: 1) summary takeaways relative to incarceration, offenders, supervision revocation, and projected prison population growth; 2) current policies under consideration projected to avert 97% growth; 3) sentencing subgroup recommendations; 4) release subgroup recommendations; 5) treatment and supervision subgroup recommendations; and 6) victim/survivor/advocate roundtable priorities.

Questions were asked of Mr. Gordon relative to the recommendations. Mr. Gordon provided responses.

Mr. Gordon noted that training would be provided to the appropriate state agencies if the recommendations are approved. The draft Justice Reinvestment Initiative Report will be presented to members of CCJJ on November 12 for their approval.

Upon approval of the recommendations, statutory changes would be drafted soon thereafter. A bill would be prepared late November, early December with Representative Eric Hutchings as the sponsor of the bill.

Mr. Gordon invited input from members of the judiciary through the CCJJ judicial representatives, before November 12, to include: 1) Mr. Dan Becker, 2) Judge Thomas Low, and 3) Judge Elizabeth Lindsley.

16. SENIOR JUDGE OPERATIONS BUDGET: (Ray Wahl)

Mr. Wahl highlighted the following in his update on the senior judge budget: 1) in FY 2014, \$226,900 was allocated to the senior judge account; 2) in FY 2014, \$338,642.79 was spent from the senior judge account; 3) noted the unique circumstances during FY 2014 that required additional spending from the senior judge account; 4) for FY 2015, the Council allocated \$167,000 to the senior judge account, as well as, an additional 23,000 from carry-forward funding; and 5) the miscalculation of the judicial operations budget authorized increase from \$500 to \$900 for the senior judge account.

Mr. Wahl reminded the Council of their approval, in April, to authorize a one-time spending increase of \$45,600 to increase the judicial operations budget from \$500 to \$900. Judges, senior judges, and commissioners are entitled to use of this funding by policy. The authorized one-time spending increase did not take into account the 27 active senior judges.

It was recommended that the Council approve an additional \$10,800 in one-time spending to cover potential spending from the judicial operations budget and that it be taken from the reserve authorized by the Council.

Motion: Judge Parkin moved to approve the recommendation for an additional \$10,800 in one-time spending, to be taken from the court's reserve, and it be placed in the judicial operations budget. Judge Skanchy seconded the motion, and it passed unanimously.

17. EXECUTIVE SESSION:

An executive session was not held at this time.

18. ADJOURN

The meeting was adjourned.

TAB 2

Management Committee Minutes

JUDICIAL COUNCIL MANAGEMENT COMMITTEE MINUTES

Wednesday, November 12th, 2014

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

MEMBERS PRESENT:

Hon. Kimberly Hornak, vice chair
Hon. James Davis
Hon. John Sandberg
Hon. Randall Skanchy

EXCUSED:

Chief Justice Matthew B. Durrant, Chair
Daniel J. Becker

GUESTS:

STAFF PRESENT:

Ray Wahl
Jody Gonzales
Debra Moore
Dawn Marie Rubio
Rick Schwermer
Tim Shea
Ron Bowmaster
Heather Mackenzie-Campbell
Dan Larsen
Nancy Sylvester

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

Judge Hornak welcomed everyone to the meeting. It was noted that Chief Justice Durrant and Mr. Becker were attending the Justice Reinvestment Initiative Press Conference. After reviewing the minutes, the following motion was made:

Motion: Judge Sandberg moved to approve the October 14 Management Committee meeting minutes. Judge Davis seconded the motion, and it passed unanimously.

2. ADMINISTRATOR'S REPORT: (Ray Wahl)

He reported on the following items:

Justice Reinvestment Initiative. A press conference will be held today, where the Governor and supporting entities will be accepting the recommendations proposed by the PEW Charitable Trust. Chief Justice Durrant and Mr. Becker will be present at the press conference.

FY 2015 – First Quarter Case Filing Review. Mr. Wahl highlighted the following case filing data for district court: 1) criminal, 9% increase; 2) felony, 10% increase; 3) domestic, 2% decrease; 4) general civil, 11% increase; 5) probate, 0% change; 6) property rights, 6% decrease, 7) tort, 14% decrease; 8) traffic, 10% increase; and 9) district court overall, 2% increase.

He highlighted the following referral data for juvenile court: 1) juvenile court overall, 1% decrease; 2) felony, 6% increase; 3) misdemeanor, 8% decrease; 4) child welfare proceedings, 14% increase; and 5) termination of parental rights, 2% increase.

Meeting with the Governor. Chief Justice Durrant, Mr. Becker, Mr. Wahl, and Mr. Schwermer met with the Governor on October 28 to discuss the following items: 1) the Governor's Healthy Utah Plan, 2) the Justice Reinvestment Initiative, 3) applicant pools for

judicial vacancies and judicial compensation may have on the pools, and 4) the courts 2016 budget requests.

Criminal E-Filing Update. Ms. Moore provided an update on e-filing of the criminal information. E-Filing of the criminal information has been in place, on a voluntary basis, since October 1. Approximately half of the current criminal e-filers are filing the criminal information voluntarily. The effective date for mandatory e-filing of the criminal information is slated for January 1, 2015.

Ms. Moore reported on Salt Lake County's current situation relative to filing of the criminal information. She highlighted the following relative to Salt Lake County: 1) court staff have met with Salt Lake County staff regarding e-filing of the criminal information, 2) court staff have offered opportunities to provide training for Salt Lake County staff, 3) Salt Lake County's intent for a PIMS interface to be designed by their IT department, and 4) continued email communication between the courts and Salt Lake County with regard to the matter of e-filing of the criminal information.

Currently Weber County and Tooele County are using the e-filing version of PIMS.

Discussion took place.

Utah/Idaho TCE Workshop. A workshop was held for trial court executives from the Utah and Idaho courts on November 5 and 6.

3. COMMITTEE APPOINTMENT: (Nancy Sylvester)

The Committee on Model Utah Civil Jury Instructions has a vacancy for a committee chair with the expiration of Mr. John Young's term. Ms. Juli Blanch has been recommended to fill the vacancy for a committee chair.

Motion: Judge Skanchy moved to approve the recommendation of Ms. Julie Blanch to fill the vacancy as the committee chair for the Committee on Model Utah Civil Jury Instructions and place it on the November Judicial Council consent calendar. Judge Sandberg seconded the motion, and it passed unanimously.

4. TOOELE COUNTY DISTRICT COURT – FINAL AUDIT: (Heather Mackenzie-Campbell)

Judge Hornak welcomed Ms. Mackenzie-Campbell to the meeting.

Ms. Mackenzie-Campbell highlighted the following in her final audit report of the Tooele County District Court: 1) records and accounting procedures from February 1, 2013 through January 31, 2014 were examined; 2) revenue and trust fund totals were noted; 3) recognized management and the clerical staff for implementing 10 effective procedures; 4) 14 of 27 observations were noted as significant weaknesses; and 5) all but one significant weakness have been addressed and an action plan in place

Motion: Judge Sandberg moved to accept the final report of the Third Judicial District, Tooele County District Court – Full Audit. Judge Skanchy seconded the motion, and it passed unanimously.

5. APPLICATION FOR PROPOSED PROBLEM-SOLVING COURT PROJECTS – THIRD AND FOURTH DISTRICT’S VETERANS COURTS: (Rick Schwermer)

Mr. Schwermer reported on the application for a Veterans Court in the Third District which was included with the Management Committee material. He noted that the Fourth District Court has a similar request, but their application has not been submitted yet.

Discussion took place. On behalf of the Management Committee, Judge Skanchy was designated to request the Third District application be amended relative to participation of specific stakeholders such as the prosecutor, defense attorney, the VA treatment access, and the matter of no open DUI charges.

Motion: Judge Skanchy moved to place the application for a Veterans Court in the Third District on the November Council agenda for consideration. If the application for a Veterans Court in the Fourth District Court has been received prior to the November Council meeting, it will be placed on the agenda for consideration as well. If not, the Fourth District application will be deferred to a later Council meeting. Judge Davis seconded the motion, and it passed unanimously.

6. STANDING COMMITTEE ON TECHNOLOGY – STRATEGIC AND TACTICAL PLANS: (Ron Bowmaster)

Judge Hornak welcomed Mr. Bowmaster to the meeting.

Mr. Bowmaster noted that the draft strategic and tactical plans of the Standing Committee on Technology are included in the material provided for the Management Committee’s review.

He mentioned that the tactical plan is included for information only. The strategic plan for the Standing Committee on Technology will be placed on the November Council agenda for approval. Mr. Bowmaster anticipates that the plan, upon approval by the Council, will be forwarded to the Policy and Planning Committee to address any potential rule changes.

Discussion took place. Mr. Bowmaster addressed concerns expressed relative to video conference support for all court levels.

The Management Committee was in agreement to place the strategic and tactical plans for the Standing Committee on Technology on the November Council agenda for approval.

7. COMMISSIONER WORKGROUP REPORT: (Debra Moore)

Ms. Moore provided background information on the work of the Commissioner Workgroup noting that they have met monthly since the group was formed and the charge was established.

Ms. Moore highlighted the following recommendations, noting the first two as the more significant recommendations: 1) establish a 10-day public comment period before the original hiring or reappointment of a commissioner; 2) adopt consistent procedures, in all judicial districts, regarding the use of contempt powers; 3) follow the example of the Third District in restructuring calendars to allow volunteer attorneys to appear at planned intervals; and 4) consideration given relative to the risk of burnout in commissioner’s job during the formal performance evaluation process.

The Commissioner Workgroup report and recommendations will be presented to the Council at their November meeting for approval.

8. **APPROVAL OF JUDICIAL COUNCIL AGENDA: (Judge Kimberly Hornak)**

Judge Hornak reviewed the proposed Council agenda for the November 24 Council meeting.

MOTION: Judge Skanchy moved to approve the Council agenda for the November 24 meeting. Judge Sandberg 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

November 7, 2014

Draft

Members Present

Marvin D. Bagley, Ann Boyden, Glen R. Dawson, John R. Lund, Reed S. Parkin

Excused

Thomas M. Higbee

Staff

Alison Adams-Perlac, Nancy Volmer

(1) Election of Chair

Ms. Adams-Perlac received nominations for a new chair. Judge Dawson moved to appoint Judge Parkin as the new chair. Mr. Lund seconded the motion and it passed unanimously.

(2) Approval of Minutes

Mr. Lund moved to approve the minutes of the October 3, 2014 meeting. Judge Dawson seconded the motion and it passed unanimously.

(3) Rules with Public Comment

The committee considered public comment to rules 3-104, 3-403, 4-402.02, and 4-403 of the Utah Code of Judicial Administration.

CJA 03-0104. Presiding judges. Amend. Outlines the final determination for purposes of a case under advisement.

The proposal received the following public comment: CJA 3-104: What needs to be clarified is whether the 60-day clock starts over after a hearing is held. If the clock starts over, once the parties submit the case for a decision, a judge can wait almost 2 months, then schedule a hearing for argument, and after argument, take the matter under advisement, restarting the clock for another 2 months.

Posted by Axel Trumbo October 4, 2014 08:27 PM

The committee discussed the comment. Judge Dawson moved to recommend the proposal, as written, to the Judicial Council. Judge Bagley seconded the motion and it passed unanimously.

CJA 03-0403. Judicial branch education. Amend. Requires new judges to attend the first orientation program held after they have taken the oath of office. Provides an exception if attendance is excused by the Management Committee based on good cause.

Although the proposal received no public comments, Judge Paul Maughan requested this his opinion be forwarded to the Judicial Council. He disagrees with the proposal and he thinks that requiring a new judge to take the orientation course within one year of taking office is appropriate.

Draft

Minutes of the Policy and Planning Committee

November 7, 2014

Page 2

The committee discussed the comment. Mr. Lund moved to recommend the proposal, as written, to the Judicial Council. Judge Boyden seconded the motion and it passed unanimously.

CJA 04-0402.02. Records classification. Amend. Makes actions to remove an individual from the National Instant Background Check System private. Makes Qualified Domestic Relations Orders private.

The proposal received no public comments. Judge Bagley moved to recommend the proposal, as written, to the Judicial Council. Mr. Lund seconded the motion and it passed unanimously. The proposal will go to the Judicial Council after public comment is closed on another change to the rule the committee is considering.

CJA 04-0403. Signature stamp use. Amend. Provides for a clerk's use of a judge's or commissioner's electronic signature when the clerk otherwise has permission under the rule to use the judge's or commissioner's signature stamp.

The proposal received the following public comment: Regarding CJA 04-0403. I think the clerk's signature or initials should be digital too, when the clerk signs underneath the judge's digital signature, because most courts are trying to go paperless, as we are.

Posted by Sharon Nez September 30, 2014 02:32 PM

The committee discussed the comment. Judge Boyden moved to recommend the proposal, as written, to the Judicial Council. Mr. Lund seconded the motion and it passed unanimously.

(4) Records Retention Policy

The committee discussed a change to the Court Records Retention Schedule that would require case under advisement forms to be retained for 6 years following the end of the term in which it was submitted. Mr. Lund recommended some clarifying language. Judge Dawson recommended the proposal, as amended, for public comment. Mr. Lund seconded the motion and it passed unanimously. The proposal will be published for comment along with other changes the committee previously recommended.

(5) Rule 1-205 – Standing and Ad Hoc Committees

The committee discussed the proposal on rule 1-205. Ms. Adams-Perlac stated that the Management Committee previously approved the reauthorization of the standing committees at issue, including the dates.

Mr. Lund moved to recommend the proposal, as written, for public comment. Judge Dawson seconded the motion and it passed unanimously. The proposal will be added to the Council's consent calendar along with another change the committee previously voted to recommend for public comment.

Draft

Minutes of the Policy and Planning Committee

November 7, 2014

Page 3

(6) Rule 4-202.07 – Appeals

Ms. Adams-Perlac presented a proposal to provide a process whereby both the Court Administrator and the Management Committee may receive legal advice from the Office of General Counsel when a denial of a request for court records has been appealed.

The committee discussed the proposal at length and determined that the proposal may create a conflict where none exists. The proposal failed to pass. Ms. Adams-Perlac will discuss the committee's concerns with the Management Committee.

(7) Rule 4-401.01 – Electronic Media Coverage of Court Proceedings

Ms. Adams-Perlac presented changes to the rule 4-401.01 proposal. Ms. Volmer provided background information. The committee determined that in lieu of revising the entire rule, it was inclined to go back to the original rule providing a presumption of electronic media coverage being allowed, since the factors would allow a judge to order against electronic media coverage under appropriate circumstances.

Ms. Adams-Perlac and Ms. Volmer discussed changes to the pool provisions. Ms. Volmer stated that she and Ms. Adams-Perlac planned to present the proposal to the media for its input, prior to public comment. They will meet with the media and will go over the proposal, but will not give out copies of the rule.

The committee agreed that the proposal should be presented to the media prior to the next meeting and that Ms. Adams-Perlac and Ms. Volmer should update the committee on the media's concerns and recommendations.

The committee tabled this item until the next meeting.

TAB 3



Administrative Office of the Courts

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

MEMORANDUM

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

To: Judicial Council
From: Alison Adams-Perlac *Alison Adams-Perlac*
Date: November 16, 2014
Re: Rules for Final Action

The public comment period for rules 3-104, 3-403, and 4-403 of the Utah Code of Judicial Administration has closed. The Policy and Planning Committee has approved these proposals and they are now ready for final action by the Judicial Council. If the Council approves the rules as recommended, they will effective May 1, 2015.

CJA 3-104. Presiding Judges. Amend. Defines final determination for purposes of a case under advisement.

The proposal received the following public comment:

CJA 3-104: What needs to be clarified is whether the 60-day clock starts over after a hearing is held. If the clock starts over, once the parties submit the case for a decision, a judge can wait almost 2 months, then schedule a hearing for argument, and after argument, take the matter under advisement, restarting the clock for another 2 months.

Posted by Axel Trumbo October 4, 2014 08:27 PM

The Committee considered the comment and voted to recommend the proposal found at lines 174 through 178, as written, to the Council.

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 / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3821 / Fax: 801-578-3843 / email: alisonap@utcourts.gov

CJA 3-403. Judicial branch education. Amend. Requires new judges to attend the first orientation program held after they have taken the oath of office. Provides an exception if attendance is excused by the Management Committee based on good cause.

Although the proposal received no public comments, Judge Paul Maughan requested that his opinion be forwarded to the Judicial Council. He disagrees with the proposal and he thinks that requiring a new judge to take the orientation course within one year of taking office is appropriate.

The Policy and Planning Committee considered Judge Maughan's concerns, and voted to recommend the proposal found at lines 48 through 51, as written, to the Council.

CJA 4-403. Signature stamp use. Rename and amend. Provides that a clerk may use a judge's or commissioner's electronic signature when the clerk otherwise has permission under the rule to use the signature stamp.

The proposal received the following public comment:

Regarding CJA 04-0403. I think the clerk's signature or initials should be digital too, when the clerk signs underneath the judge's digital signature, because most courts are trying to go paperless, as we are.

Posted by Sharon Nez September 30, 2014 02:32 PM

The Committee considered the comment and voted to recommend the rule, as written, to the Council.

Encl. CJA 3-104
 CJA 3-403
 CJA 4-403

Rule 3-104. Presiding judges.

Intent:

To establish the procedure for election, term of office, role, responsibilities and authority of presiding judges and associate presiding judges.

Applicability:

This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile Courts.

Statement of the Rule:

(1) Election and term of office.

(1)(A) Presiding judge. The presiding judge in multi-judge courts shall be elected by a majority vote of the judges of the court. The presiding judge's term of office shall be at least two years. A district, by majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the presiding officer of the Council to serve for two years.

(1)(B) Associate presiding judge.

(1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A).

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge or by the court.

(1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all

judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

(2) Court organization.

(2)(A) Court en banc.

(2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including all judges of the court and the court executive, to discuss and decide court business. The presiding judge has the discretion to excuse the attendance of the court executive from court en banc meetings called for the purpose of discussing the performance of the court executive. In single-judge courts, the judge shall meet with the court executive to discuss and decide court business.

(2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee shall preside.

(2)(A)(iii) Each court shall have a minimum of four meetings each year.

(2)(A)(iv) An agenda shall be circulated among the judges in advance of the meeting with a known method on how matters may be placed on the agenda.

(2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges may call additional meetings as necessary.

(2)(A)(vi) Minutes of each meeting shall be taken and preserved.

(2)(A)(vii) Other than judges and court executives, those attending the meeting shall be by court invitation only.

(2)(A)(viii) The issues on which judges should vote shall be left to the sound discretion and judgment of each court and the applicable sections of the Utah Constitution, statutes, and this Code.

(2)(B) Absence of presiding judge. When the presiding judge and the associate presiding judge, if any, are absent from the court, an acting presiding judge shall be appointed. The method of designating an acting presiding judge shall be at the discretion of the presiding judge. All parties that must necessarily be informed shall be notified of the judge acting as presiding judge.

(3) Administrative responsibilities and authority of presiding judge.

(3)(A)(i) Generally. The presiding judge is charged with the responsibility for the effective operation of the court. He or she is responsible for the implementation and enforcement of statutes, rules, policies and directives of the Council as they pertain to the administration of the courts, orders of the court en banc and supplementary rules. The presiding judge has the authority to delegate the performance of non-judicial duties to the court executive. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(A)(ii) Caseload. Unless the presiding judge determines it to be impractical, there is a presumption that the judicial caseload of the presiding judge shall be adjusted to provide the presiding judge sufficient time to devote to the management and administrative duties of the office. The extent of the caseload reduction shall be determined by each district.

(3)(A)(iii) Appeals. Any judge of the judicial district may ask the Chief Justice or Judicial Council to review any administrative decision made by the presiding judge of that district.

(3)(B) Coordination of judicial schedules.

(3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of judges and be responsible for an orderly plan of judicial absences from court duties.

81 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her
82 absence to the presiding judge consistent with Rule 3-103(4).

83 (3)(C) Court committees. The presiding judge shall, where appropriate,
84 make use of court committees composed of other judges and court personnel
85 to investigate problem areas, handle court business and report to the
86 presiding judge and/or the court en banc.

87 (3)(D) Outside agencies and the media.

88 (3)(D)(i) The presiding judge or court executive shall be available to meet
89 with outside agencies, such as the prosecuting attorney, the city attorney,
90 public defender, sheriff, police chief, bar association leaders, probation and
91 parole officers, county governmental officials, civic organizations and other
92 state agencies. The presiding judge shall be the primary representative of the
93 court.

94 (3)(D)(ii) Generally, the presiding judge or, at the discretion of the presiding
95 judge, the court executive shall represent the court and make statements to
96 the media on matters pertaining to the total court and provide general
97 information about the court and the law, and about court procedures, practices
98 and rulings where ethics permit.

99 (3)(E) Docket management and case and judge assignments.

100 (3)(E)(i) The presiding judge shall monitor the status of the dockets in the
101 court and implement improved methods and systems of managing dockets.

102 (3)(E)(ii) The presiding judge shall assign cases and judges in accordance
103 with supplemental court rules to provide for an equitable distribution of the
104 workload and the prompt disposition of cases.

105 (3)(E)(iii) Individual judges of the court shall convey needs for assistance to
106 the presiding judge. The presiding judge shall, through the Administrative

Office, request assistance of visiting judges or other appropriate resources when needed to handle the workload of the court.

(3)(E)(iv) The presiding judge shall discuss problems of delay with other judges and offer necessary assistance to expedite the disposition of cases.

(3)(F) Court executives.

(3)(F)(i) The presiding judge shall review the proposed appointment of the court executive made by the state court administrator and must concur in the appointment before it can be effected. The presiding judge shall obtain the approval of a majority of the judges in that jurisdiction prior to concurring in the appointment of a court executive.

(3)(F)(ii) The presiding judge for the respective court level and the state level administrator shall jointly develop an annual performance plan for the court executive.

(3)(F)(iii) Annually, the state level administrator shall consult with the presiding judge in the preparation of an evaluation of the court executive's performance for the previous year, also taking into account input from all judges in the district.

(3)(F)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive, including coordination of annual leave.

(3)(F)(v) Pursuant to Council policy and the direction of the state level administrator, the court executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects,

133 intergovernmental relations and other administrative responsibilities as
134 determined by the presiding judge and the state level administrator.

135 (3)(G) Courtrooms and facilities. The presiding judge shall direct the
136 assignment of courtrooms and facilities.

137 (3)(H) Recordkeeping. Consistently with Council policies, the court
138 executive, in consultation with the presiding judge, shall:

139 (3)(H)(i) coordinate the compilation of management and statistical
140 information necessary for the administration of the court;

141 (3)(H)(ii) establish policies and procedures and ensure that court personnel
142 are advised and aware of these policies;

143 (3)(H)(iii) approve proposals for automation within the court in compliance
144 with administrative rules.

145 (3)(I) Budgets. The court executive, in consultation with the presiding
146 judge, shall oversee the development of the budget for the court. In contact
147 sites, the court executive shall supervise the preparation and management of
148 the county budget for the court on an annual basis and in accordance with the
149 Utah Code.

150 (3)(J) Judicial officers. In the event that another judge or commissioner of
151 the court fails to comply with a reasonable administrative directive of the
152 presiding judge, interferes with the effective operation of the court, abuses his
153 or her judicial position, exhibits signs of impairment or violates the Code of
154 Judicial Conduct, the presiding judge may:

155 (3)(J)(i) Meet with and explain to the judge or commissioner the reasons for
156 the directive given or the position taken and consult with the judge or
157 commissioner.

158 (3)(J)(ii) Discuss the position with other judges and reevaluate the position.

(3)(J)(iii) Present the problem to the court en banc or a committee of judges for input.

(3)(J)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy, education or treatment.

(3)(J)(v) Reassign the judge or commissioner to a different location within the district or to a different case assignment.

(3)(J)(vi) Refer the problem to a the Judicial Council or to the Chief Justice.

(3)(J)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem to the Council or the Judicial Conduct Commission.

(3)(K) Cases under advisement.

(3)(K)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination. The final determination occurs when the judge resolves the pending issue by announcing the decision on the record or by issuing a written decision, regardless of whether the parties are required to subsequently submit for the judge's signature a final order memorializing the decision.

(3)(K)(ii) Once a month each judge shall submit a statement on a form to be provided by the Administrative Office notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(K)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate

185 state level administrator and indicate the reasons why the case or issue
186 continues to be held under advisement.

187 (3)(K)(iv) If a case or issue is held under advisement for an additional 30
188 days, the state level administrator shall report that fact to the Council.

189 (3)(L) Board of judges. The presiding judge shall serve as a liaison
190 between the court and the Board for the respective court level.

191 (3)(M) Supervision and evaluation of court commissioners. The presiding
192 judge is responsible for the development of a performance plan for the Court
193 Commissioner serving in that court and shall prepare an evaluation of the
194 Commissioner's performance on an annual basis. A copy of the performance
195 plan and evaluation shall be maintained in the official personnel file in the
196 Administrative Office.

Rule 3-403. Judicial branch education.

Intent:

To establish the Judicial Branch Education Committee's responsibility to develop and evaluate a comprehensive education program for all judges, commissioners and court staff.

To establish education standards for judges, commissioners and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule shall apply to all judges, commissioners and court staff, except seasonal employees and law clerks.

Statement of the Rule:

(1) Organization.

(1)(A) Judicial branch education committee. The Judicial Branch Education Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) Responsibilities of members. Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) Committee meetings.

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) Administration. Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) Standards for judges and court commissioners.

(3)(A)(i) Program requirements. All judges and court commissioners shall participate in a the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee ~~during their first year~~. All judges, court commissioners, active senior judges, and active senior justice court judges shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. Judges of courts

55 of record and court commissioners may attend a combination of approved
56 local, state, or national programs. Active and inactive senior judges and
57 retired judges may attend approved local or state programs and the annual
58 Utah Judicial Conference, but an inactive senior judge or retired judge must
59 pay all expenses.

60 (3)(A)(ii) Inactive senior judges and retired judges. If an inactive senior
61 judge or a retired judge applies to be an active senior judge, the judge shall
62 demonstrate that:

63 (3)(A)(ii)(a) less than three years has passed since he or she last complied
64 with the continuing education requirements of an active senior judge;

65 (3)(A)(ii)(b) he or she has complied with the MCLE requirements of the
66 Utah State Bar for at least three years before the application;

67 (3)(A)(ii)(c) he or she has attended 30 hours of approved judicial education
68 within one year before the application; or

69 (3)(A)(ii)(d) he or she has attended the new judge orientation for judges of
70 the courts of record within one year before the application. (3)(B)(i) Program
71 components. Education programs for judges and court commissioners shall
72 include: a mandatory new judge orientation program; a variety of programs
73 addressing substantive and procedural law topics, aimed at skill and
74 knowledge acquisition; and programs geared to professional and personal
75 development, to meet the continuing needs of judges and court
76 commissioners over the long term.

77 (3)(B)(ii) Annual conferences. Justice court judges and active senior justice
78 court judges shall attend the annual justice court conference unless excused
79 by the Management Committee for good cause. Because the annual judicial
80 conference represents the only opportunity for judges to meet and interact as
81 a group and to elect their representatives, judges, active senior judges and

82 court commissioners of the courts of record are strongly encouraged to attend
83 that conference.

84 (4) Standards for court staff.

85 (4)(A) State employees.

86 (4)(A)(i) Program requirements. All court staff employed by the state shall
87 complete 20 hours of approved coursework annually.

88 (4)(A)(ii) Program components. Education programs for court staff
89 employed by the state shall include: on-the-job orientation for new employees
90 as well as semi-annual Orientation Academies; skill development programs
91 that teach technical and job-related competencies; and enhancement
92 programs that promote personal and professional growth within the
93 organization.

94 (4)(B) Local government employees.

95 (4)(B)(i) Program requirements. All court staff employed by the justice
96 courts shall complete 10 hours of approved coursework annually. All other
97 court staff employed by local government shall complete 20 hours of approved
98 coursework annually.

99 (4)(B)(ii) Program components. Education programs for court staff
100 employed by local government shall include: annual training seminar; skill
101 development programs that teach technical and job-related competencies;
102 and enhancement programs that promote personal and professional growth.

103 (5) Reporting.

104 (5)(A) Judges, commissioners and court staff governed by these standards
105 shall report participation in education programs on a form developed by the
106 Committee.

107 (5)(B) For court staff, compliance with judicial branch education standards
108 shall be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

(6) Credit. Judicial education procedures shall include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) Funding.

(7)(A) Budget. In preparing its annual request for legislative appropriations, the Council shall receive and consider recommendations from the Committee. The Committee's annual education plan shall be based upon the Council's actual budget allocation for judicial education.

(7)(B) In-state education programs. Judicial branch funds allocated to in-state judicial education shall first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) Out-of-state education programs. To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan shall include out-of-state education opportunities. The Committee shall approve national education providers and shall include in the education

136 procedures, criteria to be applied by the Administrative Office to out-of-state
137 education requests. Criteria shall include relevance to the attendee's current
138 assignment and attendance at in-state programs. Disagreement with a
139 decision to deny an out-of-state education request may be reviewed by a
140 quorum of the Committee at the applicant's request.

141 (7)(D) Tuition, fees, and travel. The Committee shall develop policies and
142 procedures for paying tuition, fees, per diem, and travel for approved
143 programs. State funds cannot be used to pay for discretionary social activities,
144 recreation, or spouse participation. The Committee may set financial limits on
145 reimbursement for attendance at elective programs, with the individual
146 participant personally making up the difference in cost when the cost exceeds
147 program guidelines.

1 **Rule 4-403. Electronic signature and Ssignature stamp use.**

2 Intent:

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

5 Applicability:

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

7 Statement of the Rule:

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

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

12 (1)(B) bench warrants;

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

15 (1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP
16 4(b);

17 (1)(E) orders to show cause;

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

19 (1)(G) summons;

20 (1)(H) supplemental procedure orders;

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

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

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

26 (2) When a clerk is authorized to use a judge's or commissioner's
27 electronic signature or signature stamp as provided in paragraph (1), the clerk

shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

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

TAB 4



Administrative Office of the Courts

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

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

Sworn Statement under Rule 2-103(5)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

I, Justice Matthew B. Durrant, state as follows:

1. On _____ (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:
 - ☐ the character, competence, or physical or mental health of an individual;
 - ☐ the deployment of security personnel, devices, or systems.
2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting

I swear and affirm that the statements made in this document are true.

Date

Justice Matthew B. Durrant
Chair, Utah Judicial Council

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 / 801-578-3806 / Fax: 801-578-3843

Rule 2-103. Open and closed meetings.

Intent:

To establish the Council's responsibility for providing public notice of its meetings and to ensure the opportunity for public attendance at Council meetings.

To establish procedures consistent with the philosophy of the Utah Open and Public Meetings Act.

To provide the Council with sufficient flexibility to close meetings when discussing matters of a sensitive nature.

Applicability:

This rule shall apply to all meetings of the Council.

Statement of the Rule:

(1) Definitions. As used in this rule "meeting" means the gathering of a quorum of the Council, whether in person or by means of electronic communication, for the purpose of discussing or acting upon any matter over which the Council has jurisdiction, but does not include a chance or social meeting of Council members.

(2) Public notice of meetings.

(2)(A) After the Council has set its annual meeting schedule, the administrative office of the courts shall publish on the court's website and on the Utah Public Notice Website the date, time and place of the meetings. At least 24 hours before each meeting, the administrative office of the courts shall post on the websites the meeting agenda and notify at least one newspaper of general circulation within the state of the postings. The administrative office of the courts shall notify a media agency of the postings by email upon request for routine notice. The Council may address a matter not on the meeting agenda but will take no final action on the matter.

(2)(B) When, due to unforeseen circumstances, it is necessary for the Council to consider matters of an urgent nature, the requirement of public notice may be suspended and the best notice practicable given. No such meeting of the Council shall be held unless:

(2)(B)(i) an attempt has been made to notify all members;

(2)(B)(ii) at least a quorum is present; and

(2)(B)(iii) a majority of those present vote to hold the meeting.

(3) Open meetings. Meetings of the Council are open to the public unless closed as provided in this rule.

(4) Reasons for closed meetings.

A closed meeting of the Council may be held for discussions regarding any of the following:

(4)(A) the character, professional competence, or physical or mental health of an individual;

(4)(B) collective bargaining or litigation;

(4)(C) the purchase, exchange or lease of real property if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the Council from completing the transaction on the best possible terms;

(4)(D) the sale of real property if:

(4)(D)(i) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the Council from completing the transaction on the best possible terms;

(4)(D)(ii) the Council has previously given public notice that the property would be offered for sale; and

(4)(D)(iii) the terms of the sale are publicly disclosed before the Council approves the sale;

(4)(E) deployment of security personnel or devices;

(4)(F) allegations of criminal misconduct; or

(4)(G) consideration of a private, protected, sealed, juvenile court social or juvenile court legal record as defined in Rule 4-202.02.

(5) Procedure for closing a meeting.

(5)(A) A closed meeting may be held only upon the affirmative vote of two-thirds of the members present at an open meeting for which public notice is given, provided a quorum is present.

(5)(B) The recording and minutes otherwise required by Rule 2-104 shall not be made if a meeting is closed to discuss the character, competence, or physical or mental health of an individual or to discuss the deployment of security personnel or devices. The presiding officer shall sign a sworn statement, which is a public record, affirming that the sole purpose for closing the meeting is to discuss the character, competence, or physical or mental health of an individual or the deployment of security personnel, devices, or systems.

(6) Limit on actions at a closed meeting. No contract, appointment, rule or resolution may be approved at a closed meeting. A contract, appointment, rule or resolution approved at an open meeting may be based upon discussions had at a closed meeting.

(7) Limit on discussions outside of closed meeting. No one who attends a closed meeting may disclose information discussed or materials distributed outside of the closed meeting except with

(A) others who participated in the closed meeting, and

(B) a member of the Judicial Council.

(8) Right of removal. All or any part of an open meeting may be recorded by any person in attendance, provided the recording does not interfere with the conduct of the meeting. The Council may order the removal of any person who disrupts a meeting.

(9) The administrative office of the courts shall annually train the members of the Council on the requirements of this rule and of Rule 2-104.

TAB 5

Utah Court of Appeals

John A. Pearce
Judge

450 South State Street, Fifth Floor
P.O. Box 140230
Salt Lake City, Utah 84114-0230
(801)-578-3950
FAX (801)-238-7981

October 13, 2014

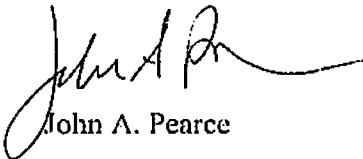
Chief Justice Matthew B. Durrant
Utah State Courts
450 South State Street
Salt Lake City, UT 84111

RE: Standing Committee on Technology; 2014 Strategic Plan

Dear Chief Justice Durrant:

This year, the Standing Committee on Technology has dedicated time and effort to updating and revising its strategic plan. At its October 8, 2014 meeting, the Committee voted to forward the 2014 Strategic Plan to the Judicial Council for its review. I am attaching a copy of the Plan. Ron Bowmaster and I would welcome the opportunity to answer any questions that the Judicial Council or Management Committee might have.

Best Regards,



John A. Pearce

Chair, Standing Committee on Technology

cc: Ron Bowmaster

encl.



Utah State Courts

Judicial Council
Standing Committee on Technology

Draft
2014 Strategic Plan

October 8, 2014

**2014 TECHNOLOGY COMMITTEE
STRATEGIC PLAN**

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2014 TECHNOLOGY COMMITTEE STRATEGIC PLAN

EXECUTIVE SUMMARY

The Technology Committee's 2007 Strategic Plan concluded that the Utah courts were too dependent on paper. Since that time, the plan has served to guide the conversion from a paper record to an electronic court record system. The 2014 Strategic Plan recognizes that the courts have come a long way from the paper based system of 2007. Today, 78% of all cases are initiated electronically, 77% of all documents are submitted electronically, and 97% of all civil documents are filed electronically. Electronic filings account for 80% of all new cases in the District courts and 94% of all cases initiated in the Justice Courts. Approximately 36% of all collections are paid by credit card. The court's record systems are paperless. The Juvenile Court has completed its two year plan to create a paperless environment.

This paperless environment has fundamentally changed the way the court conducts its many business functions. The 2014 Strategic Plan underscores this fundamental change. Utah's court system is now viewed as a single statewide system. It has deployed voice, data, and video over its wide area network. It has created a statewide virtual courthouse allowing judges, staff, attorneys, and the public to conduct business regardless of time or geographic location.

The 2014 strategic planning process revealed several themes that seek to maximize the opportunities created by the adoption of an electronic record. These themes can be described as:

- **Enhancements** – as court staff and judges work with the electronic record, it is not surprising that a myriad of recommendations for enhancements to current processes dominate the description of the future court system.
- **Uniformity** – since time and geography no longer deter the delivery of court services, the plan recognizes that individual courthouse and historical practices limit the ability to deliver common services throughout the state.¹ Because Utah's computing applications require a unique password for each of its systems, there was a strong sentiment among the interview groups for more uniform design, access, presentation and backend systems. Finally, the focus groups expressed a desire for uniformity among the court's physical structures including courtroom and hearing room technology.
- **Organization** – the 2008 Comprehensive Clerical Restructuring focused clerical resources on judicial teams. Subsequent experiments among districts have demonstrated that these teams can be more effective when the work is moved from one location to a location where staffing resources are located, or where cases could be processed by case type or staff expertise, not by location.² Expanding the inter-operability of the court's computing systems with those of its exchange partners offers additional efficiencies.

¹ See: Committee on Remote Hearings and Services, Report to the Judicial Council, February 24, 2014.

² Ibid: See also: Front Counter Customer Service: Evolving with the Electronic Records Environment, Report to District Trial Court Executives, December 17, 2013.

- **Centralization** – existing efficiencies gained by centralizing heretofore distributed services is not lost in the future court system. Centralizing services based on case type, judicial intervention, case complexity, case triage, jury management, or routine services that continue to be performed locally would create additional efficiencies.
- **Accounting** –existing accounting services remains as one last remnant of the historical geographic allocation of work. The current accounting systems do not allow all courts to participate in statewide features³ nor do they incorporate automated banking services at a statewide level.

In addition to these general themes, the focus groups provided additional comments relative to the court's current jury management system, audio/video/data integration, and inter-operability between the court and its exchange partners. Although not a strategic policy, juvenile court judges observed that they need to stay abreast of the technology that the kids, not just the courts, are using.

As stated in the 2007 Strategic Plan, tactical initiatives should continue to capture information once - regardless of where it is authored - and make that information available to those who need it. Initiatives should reduce the cost of litigation through the management of time, events, resources, and/or people. Finally, Utah's computing systems should measure what the court wants to control:

- **Activity** – filings/events/dispositions
- **Inventory** – cases from all systems
- **Delay** – age of pending caseload
- **Scheduling accuracy** – changes to the scheduling system
- **Progression** – standards for events

Recommendations based on the general themes enumerated above appear later in this report and should guide the development of tactical initiatives. The Technology Committee identified four subject areas that the members felt deserved additional study. The Committee created four subcommittees charged with the responsibility to examine and develop recommendations to be considered as part of the strategic plan. These four groups included

- Accounting;
- Scheduling;
- Electronic records retention; and,
- Courtroom technology.

Recommendations from these four subcommittees are discussed in this report's recommendation section.

³ Contract court sites are a primary example of non-participation in statewide electronic court services.

SUBCOMMITTEE RECOMMENDATIONS

Accounting⁴

Strategic Initiatives:

- (1) Create a centralized accounting structure for receipting, deposit, disbursements, and reconciliation.*
- (2) Create a centralized juror payment system that is integrated with FINET.*
- (3) Create an electronic interpreters invoice system that is integrated with FINET.*

Historically, the court's accounting and banking systems were designed to be a localized function. Each court location can receipt cash or checks only to the cases within its jurisdiction. Following cash drawer reconciliation and the close of business day accounting procedures, each court must prepare a bank deposit slip and must transport that day's cash and checks to a local bank. The court's computing systems prepare reports that then allow the AOC Finance Division to reconcile statewide deposits against the deposits reported by the court's banking institution. Currently, the court maintains some 60 revenue and trust accounts. The court's accounting systems rely on paper documents.

The Accounting Subcommittee reviewed the court's current accounting practices in an effort to identify how the systems could be augmented to support a virtual, statewide accounting system while maintaining the integrity of its local records system. The subcommittee anticipates that a statewide deposit process could be developed and that checking transactions could be modified to produce a single statewide ACH deposit transaction. To that end, the subcommittee recommended new technology to capture bank routing information and new credit card scanners to replace those now installed on the court's point of sale terminals.⁵ The committee also recommends that the court's accounting systems be integrated with the state's FINET payment system to process payment for jurors, witnesses, and court interpreters.⁶

⁴ Subcommittee membership: Heather Mackenzie-Campbell, Chris Davies, Kim Allard, Brian Ross, Derek Byrne, and Ron Bowmaster.

⁵ The court's current credit card scanners will become obsolete with the credit card industry's shift to EMV payment standards effective October 1, 2015. This means that the party, either the issuer or merchant who does not support EMV, assumes liability for counterfeit card transactions.

⁶ The Accounting Subcommittee's recommendations can be found in the 2014 Tactical Plan.

Scheduling⁷

Strategic Initiatives:

- (1) Create a scheduling system that records completed actions and generates future actions for a case.*
- (2) Integrate a court's master calendar with the calendar of individual judges or hearing types.*
- (3) Create a single view of court calendars that can be accessed by multiple applications and devices.*
- (4) Publish calendar information to minimize scheduling conflicts.*
- (5) Manage case progression by actively monitoring future and overdue actions to take corrective action.*

Scheduling court events is a complex process. The Scheduling Subcommittee reviewed current scheduling practices as they are applied to arraignments, citations, criminal appearances, and civil matters in the Justice and District Courts. Although all courts begin with a master calendar, the subcommittee found that there was no common scheduling practice across the courts. It found that the process was time and labor intensive, that it was prone to human error, and that there were multiple automated and shadow calendars being maintained by court personnel. The advent of electronic filing of citations, civil documents, and criminal complaints has resulted in automated calendaring in some courts that is not known to or available in other courts.

Utah's docket is a record of concluded case events. As such, the docket is never anticipatory.

Utah's efforts relating to case management and the measurement of case progression time standards should be supported by an augmented scheduling system. Those enhancements should include the ability to schedule meaningful events and deadlines, and monitor those events throughout the life of a case. Such a case scheduling system is based on past and current events, future scheduled events, completed events, and overdue events. The system should track these activities based on a flexible case progression schedule that is known to all parties. The Subcommittee recommends a review of the filing events and timelines specified by rule. From this review, events and future events should be scheduled in compliance with those rules. The case docket should be modified to not only display past events, but to display future events as well.

Calendaring hearings twice a day requires court patrons, law enforcement, and litigants to appear and wait until their case is called. This contributes to the cost of litigation and takes law enforcement off the street for an extended period of time. Notification requires hearings to be scheduled far into the future and introduces delay in the proceedings. In-custody notices generally introduce a 24 hour delay between the receipt of the notice by the court and the scheduled appearance. Procedures for failure to appear introduce additional delay to allow for notice before a warrant is issued and the process relies on clerk intervention to initiate the procedures.

The Subcommittee recommends further review of the courts calendaring systems to consolidate the presentation of court schedules through a single technology, one that will allow individuals access to their calendar from any device. Translating information from the master calendar to individual judicial or courtroom calendars should be automated. The information systems of the court and jail facilities could

⁷ Subcommittee membership: Judge Matthew Funk, Shane Bahr, Debra Moore, Daniel Larsen, Tammy Shelton, Mandy Acevedo and Ron Bowmanster.

be better integrated to allow for timelier prisoner transport, transport orders, or video appearances. Court calendars could be made available over the Internet to allow parties to schedule their appearances. Finally, the subcommittee believes that an augmented calendaring system that records both past and future events could be used to support case management.⁸

Electronic document retention:⁹

Strategic Initiatives:

- (1) Create an automated document management system that permanently retains critical documents and deletes non-critical documents after a specified period of time.*
- (2) Establish a document retention schedule that ensures the availability of documents that are critical to the process of the court.*

It is well settled by rule that the court's docket, albeit bound or electronic, is classified as a permanent record. A reading of the current rules governing document retention¹⁰ reveals that the permanent classification of the record does not extend to documents filed in a case. A further reading reveals that the current rule was written to manage paper documents. The rule guides the destruction of paper documents after a specified period of time. A common practice was to store documents that could be destroyed on the left side of the file jacket, those to be retained on the right. The case file would be moved from storage room to storage room and eventually to Utah State Archives. Compliance with document retention rules was generally regarded as the management of space rather than management of the case.

Storage requirements changed with the advent of the electronic record. Since there is no longer a physical file to be destroyed or archived, the electronic record creates the opportunity to retain documents as a permanent record using the same technology now used to store case history. The Document Retention Subcommittee felt that the retention rule should be revised in response to the adoption of the electronic record. To that end, the Subcommittee recommends removing time from the document retention schedule and to manage document retention by including documents critical to a case as permanent records.

The objective of the records retention schedule is to maintain convenient access to the documents of the case and to the case history as necessary to the activity in the case. The policy should establish the requirements for permanent document retention and guide the destruction of non-permanent records.

The subcommittee discussed at length the implications of basing document retention on court procedure, especially as it relates to the permanent retention of documents. The subcommittee's

⁸The Scheduling Subcommittee's recommendations can be found in the 2014 Tactical Plan.

⁹ Subcommittee membership: Judge John Pearce, Tim Shea, Brent Johnson, Lori Woffiden, Peyton Smith, Travis Erickson, Kim Allard, and Ron Bowmaster

¹⁰ Rule 4-203, UeJA and Appendix F govern document retention.

discussion focused on the identification of “critical” documents by case type. These “critical” documents should be retained as permanent records.

The subcommittee reviewed court documents to identify “critical” documents that should be permanently retained. The subcommittee agreed to forward a proposed rule to the full Technology Committee.¹¹ The subcommittee also recommends that the proposed rule change be distributed to the District, Juvenile, and Justice Court Boards as well as the Management Committee so that the proposal could be fully vetted prior to any rule change.

Courtroom technology:¹²

Strategic Initiatives:

- (1) Upgrade specified courtrooms with the ability to support remote hearings by video.*
- (2) Acquire video conference hardware and software to support HD video conferencing.*
- (3) Establish a procedure to schedule remote video conferences.¹³*

The fourth and final Subcommittee was charged with the responsibility to identify the type and cost of courtroom equipment necessary to support the implementation of the recommendations of the Committee on Remote Hearing and Services, published on February 24, 2014 and adopted by the Judicial Council.

That report identified services traditionally provided to the public at a court’s front counter that might be better provided through electronic communication. The study focused on 16 court sites with fewer than 1,000 district court case filings annually. To permit participants to attend hearings by contemporaneous transmission, the Remote Hearing and Services Committee recommended improving the video quality that would be available both internal and external to the court’s network. The Committee also recommended that courtrooms be configured with a standard courtroom video configuration.¹⁴ The Subcommittee on Remote Technology was asked to define this standard courtroom configuration.

Utah’s courts have been using video technology in the courtroom for several years. Based on the recommendation to improve video quality, the subcommittee reviewed “buy versus build” video systems from several vendors. Requirements that were reviewed included high definition cameras, enhanced video presentation, ease of use, and that the video could be viewed on multiple platforms.

In addition to the video technology, the subcommittee was tasked with developing a standard courtroom video configuration. The Remote Hearing and Services Committee report identified the

¹¹ The Records Retention Subcommittee’s full recommendation can be found in the 2014 Tactical Plan.

¹² Subcommittee membership: Judge Michael Westfall, Tim Shea, Rick Davis, Jymn Edwards, Alyn Lunceford, and Ron Bowmaster.

¹³ The courtroom upgrade and equipment installation must be completed by July 1, 2015.

¹⁴ See Appendix C of the Remote Hearings and Services Committee’s Report to the Judicial Council, February 24, 2014.

requirements for this standard. They included integration with the court's audio recording systems, that the courtroom must support a public display of the video, that the video must be controlled by the judge or clerk, and that there be multiple camera views of the courtroom, including views of the judge, the witness, the counsel, and the courtroom.

Because no two courts are the same, the subcommittee's standard courtroom configuration cost estimates will vary by location. The subcommittee estimates that the cost per courtroom could range from \$26,000.00 to \$32,000.00 depending on the hardware and system controls selected.

For the video signal, the subcommittee recommends video services offered by Vidyo. This is an Internet based dynamic video conferencing system that can be viewed from multiple platforms. The video conference system is licensed by the cost of the infrastructure and by the number of concurrent user participants. The cost to license the infrastructure is \$22,500.00 one time. There is an on-going maintenance cost of 9% of the cost of hardware and 18% of the cost for software. The infrastructure configuration would allow the courts to host 50 concurrent participants.

Participant licenses cost \$1,000.00 per line one time with an annual ongoing maintenance charge of \$180.00 per line. The participant licenses can be shared. The court currently has video licenses for 45 participants. The same number of participants under Vidyo would cost \$45,000.00 one time and \$8,100 annually. There is a high up-front cost, \$67,500.00 to adopt the Vidyo video system. The on-going cost breaks even with the cost of the court's current video system.¹⁵

¹⁵ The Courtroom Technology Subcommittee's full recommendations can be found in the 2014 Tactical Plan.

2007 STRATEGIC PLANNING PROCESS

In February 2007, the Judicial Council asked the Technology Committee to describe the current state of technology services and develop a strategic plan to achieve what the committee envisioned as the future state of technology in the Utah courts.

The Technology Committee found that the Utah courts were too dependent on paper exchanges for both filings and for notices to litigants and other agencies. It found that the juvenile and district court automated systems were really two very different systems that were designed from the court's internal point of view. Rather than rely on data entry, the Committee found that court systems needed to be better integrated internally and needed to be exposed to the court's exchange partners to facilitate electronic exchanges.

The Technology Committee concluded that technology should support the delivery of court services. To do that, the Committee recommended the creation of a "paperless" electronic court records system. The electronic court would directly support the reforms and create new opportunities for reform necessary to achieve the vision of the future Utah's court system.

To achieve these objectives, the Committee identified a number of tactical objectives that established a set of core computing services necessary to support an electronic court system. These core services were identified as:

- e-record A paperless form of record keeping.
- e-filing civil An electronic document for civil cases that is delivered to a court by electronic means.
- e-filing criminal An electronic document for criminal cases that is delivered to a court by electronic means.
- e-filing juvenile cases Electronic filing of juvenile case information.
- e-payments Allows justice, district and juvenile court users to pay for fines, fees, and other court related costs from the Internet.
- e-documents A digitally certified document that is created electronically either through e-filing or through scanning paper documents into an electronic form.
- e-warrants Allows law enforcement to electronically request and receive blood draw, search, GPS, cell phone, or drone warrants from judges.
- e-citations Allows an electronic citation from law enforcement to be submitted to the court.

- e-warrants juvenile Allows AG and DCFS workers to electronically request and receive child removal orders.
- e-transcripts An Internet service that allows an attorney to identify a court hearing and request a verbatim transcript be made from the court's digital recording.
- e-notice Notifies attorneys that are participating on a case electronically that an event has occurred on a case to which they are a party.
- e-service Except for primary service where documents are served in person, the system supports secondary service that notifies all parties on the case of additional documents that are submitted on that case.
- e-audio Reliance on digital recordings of court hearings as a record of proceedings and make that digital record available to attorneys and to the appellate process.
- e-access Enables the public to access case history and public documents online for a minimal fee through XChange for district and justice courts and MyCase for juvenile courts.
- e-orders Allows a judge to issue an order from within the juvenile and trial court system. The order is electronically generated, digitally signed, docketed to the case, and posted in the document repository.

2014 STRATEGIC PLANNING PROCESS

At its January 8, 2014 meeting, the Technology Committee observed that the adoption of the electronic record had drastically changed the landscape of Utah's court systems since the original Strategic Plan was adopted in April 2007.¹⁶ By rule, the Utah court mandated that all documents filed with the district court must be filed electronically.¹⁷ A new judge's in-chambers hearing management system was released in February 2013. The Juvenile Court adopted a two year plan to create a complete electronic record system by July 1, 2014. The integration of case and electronic document management was extended to the Justice

¹⁶ On July 1, 2011 the IT Division completed a three year project to convert 4.65 million cases from the case management systems of all Justice Courts to a single case management system. As of that date, the case management systems of all Utah courts are supported by the Utah Administrative Office of the Courts.

¹⁷ The mandate to electronically file all general civil and domestic relations cases was April 1, 2013. The mandate for probate cases was July 1, 2013. The mandate for all criminal filings except the Information was set as March 31, 2014. The mandate to electronically file the Information is January 1, 2015. The mandate to electronically file all citations was established by rule in 2012 and by the Utah Legislature in 2013.

Courts on February 13, 2014. Electronic document management was introduced in the Appellate Courts on October 17, 2013. The integration of appeals from the district and juvenile courts with the Appellate Courts system, coupled with electronic filing capability in the Appellate Courts, is expected to be completed in 2014. In addition to changes in its electronic records system, the Utah Courts completed a clerical restructuring in January 2009 in an effort to take advantage of the opportunities that the adoption of an electronic record provides. Finally, in November 2009, the IT Division began the process of replacing the court's analog phone system with Voice Over IP, thus converging voice, video, and data on the court's wide area network.

As a result of the changes that have been implemented throughout Utah's court system, the Technology Committee directed court staff to revisit the planning process and develop a new Strategic Plan. Given Utah's recent experience working with the electronic record, the Committee felt confident that the responses of court staff and judges would be very different today than the responses from when the court operated on paper records.

Beginning in January 2014, staff from the IT and Court Services Divisions conducted a series of interviews with court clerks, judges, and staff seeking their assessment of where we are today and where we need to be to meet the future needs of the court.¹⁸

The strategic objectives first identified in the 2007 Strategic Plan remain unchanged. The 2014 Strategic Plan incorporates these fundamental principles as a core element of any strategic plan. These principles are identified as follows:

- Capture information once, and make that information available to those who need it
- Provide access to the information now stored on the courts computing systems
- Ensure the equal treatment of all litigants
- Ensure timely disposition of cases consistent with the circumstances of the individual case
- Enhance the quality of the litigation process
- Promote the public's confidence in the court as an institution
- Reduce the cost of litigation¹⁹

Beginning in January 2014, the IT and Court Services Divisions conducted focus group interviews with the intention of capturing recommendations to be included in the strategic plan. These focus group comments are presented below, in no particular order of priority.

¹⁸ Interviews were conducted with the Boards of the Juvenile, District, and Justice Courts as well as the AOC administrative staff, Clerks of Court, Trial Court Executives, and the membership of the Technology Committee.

¹⁹ Technology Committee, Utah Court Strategic Plan, April 25, 2007



ENHANCEMENTS



Workspace

- Case listing on workspace should be sorted the same way as on the docket
- In Workspace, users would like to be able to search by name
- Link access to recordings from within workspace

Documents

- Add ability to highlight documents and make notes on them in a much less cumbersome way. It's still hard to make notes in Workspace. Notes don't line up with the report
- Hyperlinks within documents should work. Attorneys can be trained if the capability is there
- Identify document types by color code
- Number documents on the court docket to make identification easier
- Set some juvenile court motions up in OCAP so they can motion the court pro se
- Integrate documents with the in-court record

Workflow

- 
- Order should be electronically created by the judge and automatically be signed and filed
 - Issue documents through Workspace and make it paperless except for the copy (printed in courtroom) that is provided to litigants
 - Things that require a signature at the front counter or in court should be able to be signed electronically. Statement of defendant is one example
 - Electronically sign electronic plea agreements in court
 - Link supporting documents to the original motion (Make attorneys designate the original motion.)
 - Allow JSA to identify a document as approved as to form. Color coding based on judicial preference
 - Link associated documents in the case history – motions and supporting documents, electronic notifications
 - Make all CORIS documents part of the case history
 - Memorandums and exhibits should be properly linked in the docket
 - Court generated documents should be in the case history as documents
 - Make the name of both parties in the title of the case
 - Improve the address updating process to eliminate bad addresses
 - Access audio records from the bench. Link the audio player to the sound system so courtroom can hear discussion
 - Create electronic PC statements in cooperation with law enforcement and jail facilities
 - Automate case management triggers for enforcement of discovery reform
 - Force attorneys to efile Requests to Submit at the appropriate time with the appropriate information
- 



Electronic filing

- When people file multiple documents in a single filing, it creates confusion. Improve the workflow when multiple documents are filed
- The proposed order should come in with the request to submit
- Reduce the clutter on the docket by filtering the electronic descriptions
- Remove the repetition of the first word Order or Objection to Motion for, etc.
- More attorney training or control mechanisms or prompts for improving quality control of efilng
- More on-going training opportunities in electronic filing for attorneys

Protection orders

- Allow judges to create their own protective orders
- Carry forward information on temporary order to final order
- Retain information on protective order from pre-trial to sentencing to issue a new order without retyping the same information

Juvenile

- On short calendar would users like the names of the parent added

Public access

- Make the public access to the electronic record user friendly
- Create a mobile application for XChange access
- Explore opportunities to create mobile applications

UNIFORMITY

- Unify the technology into a single system. Existing systems are confusing. If everything could function from one system, usage would be straight forward
- Judges and staff want the same functionality at home as at work
- One password for everything – single sign-on for all court systems
- Retain a viable replacement schedule
- Reexamine the current 5 year policy
- Give judges a standard software suite in their courtrooms and chambers
- Add more technology in the courtroom much like the federal court. Note that the design of the courtroom doesn't lend itself to a projection screen the judge and jury can both see
- Create a basic spec sheet for equipment and software
- In XChange, background searches to look up names are dependent on how the name was entered. Add robustness to the search capability
- Courts should exchange information better with case transfers, protective orders, and appeals
- Standardize the technology for remote site interactions
- Standardize case numbers so there is a unique number for each case statewide
- Get all employees on the same operating system.
- Move to Microsoft Word from Word Perfect

- Maintain back office versioning control so that everyone have the same version of Windows, MS Office and/or WordPerfect
- Evaluate equipment distributed to personnel and courthouses (including WiFi)
- Assign building standards committee the responsibility to review existing courthouse and courtroom building standards and establish such standards as are necessary to serve the public and retain the court record

Courtrooms

- Standardize court room configurations and presentation capability
- Create a sound system upgrade schedule
- Create courtroom standards for contract and state sites
- Provide courtroom technology for counsel presentations
- Provide electronic check in for parties entering the courthouse
- Record attendance to ensure individuals are present for hearings
- Incorporate sound system, video display capability, connectivity for counsel, record retention, recording including microphones, teleconference capability, and integration into court room sound system
- Display calendar in public area rather than printing calendar daily

Current Technology

- eMail communications
- Calendaring – schedule meetings
- Digital recording – ITR – portable digital recorders
- Video teleconference – Viack
- Conference calls
- Scanning documents
- Video conference capability in every conference room
- Digital recorders
- Conference calling upgrade
- User guides for all conference rooms
- Keep Windows O/S and Office Suite versions current
- Install PDF/Form creators
- Install scanners at all Administrative Assistant's desks
- Have equipment available for remote work or work at home including keyboards with numeric keypads
- Multiple pc screens
- Printers – location and/or at desks
- iPads –

ORGANIZATION

- Make remote interpreters easier to set up and manage in the courtroom.
- Make access to CARE more universally available
- Provide limited login for pro tem judges.
- Automate appeals from the justice court to the district and juvenile court
- Establish virtual courthouse and services
- Create "IT for Dummies" to include instructions for accessing programs that are not often used
- Assign IT personnel to each district
- Option to notify people of court hearings via text
- Take advantage of Google features and train people to use it
- Intranet drive for Administrative Assistants – to access documents from various locations
- In-house class registration system for education department
- Better audio/video conference software
- Provide digital recording storage for meetings
- Create custom solutions for administrative assistants – web page, shared drive, etc.

CENTRALIZATION

- Investigate centralizing jury management
- Centralize or automate the distribution of requests for the audio system
- Centralize high volume cases statewide
- Centralize unique cases
- Integrate jury management

ACCOUNTING

- Make finance transactions electronic; doing electronic signatures on trust checks with verification. All accounting should be made electronic at a statewide level, rather than at the court location. Same number of cash drawers because of coverage changes. In Layton, for example, someone had to drive to Morgan to pick up a \$5.00 payment to deposit it at Zion's
- Juvenile court links credits to the financial documents and accounts
- Electronic approval process for invoices
- Integrate court finance records with FINET
- Accounting records should be electronic
- Allow Joint and Several restitution between the courts

AUDIO/VIDEO/DATA INTEGRATION

- Telephone systems in courtroom. There should be a conference call system in every courtroom.
- No conferencing over the speaker system
- Number of parties and cell phones limit the quality of the call
- Be able to show video on a large screen in the court room, make it more reliable, and make it appear like they are in the courtroom
- Improve the remote access for prison and jail parents
- Give more local control to managers handling VoIP
- Investigate ways to use the telephone to provide support across court locations
- Remote communications: improve the current video technology
- Phone system – consider video conferencing using VoIP

INTER-OPERABILITY

- Provide a link to UCJIS from within workspace. Use web service to look up defendant criminal history and driver record
- Agencies should communicate better with the courts
- APP payments should be applied to Joint and Several accounts
- Interface juror management with FINET for payments instead of doing dual data entry
- Automatic reporting to BCI and DLD for juvenile court

Respectively submitted:

Ron Bowmaster
Director, IT Division
Utah Administrative Office of the Courts



Utah State Courts

Judicial Council
Standing Committee on Technology

Draft
2014 Tactical Plan

October 8, 2014

**2014 TECHNOLOGY COMMITTEE
TACTICAL PLAN**

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2014 TECHNOLOGY COMMITTEE

TACTICAL PLAN

SUMMARY

The purpose of the Technology Committee's Strategic Plan is to reiterate the vision of what Utah's court system should be, and to identify the actions necessary to achieve that vision. The planning process includes research to determine where the court is today, development of the future vision, identification of the key strategic focus areas necessary to achieve the vision, and identification of outcomes and their measures.

Recommendations of the focus groups that participated in the strategic planning process were organized as themes within the 2014 Strategic Plan. These themes include enhancements, uniformity, organization, centralization, accounting, audio/video/data integration, and inter-operability with the court's exchange partners. The recommendations within each theme identify initiatives necessary to achieve the future vision of court operations. However, the Technology Committee identified four topics that should be addressed in a tactical plan.

A tactical plan serves to identify the activities required to achieve the objectives of a strategic plan. The 2014 Strategic Plan includes four primary initiatives. These strategic initiatives include:

Accounting strategic objectives:

- 1) *Create a centralized accounting structure for receipting, deposit, disbursements, and reconciliation.*
- 2) *Create a centralized juror payment system that is integrated with FINET.*
- 3) *Create an electronic interpreters invoice system that is integrated with FINET.*

Scheduling strategic objectives:

- 1) *Create a scheduling system that records completed actions and schedules future actions for a case.*
- 2) *Integrate a court's master calendar with the calendar of individual judges or hearing types.*
- 3) *Create a single view of court calendars that can be accessed by multiple applications and devices.*
- 4) *Publish calendar information to minimize scheduling conflicts.*
- 5) *Manage case progression by actively monitoring future and overdue actions to take corrective action.*

Electronic document retention strategic objectives:

- 1) *Create an automated document management system that permanently retains critical documents and deletes non-critical documents after a specified period of time.*
- 2) *Establish a document retention schedule that ensures the availability of documents that are critical to the process of the court.*

Courtroom technology strategic objectives:

- 1) *Upgrade specified courtrooms with the ability to support remote hearings by video.*
- 2) *Acquire video conference hardware and software to support HD video conferencing.*
- 3) *Establish a procedure to schedule remote video conferences.¹*

¹ The courtroom upgrade and equipment installation must be completed by July 1, 2015.

The 2014 Tactical Plan identifies the desired outcome of each of the four strategic objectives. If adopted, the sub-committee recommendations will guide the development of an implementation plan for each project.

ACCOUNTING OBJECTIVES:

Create a Statewide Accounting Structure

1.State Court “Clearinghouse” Bank Account. We recommend changing the court’s banking account structure to incorporate a “clearinghouse” account to deposit all court collections into regardless of the account type, revenue or trust, if legally viable.

This change would eliminate the “courts unique split deposit process,” and would allow the courts to recognize savings by reducing revenue and trust bank accounts to 2 rather than 60 and incorporate an automated routing of trust funds and state revenue collections to the respective bank accounts on the same date of deposit. Programming would be required to accommodate the change in structure, so:

- A court patron could make a payment on an AIS/CORIS/CARE case in any district or juvenile court location. The case accounting would reflect the payment and the amount receipted could be included in the receipting court’s deposit. Currently, clerks can only receipt to their jurisdiction.
 - The accounting trail would be maintained in the AIS/CORIS/CARE case management systems;
 - The court revenue would continue to be reconciled weekly from the AIS/CORIS/CARE/AOC case management/accounting system reports to the bank deposits;
 - The court trust funds would continue to be reconciled monthly from the case management system reports to the bank deposits;
 - Revenue to state treasurer would be transferred through ACH transfer based on AIS/CORIS/CARE reports and bank deposit data.
- 2.Digitizing checks tendered.** We recommend purchasing and implementing the use of MICR Readers, so each cashier can scan a check payment upon receipt (POP), which converts the check to an ACH transaction for deposit.

Alternatively, purchase and implement imaging software (BOC) to process the checks as an ACH deposit, which would be deposited directly into a central clearing house account.

These processes would:

- a. Require processing as checks are receipted

- b. Reduce the staff time required to prepare trust and revenue deposits
 - c. Bank deposits would still be required for coin and currency collections
 - d. These changes would not impact the audit trail.
3. **AIS/CORIS/CARE generated revenue and trust deposit slips.** We recommend programming AIS/CORIS/CARE to prepare the deposit slips for a journal/day. This programming would include functionality to make corrections before the journal Final Cutoff.
4. **Synchronized AIS/CORIS/CARE revenue and trust transactions with bank accounts.** We recommend synchronizing the AIS/CORIS/CARE journal transactions with the banking day and bank transactions to reduce data entry. The AIS/CORIS/CARE deposits can be automatically matched against the bank account deposits in an accounting module connected to AIS/CORIS/CARE. An exceptions report could be generated which goes directly to the submitting court for resolution.
5. **Electronic storage of AIS/CORIS/CARE accounting reports.** We recommend programming AIS/CORIS/CARE to allow the accountant role to enter balancing and review notes on accounting transaction reports and store the reports electronically for access by AOC Finance, management, and audit.
6. **AIS/CORIS/CARE Cash Count Forms.** We recommend programming AIS/CORIS/CARE Cash Count Forms to be completed, digitally signed, and stored electronically for access by AOC Finance, management, and audit. CARE Cash Count Forms can be re-generated, but also must be printed to be signed.
7. **Front counter credit card processing.** We recommend the procurement of credit card swipe machines and associated processing software that will accommodate card readers and chip technology (EMV terminals). We recommend locating the card readers at the front counter, so court patrons can slide their own cards.
8. **Jury System Interface with FINET Payables to pay jurors.** We recommend programming the Jury System to allow an in-court clerk to enter a juror's service days and mileage to calculate the payment amount. The Jury System would interface with FINET and populate Payables Input Screen. FINET interface requirements have been provided to IT.
9. **Interpreter Electronic Invoice Interface with FINET Payables to pay interpreters.** We recommend developing an internet based application to allow interpreters to fill out their time sheets online, which would calculate the payment amount. After the invoice is verified by a clerk, the Interpreter Electronic Invoice System would interface with FINET populating Payables Input Screen. FINET interface requirements have been provided to IT.
10. **Electronic receipt of Vendor Invoices for FINET processing.** We recommend uploading vendor invoices to the network for AOC Payables processing and approval. AOC Budget reports this change is in process.
11. **Law Library Receipting System.** We recommend programming AIS to automate the Law Library's receipt, deposit, and distribution of revenue collections.
12. **Centralized Receipting.** We recommend programming a receipting module that will update all case management accounting systems. With this module a clerk would be able to receipt

payments to all court levels and maintain only need one cash drawer and complete one Cash Count Form.

13. **Accounting for Restitution Payments Ordered Paid Joint and Severally.** We recommend programming CORIS, CARE, AP&P, and OSDC systems so entities are notified via email or the trust account receivable is automatically adjusted when one entity receives a restitution payment from a co-defendant. Per general counsel opinion, restitution ordered set up joint and severally must not be split among co-defendants without a judicial order. Payment by one co-defendant could be reflected as a credit/adjustment decrease on the other co-defendant(s) trust receivable.

SCHEDULING OBJECTIVES:

Case scheduling refers to the sequence of events and the time allotted necessary to complete each event.

Case scheduling is a component of case management and is based on events, completed events, future events, and overdue events. The system should track these activities based on a flexible case progression schedule.

The objective is to create a scheduling system that identifies and monitors future events based on actions filed in a case.

Case calendaring is the action setting the date and time for a case, petition, or motion to be heard by the court.

Calendaring triggers:

- **Request to Submit:** Calendar cases where litigates notify the court that all of the related memoranda have been filed or passed their due date and that the motion is ready to be decided.
- **Certificate of Readiness:** Calendar cases where litigates notify the court that the case is ready for trial.
- **Pretrial conference:** Calendar cases for trial or disposition.

CORIS Documents – next actions and due dates to be determined.

Doc Detail	Category	Entry text	Default title entry	Next action	Action due
	A	Answer	Answer		
B1	B	Request to Submit	Request to Submit		
C1	C	Complaint/Petition	Complaint		
C2	C	Complaint/Petition	Petition		
D1	D	Demand for Jury Trial	Demand for Jury Trial		
DDH	DD	Denied Dismissed Protective Order	Denied Dismissed Protective Order		
DN1	DN	ADR Disposition Notice	ADR Disposition Notice		
E1	E	Return	Return		
E2	E	Acceptance of Service	Acceptance of Service		
F1	F	Notice of Appeal, SC Jdmt	Notice of Appeal SC Jdmt		

FI1	FI	Findings of Fact/Conclusions of Law	Findings of Fact/Conclusions of Law		
FW	FW	Aff and App for Waiver of Fees	Affidavit and Application for Waiver of Court Fees		
GA1	GA	Annual Accounting - Probate	Annual Accounting - Probate		
GC1	GC	Accounting and Status - Probate	Accounting and Status - Probate		
	GF	Final Accounting - Probate	Final Accounting - Probate		
GI1	GI	Inventory - Probate	Inventory - Probate		
GS1	GS	Report on Status - Probate	Report on Status - Probate		
H1	H	Protective Order	Protective Order		
I1	I	Abstract of Judgment	Abstract of Judgment		
I10	I	Summons	Summons		
I11	I	Supplemental Order	Supplemental Order		
I12	I	Temporary Restraining Order	Temporary Restraining Order		
I13	I	Writ of Assistance	Writ of Assistance		
I14	I	Writ of Attachment	Writ of Attachment		
I15	I	Writ of Execution	Writ of Execution		
I16	I	Writ of Garnishment	Writ of Garnishment		
I17	I	Writ of Replevin	Writ of Replevin		
I18	I	Writ of Restitution	Writ of Restitution		
I19	I	Delinquent Notice	Delinquent Notice		
I2	I	Civil Bench Warrant	Civil Bench Warrant		

I3	I	Ex Parte	Ex Parte		
I4	I	Garnishee Order	Garnishee Order		
I5	I	Order of Restitution	Order of Restitution		
I6	I	Order to Show Cause	Order to Show Cause		
I7	I	Preliminary Injunction	Preliminary Injunction		
I8	I	Seizure of Property	Seizure of Property		
I9	I	Subpoena	Subpoena		
J1	J	Judgment	Judgment		
J2	J	Renewal of Judgment	Renewal of Judgment		
L1	L	Sm Claim Counter Affidavit	Sm Claim Counter Affidavit		
LA	LE	Letter of Appointment	Letter of Appointment		
M1	M	Sm Claim Affidavit	Sm Claim Affidavit		
MS1	MS	Military Ser Aff/Declaration	Military Ser Aff/Declaration		
N1	N	Notice of Appeal	Notice of Appeal		
NL1	NL	Notice of Limited Appearance	Notice of Limited Appearance		
O1	O	Order	\		
O2	O	Qualified Domestic Relations Order	Qualified Domestic Relations Order (QDRO)		
P1	P	Petition to Modify	Petition to Modify		
P2	P	Motion to Adjust Child Support	Motion to Adjust Child Support		
PV1	PV	Prob Progress/Violation Rep	Prob Progress/Violation Rep		

Q1	Q	Sentence Jdmt Commitment Order	Sentence Jdmt Commitment Order		
R1	R	Citation	Citation		
R10	R	Other	\		
R11	R	Bankruptcy	Bankruptcy		
R12	R	Return - Unserved	Return - Unserved		
R13	R	Non-public Information	Non-public Information		
R14	R	Child Support Worksheet	Child Support Worksheet		
R15	R	AFF Income Verification	Affidavit of Income Verification and Compliance with Uniform Child Support Guidelines		
R16	R	Separate Maintenance	Child Support Worksheet and Aff Income Verification		
R2	R	Victim Impact Statement	Victim Impact Statement		
R3	R	Financial Record	Financial Record		
R4	R	Psych/med Record	Psych/med Record		
R5	R	Financial Declaration	Financial Declaration		
R6	R	Vital Statistics Form	Vital Staustics Form		
R7	R	Pre Sentence Investigation Report	Pre Sentence Investigation Report		
R8	R	Custody and Home Study Evaluations	Custody and Home Study Evaluations		
R9	R	ADR/Mediation agreement	ADR/Mediation agreement		

S1	S	Crossclaim / Counterclaim	Crossclaim / Counterclaim		
SJ1	SJ	Satisfaction of Judgment	Satisfaction of Judgment		
SJ2	ST	Traffic School	Traffic School Certificate		
T1	T	Certificate of Readiness	Certificate of Readiness		
TR1	TR	Transcripts	Transcripts		
TS1	TS	Traffic School Certificate	Traffic School Certificate		
U1	U	Judgment Information Statement	Judgment Information Statement		
V1	V	Case Mgt Order/Discovery Plan	Case Mgt Order/Discovery Plan		
V11	V1	Discovery Dates Notice	Discovery Dates Notice		
V2	V2	2nd Discovery Dates Notice	2nd Discovery Dates Notice		
V3	V3	Notice of Pretrial Conference	Notice of Pretrial Conference		
W1	W	Writ	Writ		
X1	X	Motion	Motion		
X2	X	Application for Secrecy Order	Application for Secrecy Order		

Utah's Court Services Division has completed an exhaustive list of documents and the next action to be taken based on a filing. The Division's findings follow:

CIVIL CASES (debt collection, contract, administrative agency, _____; doesn't include eviction, civil commitment, civil stalking, _____)				
	Event	Next Action	Result	Statutory Reference/ Comment
Pre entry screening of filings --- See e-filing standards				
1.0 COMPLAINT and RETURN OF SERVICE				
1.1	Complaint filed and entered	Set tracking for service: 120 days	If no service in 120 days,	
1.2	10-day Summons entered	Set tracking for filing of complaint and return of service: 10 days		URCP 3(a)
1.3	Complaint filed subsequent to 10-day summons	Determine if complaint was filed within 10 time period.	Prompt clerk to initiate automated case dismissal process Automated case dismissal process	URCP 3(a)
1.3	20-day Summons entered			
1.3	Complaint filed			
1.4	Set tracking for filing of complaint: 10 days expired			
1	120 day tracking for entry of Return of Service reached	Prompt clerk to initiate automated case dismissal process	Automated case dismissal process Remove tracking for entry of Return of Service Enter dismissal (dismiss w/prejudice?) Send notice to parties.	URCP 4(b)(1)
2.0 RETURN OF SERVICE				
2	Return of Service entered	Review return of service; if 10 day, was Complaint filed within ___ days?		
2	Return on Service entered	Set tracking for Eligible for Default date (20 days if responding party has Utah address; 30 days if responding party has address outside of Utah)		
	Answer entered	Remove tracking for Eligible for Default Schedule date for hearing Notify parties		

	Request for Entry of Default Judgment entered	Remove tracking for Eligible for Entry of Default Judgment	Enter Default Judgment Enter case disposition	Need to reflect rules for amounts requiring judges signatures
	Eligible for Default date arrives	Determine if Request for Default Judgment has been entered If yes,	Enter Default Judgment Enter case disposition	
	Eligible for Default date arrives	If not, set tracking for Dismiss for No Activity (60 days)		Rule 4-103(1)
	Dismiss for No Activity	Notify Clerk		Rule 4-103(1)

3.0 ANSWER

3.1	Answer entered	Set tracking for filing of Case Management/Scheduling Order: 60 days (or local policy?) Set tracking for entry of Certificate of Readiness for Trial (330 days)		
3.2	60 days or local policy tracking for Case Management/Scheduling Order reached	Notify clerk	Set Scheduling Conference Send notice to parties Minutes from hearing will serve as Case Management/scheduling order	URCP 26(f)(1)
3.3	330 days tracking for Certificate of Readiness for Trial reached.	Notify clerk	Initiate Notice of Intent to Dismiss process. Send to all parties. OR Set case for OSC? Hearing.	
	Sample Completion Date Menu Needed			

	Notice of Intent to Dismiss process Prepares Notice of Intent to Dismiss Prompts for hold time Initiates tracking for hold time Notifies clerk if response is received and removes			
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hold time Notifies clerk when hold time expires			
<u>Automated case dismissal process</u>			

CRIMINAL CASES			
Action	Next Action	Result	Statutory Reference/ Comment
<u>Return of Service-Unserved Filed</u>	Notify clerk	Order to Show Cause for Failure to Prosecute OR Criminal Notices of Intent to Dismiss sent to prosecutor Case put on hold for response (days)	

Needed:

Event Trigger and Action tables

- General Civil: Update it to specify the case types it includes (make sure probate cases are included if they follow the same rules.)
- Eviction: Develop based on rules
- Civil Commitment:
- Civil Stalking:
- Divorce, Custody and Support, Common Law Marriage, Paternity:
- Cohabitant Abuse
- Guardian and Conservator cases
- Probate other than guardian and conservator? Maybe these are the same as general civil?
- Criminal - warrants tab, expungement, collections, forfeited bail
- Motions - There needs to be a design for civil Motions that can be initiated any time a motion is filed that complies with Rule _____. A tab for cases under advisement; tab for motions that are ripe for decision—request to submit for decision
- Counterclaims - Need to be integrated into the individual tables because they reset the next action when filed.

After tables are ready, develop some screens that show how the queues might look to show the big picture of how this would work for clerks and get feedback as a foundation for reviewing the individual tables for accuracy and completeness.

Assumptions: Tables include timelines available in rule, statute and judicial order. There will be a need for customizable triggers that aren't supported by rule or statute, but reflect local practice. These triggers and next events will take the place of current tracking being manually set by clerks. The idea is to automate all tracking. Some timelines are not driven by rule or statute. Decisions will need to be made as to whether

customizable tracking is customized at the local level or centrally or some of both. If central there will need to be statewide agreement on what the timelines are.

Domestic				
Divorce/Annulment(Adjudication of Marriage)				
Common Law Marriage				
	Action	Next Action	Result	Reference
	Petition filed – verify if temporary separation petition was filed in past year	Set tracking for service: 120 days	No Service – Automatic dismissal	URCP Rule 4
	Return on Service/Acceptance of Service and Waiver of Appearance	Set tracking for answer: 60 days	No answer – okay for default	URCP Rule 4
	Answer filed	Set tracking for certificate of readiness for trial: 330 days	No certificate of readiness for trial – notice of intent to dismiss	URCP Rule 4

Uncontested				
	Request to Submit for Default	Verify divorce ed and orientation has been filed(if children) Verify military affidavit has been filed	Default certificate	

Stipulated				
	Action	Next Action	Result	Reference
	Answer filed	Set tracking for certificate of readiness for trial: 330 days	No certificate of readiness for trial: Prompt clerk for notice of intent to dismiss	
	Stipulation filed	Verify divorce ed and orientation has been filed(if children) Verify military affidavit has been filed	Set tracking for judicial review: 90 days	
	Prompt clerk case is ready for judicial review	Entry of decree and findings – disposition entered/judgment	Prompt clerk to send vital statistics form	

Contested				
	Answer filed	Set tracking for certificate of readiness for trial: 330 days	No certificate of readiness for trial: Prompt clerk for notice of intent to dismiss	
	Notice of mediation	Verify divorce ed	Trial date set	30-3-39

	filed	and orientation has been filed(if children) Verify military affidavit has been filed		
	Certificate of Readiness for Trial	Set hearing	Prompt clerk if no or partial filing fee was paid	
	Decree and findings filed	Auto disposition	Prompt clerk to send vital statistics form	

Separate Maintenance UCA 30-4-1

Action	Next Action	Result	Reference
Petition filed	Set tracking for service: 120 days	No Service – Automatic dismissal	URCP Rule 4
Return on Service/Acceptance of Service and Waiver of Appearance	Set tracking for answer: 60 days	Check for military affidavit filed No answer – okay for default	URCP Rule 4
Answer filed	Set tracking for certificate of readiness for trial: 330 days	No certificate of readiness for trial – notice of intent to dismiss	URCP Rule 4
Certificate of Readiness for Trial	Military affidavit filed Set hearing	Prompt clerk if no or partial filing fee was paid	
Order filed	Auto disposition (granted/judgment)		
No answer filed	Request to Submit	Decree/findings entered. Disposition entered	

Grandparent Visitation UCA 30-5-2

Action	Next Action	Result	Reference
Petition filed as a new case	Set tracking for service: 120 days	No Service – Automatic dismissal	URCP Rule 4
Return on Service	Set tracking for request for hearing/certificate of readiness for trial: 330 days	No request – notice of intent to dismiss	
Answer filed	Set tracking for certificate of readiness for trial: 330 days	No certificate of readiness for trial – notice of intent to	URCP Rule 4

			dismiss	
	Entry of Order	Auto disposition/ granted/denied		

Custody and Support

Action	Next Action	Result	Reference
Petition filed	Set tracking for service: 120 days	No Service – Automatic dismissal	URCP Rule 4
Return on Service	Set tracking for answer: 60 days	Case eligible for default	
Answer filed	Set tracking for certificate of readiness for trial: 330 days	No certificate of readiness for trial – notice of intent to dismiss	URCP Rule 4
Entry of decree and findings	Auto disposition/ granted/denied		

Unlawful Detainer Cases (Eviction)

Summons				
Summons with request to shorten time	Judge enters time	Summons is returned to filer for service		
Complaint and Summons				
Complaint and Summons filed	Service by mail - Set tracking for three days or for 10 days for answer Service by publication – Set tracking for seven days after published for answer		If no answer filed case is eligible for default judgment and order of restitution	
Complaint only filed	Set tracking for 120 days		Auto dismissal if no service within 120 days	URCP 4
Summons only filed	Set tracking for 10 days		Auto dismissal if complaint is not filed within ten days.	URCP 3
Request for Hearing Plaintiff <ul style="list-style-type: none"> Non Payment Criminal Nuisance 	Hearing scheduled within 10 days after answer filed Hearing scheduled within 10 days after filing of complaint			

Possession Bond	<ul style="list-style-type: none"> If no response from defendant three days after service of Notice of Bond and Remedies is served case can be disposed of. Tenant files demand for hearing Tenant files Counter-Bond 	Order of Restitution Court sets hearing within three days of request Set tracking for discovery, certificate of readiness for trial, trial setting.	
Answer filed Answer not filed	Set tracking for 320 days Set tracking for 60 days	Notice of Intent to Dismiss if no Certificate of Readiness is filed If Military Affidavit and order has been filed enter default judgment and order of restitution	
How to capture Mobile Home evictions which have different time standards???			

Expungement			
Action	Next Action	Result	Statutory Reference
Petition for	Verify Certificate	Set tracking for 30 days.	UCA 77-40

Expungement is filed	of Eligibility	- Time for prosecutor or victim to object	
Objection filed	Set tracking for 15 days	Schedule hearing	
No objection filed		After 60 days from filing enter disposition of Granted and seal case.	

Adoption				
	Action	Next Action	Result	Statutory Reference
	Petition for adoption is filed	Set tracking for Certificate of Readiness for Adoption: 320 days	Notice of Intent to Dismiss	UCA 78B 6
	Request for Hearing	Schedule hearing Check for military affidavit	Enter disposition /Granted Prompt clerk to send report of adoption to the Office of Vital Records and Statistics Seal case	

Cases with Automatic Dispositions				
Foreign Domestic Decree				
	Action	Next Action	Result	Statutory Reference
	Foreign Domestic Decree and Affidavit is filed	Prompt clerk to send notice of the filing to the non-filing party. Set tracking for 30 days	If no request for hearing – dispose of case/Judgment If a request for hearing is filed – calendar hearing	78B 5 302 78B 5 303
UIFSA				
	Action	Next Action		Statutory Reference
	Registration of Foreign Support order is filed	Prompt clerk to send notice of the registration to the non-filing party. Set tracking for 20 days	If no request for hearing – dispose of case/Judgment If a request for hearing is filed – calendar hearing	78B 14
UCCJEA				
	Action	Next Action	Result	Statutory Reference
	Registration of Foreign Child Custody order is filed	Prompt clerk to send notice of the registration of foreign custody order to the respondent.	If no request for hearing – dispose of case/Judgment Prompt clerk to send notice of confirmation to all parties.	78B 13

		Set tracking for 20 days	<p>If a request for hearing is filed – calendar hearing</p> <p>Once the judge has made a determination prompt clerk to send notice of confirmation to all parties.</p>	
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Foreign Judgment				
	Action	Next Action	Result	Statutory Reference
	Foreign Domestic Decree and Affidavit is filed	<p>Prompt clerk to send notice of the filing to the non-filing party.</p> <p>Set tracking for 30 days</p>	<p>If no request for hearing – dispose of case/Judgment.</p> <p>Prompt clerk to send notice of entry of judgment to parties.</p> <p>If a request for hearing is filed – calendar hearing</p>	<p>78B-5-302</p> <p>78B-5-303</p>
Abstract of Judgment				
	Action	Next Action	Result	Statutory Reference
	Abstract of Judgment is filed	Automatic disposition of Judgment is entered.	Judgment is created	<p>URCP Rule 4</p> <p>UCA 78A-7-114, 78B 5-202, 78A-2-210</p>
Tax Lien, Workforce Services Lien, Child Support Lien, Hospital Lien				
	Action	Next Action	Result	Statutory Reference
	Lien filed	Automatic disposition of Judgment is entered.	Judgment is created	
Notice of Out of State Deposition				
	Action	Next Action	Result	Statutory Reference
	Notice of Deposition filed	Subpoena issued	Disposition entered/Granted	<p>URCP Rule 45</p>

Additional Scheduling Recommendations

In addition to the creation of a future event schedule, the subcommittee as recommends:

- Publish a statewide attorney appearance schedule to EFSPs so that the EFSP can prepare hearing schedule for attorneys for use in calendar displays on multiple devices. Publish the appearance schedule in an Internet calendar protocol such as iCal. Possible data elements to include in the published schedule.
 - Case number
 - Case type
 - Hearing date
 - Hearing Time
 - Court Location code
 - Court Title
 - Courtroom
 - Courtroom city/address
 - Hearing Description
 - LEA (if a criminal case)
 - Prosecutor code (if a criminal case)
 - Petitioner/Plaintiff name (title party on civil cases)
 - Defendant/Respondent name (title party on civil cases)
 - Attorney Name or Attorney Agency
 - Attorney Bar number
 - Attorney Bar State
- Publish daily calendar for citable offenses that require an appearance to allow LE to schedule a hearing on a date specific and compel appearance on that date by printing the appearance date on the citation when issued.
- Validate that an attorney is not scheduled to appear at a different location when a case is scheduled.

DOCUMENT RETENTION:

Critical documents currently enumerated in Appendix F:

The subcommittee found that the document retention schedules for the Justice, District, and Juvenile Courts that are published on the court's website constitute a more exhaustive list than those published by rule. The subcommittee reviewed documents filed in Justice and District courts and has recommended what constitutes a critical document by case type. Prior to the adoption of a rule, the subcommittee recommends that the proposed document list be reviewed by the District and Justice Court Boards. The following are documents currently enumerated in Appendix F of the Utah Court Rules.

Civil	Final amended complaint or petition; final amended answer or response; final amended counterclaims, cross claims, and third party claims and defenses; home study or custody evaluation; jury verdict; final written opinion of the court, including any findings of fact and conclusions of law; final trial court order, judgment or decree; interlocutory order only if reviewed by an appellate court; orders supplemental to the judgment and writs that have not expired; notice of appeal; transcripts; appellate briefs; final order, judgment or decree or any appellate court; case history.
Child abuse, neglect or dependency	All of the above; shelter hearing order; adjudication orders; disposition orders; reports of the Division of Child and Family Services; psychological evaluations; reports from treatment providers; motion for permanency hearing; response to motion for permanency hearing; petition for termination of parental rights; and response to petition for termination of parental rights.

Divorce and
domestic relations

Documents in civil cases:
petitions to modify or enforce a final order, judgment or decree and
the final order entered as a result of that petition.

Felonies, including
offenses by a
minor in juvenile
court

All documents other than duplicates, subpoenas, warrants, orders to show
cause, presentence investigation reports and notices of hearings.

Misdemeanors and
infractions,
including offenses
by a minor in
juvenile court

Final amended citation or information;
jury verdict;
final written opinion of the court, including any findings of fact and
conclusions of law;
final trial court order, judgment or decree;
notice of appeal;
appellate briefs;
final order, judgment or decree or any appellate court;
case history.

Probate

All of civil:
will admitted to probate;
trust instrument;
final accounting;
reports, findings and orders regarding the mental competence of a person.

Critical documents subject to permanent retention:

The Records Retention Subcommittee reviewed the list of documents filed by case type in a District or Justice Court and recommends the following documents be designated as critical and subject to permanent retention.

Document	Estates	Gestational Agreement	Minor's Settlement	Name Change	Other Probate	Supervised Admin	Trust	Criminal	Civil	Small Claims	Domestic
Abstract of Judgment											
Abstract of Judgment (Case Type AJ)									CR		
Amended Hospital Lien									CR		
Amended Judgment	CR	CR	CR	CR	CR	CR	CR		CR	CR	CR
Civil Stalking Injunction									CR		
Confirmation of Registration											CR
Criminal Stalking Injunction								CR			
Decree - Domestic											CR
Decree - Probate	CR	CR	CR	CR	CR	CR	CR				
Default Judgment									CR	CR	CR
Findings of Fact/Conclusions of Law	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Foreign Judgment (FJ case type)									CR		
Home Study Report											CR
Hospital Lien (HL case type)									CR		
Judgment	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Order	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Order of Restitution	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Order on Order to Show Cause	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Parenting Plan											CR
Petition for Determination of Competency in Criminal Case									CR		
Petition for Writ of Habeas Corpus									CR		
Protective Order											CR
Satisfaction of Judgment	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Sentence Judgment and Commitment								CR			
Writ of Habeas Corpus (RC and RN case types)									CR		

Non-critical documents subject to deletion:

The subcommittee recommends the following documents filed by case type be identified as non-critical and subject to deletion two years after the completion of appeal or the time in which to appeal.

Document	Estates	Gestational Agreement	Minor's Settlement	Name Change	Other Probate	Supervised Admin	Trust	Criminal	Civil	Small Claims	Domestic
Acceptance of Service	NCR	NCR	NCR	NCR	NCR	NCR	NCR				
Affidavit and Application for Waiver of Court Fees	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Affidavit of Attorney Fees and Costs	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Affidavit/Declaration	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Amended Answer	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Amended Complaint									NCR	NCR	
Amended Petition	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Answer	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Answer and Counterclaim									NCR	NCR	
Appearance of Counsel/Notice of Limited Appearance	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Application for Court Approval of Transfer of Structured Settlement Pymt Rights									NCR	NCR	
Bankruptcy	NCR	NCR	NCR	NCR	NCR	NCR	NCR				
Certificate of Readiness	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Civil Bench Warrant	NCR	NCR	NCR	NCR	NCR	NCR	NCR				

Document	Estates	Gestational Agreement	Minor's Settlement	Name Change	Other Probate	Supervised Admin	Trust	Criminal	Civil	Small Claims	Domestic
Complaint											
Counterclaim											
Crossclaim											
Default Certificate	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Demand for Jury Trial	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Ex Parte Order	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Ex Parte Temporary Order	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Exhibit List	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Financial Record	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Jury Instructions	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Letters	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Memorandum	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Memorandum of Costs	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Memorandum Overlength									NCR	NCR	
Military Service Aff/Declaration	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Motion	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Motion for Temporary Order	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Motion for Trial de Novo									NCR	NCR	
Motion in Limine	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Motion Pro Hac Vice	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Motion to Classify	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Motion to Disqualify/Recuse	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Motion to Intervene/Join	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Non-Public Information									NCR	NCR	
Notice of Appeal	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR
Notice of Bond	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Notice of Dismissal	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Notice of Foreign Judgment									NCR	NCR	
Notice of Hearing	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Notice of Withdrawal	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Notice to Creditors	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Objection to	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Opposition to	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Order to Waive Fees									NCR	NCR	
Other	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Petition	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Petition to Establish Fact of Birth					NCR						
Pre Sentence Investigation Report								NCR			
Preliminary Injunction	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Psych/Med Record								NCR	NCR	NCR	
Reply	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Request for Data Correction	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Request for Discovery	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Request for Hearing	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Request for Interpreter	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Request/Notice to Submit	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Return of Service	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Return of Service - Garnishment	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Return of Service - Unerved	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Small Claims Affidavit										NCR	
Small Claims Counter Affidavit										NCR	
Subpoena								NCR			
Substitution of Counsel	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR
Summons on Return									NCR	NCR	
Supplemental Order	NCR	NCR	NCR	NCR	NCR	NCR			NCR	NCR	
Temporary Protective Order									NCR	NCR	
Temporary Restraining Order	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Third Party Complaint	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	
Trial Brief	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Verified Statement for Judgment by Confession									NCR		
Victim Impact Statement								NCR			
Waiver of Interest in Estate	NCR				NCR						

The subcommittee recommends the following documents filed by case type be identified as non-critical and subject to deletion two years after the completion of appeal or the time in which to appeal on original or modified decree.

Document	Estates	Gestational Agreement	Minor's Settlement	Name Change	Other Probate	Supervised Admin	Trust	Criminal	Civil	Small Claims	Domestic
Application for Writ of Garnishment											NCR
Counter-Petition to Modify											NCR
Acceptance of Service											NCR
ADR Disposition Notice											NCR
Affidavit and Application for Waiver of Court Fees											NCR
Affidavit of Attorney Fees and Costs											NCR
Affidavit of Income Verification and Compliance with Uniform Child Support Guidelines											NCR
Affidavit of Jurisdiction and Grounds											NCR
Affidavit/Declaration											NCR
Amended Answer											NCR
Amended Petition											NCR
Answer											NCR
Answer and Counterclaim - Domestic											NCR
Appearance of Counsel/Notice of Limited Appearance											NCR
Bankruptcy											NCR
Certificate of Readiness											NCR
Child Support Worksheet											NCR
Civil Bench Warrant											NCR
Counterclaim - Domestic											NCR
Crossclaim											NCR
Default Certificate											NCR
Divorce Ed Court - Petitioner											NCR
Divorce Ed Court - Respondent											NCR
Ex Parte Order											NCR
Ex Parte Temporary Order											NCR
Exhibit List											NCR
Financial Declaration											NCR
Memorandum											NCR
Military Service Aff/Declaration											NCR

Document	Estate	Gestational Agreement	Minor's Settlement	Name Change	Other Probate	Supervised Admin	Trust	Criminal	Civil	Small Claims	Domestic
Motion											NCR
Motion for Temporary Order											NCR
Motion in Limine											NCR
Motion Pro Hac Vice											NCR
Motion to Classify											NCR
Motion to Disqualify/Recuse											NCR
Motion to Intervene/Join											NCR
Non-Public Information											NCR
Notice of Bond											NCR
Notice of Dismissal											NCR
Notice of Hearing											NCR
Notice of Registration											NCR
Notice of Withdrawal											NCR
Objection to											NCR
Opposition to											NCR
Order to Waive 90-Day Waiting Period											NCR
Order to Waive Fees											NCR
Other											NCR
Petition											NCR
Petition for Grandparent Visitation on Existing Domestic Case											NCR
Petition/Stipulation to Modify											NCR
Preliminary Injunction											NCR
Reply											NCR
Request for Data Correction											NCR
Request for Discovery											NCR
Request for Hearing											NCR
Request for Interpreter											NCR
Request to Register a Foreign											NCR
Request/Notice to Submit											NCR
Return of Service											NCR
Return of Service - Unserved											NCR
Service Assistance Form											NCR
Substitution of Counsel											NCR
Supplemental Order											NCR
Temporary Protective Order											NCR
Temporary Restraining Order											NCR
Trial Brief											NCR
Vital Statistics/UDOH Certificate											NCR
Writ of Assistance									NCR	NCR	NCR

The subcommittee recommends the following documents filed by case type be identified as non-critical and subject to deletion two years after the entry of an expungement order or the entry of the satisfaction of judgment.

Document	Estates	Gestational Agreement	Minor's Settlement	Name Change	Other Probate	Supervised Admin	Trust	Criminal	Civil	Small Claims	Domestic
Expungement Petition											
Application for Writ of Garnishment	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	
Bankruptcy									NCR	NCR	
Civil Bench Warrant									NCR	NCR	
Garnishee Order	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	NCR
Judgment Information Statement	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR
Motion to Renew Judgment	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	NCR
Release of Garnishment									NCR	NCR	NCR
Release of Garnishment	NCR	NCR	NCR	NCR	NCR	NCR	NCR				
Return of Service - Garnishment											NCR
Stipulated Payment Plan									NCR	NCR	
Writ of Attachment	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	NCR
Writ of Continuing Garnishment	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR
Writ of Execution	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	NCR
Writ of Garnishment - Non Wage	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR	NCR
Writ of Repoin	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	NCR
Writ of Restitution	NCR	NCR	NCR	NCR	NCR	NCR	NCR		NCR	NCR	NCR

Finally, the subcommittee recommends that the Juvenile Court identify documents filed in a juvenile case as critical and subject to permanent retention as part of the Juvenile Court's e-filing project.

COURTROOM TECHNOLOGY OBJECTIVES:

Minimum courtroom configuration

- A) Four high definition cameras -- minimum requirement
 - a. One trained on the courtroom
 - b. One trained on the judge
 - c. One trained on the counsel tables
 - d. One trained on the witness
 - i. Power over Ethernet
 - ii. 30 FPS
 - iii. IP addressable
 - iv. HD 720p minimum
 - v. Browser compatible
 - e. Integrate with courtroom security video systems
- B) One large screen monitor for display to the audience
 - a. Internet ready
 - b. Capable of accessing IP
 - c. Portable
- C) Audio out/in connection to public address system
- D) One monitor for the judge
- E) One monitor for the in-court clerk
- F) Two VGA connections, one at each counsel table
 - a. Connection to the courthouse public address system
 - b. Connection to the video display monitors
 - c. DVR recording (?)
- G) Four LAN connections at counsel table
 - a. VoIP connections
 - i. Open channel to public address system
 - ii. Private channel to defendant
 - b. Used for private communications between counsel and client
 - c. Used for private communications for remote translation service
- H) Kill switch for each camera controlled at the bench
- I) Kill switch for connection to public address system controlled at the bench

Hardware Estimated Cost Per Courtroom

Video Hardware Minimum (includes new PC) = \$6,000 (up to \$12,000 depending on hardware and system control selected ("Kill Switch"))

Installation = Typical \$1,000 per day x 2 days = \$2,000

Audio System Hardware Upgrade = \$15,000

Installation = Typical \$1,000 per day x 3 days = \$3,000

~~~~~

**Hardware Total = \$21,000** (up to \$27,000)

**Implementation Total (Install) = \$5,000**

**Estimate Total Cost Per Courtroom = \$26,000 - \$32,000** depending on hardware and system control selected

#### **Video Conference Software Cost**

**Vidyo Router = \$7000** physical or \$5650 virtual, one time (if running VMWare) - allows 50 concurrent sessions

**Line License = \$1000** one time (similar to a T.1-E.1 license, can be shared) - Number of licenses needed based on number of concurrent users.

**Vidyo Gateway (includes one line license) = \$4,000 to \$6,000**, one time (allows connection to industry standard H.323 SIP system: Polycom, Lifesize, Tandberg)

**Vidyo Replay = \$9,500**, one time (allows us to record, save and webcast our meetings)

**Annual Fee (includes support) = 18%** of software purchased and 9% of hardware (hardware 1st year free)

#### **Hardware Estimated Cost Remote Judges Workstation**

**Cost of PC = \$600**

**Dual Monitors = (if PC monitors on a desk) \$400** for both, or (if large screens on wall) **\$1,800** for both (includes wall mounts)

**Camera/Microphone = (if sitting close at desk) \$200** for HD Camera and Microphone, or (if sitting across table / room) **\$1,000** for true 1080p 30fps PTZ camera and HD conference audio (small to mid conference room)

**Accessories = Wireless mouse/keyboard \$50**

**Total Estimate = From \$1,250 to \$3,450** (depending on scope)

Respectively submitted,

Ron Bowmanster  
Director, IT Division  
Utah Administrative Office of the Courts

**TAB 6**

# **Third District Proposal**

**APPLICATION FOR INITIAL PROJECT PLANNING APPROVAL  
FOR PROPOSED PROBLEM SOLVING COURT PROJECT**

Name/Working Title of Proposed Project: Veterans Court

Court Location: Matheson

Application Submitted by: Judge Royal Hansen/Peyton Smith

**I. Target Population**

Describe the types of cases or the description of the population that will be served by this project. Please be specific.

Military and Uniformed Services

**II. Purpose/Goal of Project**

Please explain why you believe this project is necessary or desirable. How will a problem solving approach benefit your target population?

We will be directing our resources and personnel to assist Armed Services and Veterans by focusing on treatment, rehabilitation and other assistance, as they navigate through the Criminal Justice System.

**III. What is the size of the proposed project?**

Approximately how large is your target population and how many participants would likely be served by the proposed project?

Target population will be all of Salt Lake County, with an initial court size of 25 to 50 who will be served by the court.

IV. What is the anticipated impact on court staff, clerks and judges, and how will that need be met?

A new Speciality Court Administrator who would coordinate and perform screening for Veterans, Drug and Mental Health Courts. A current Court Clerk will assist with in court services.

V. Funding considerations/stakeholders

Identify the stakeholders and what they will need to contribute to the project. If you have identified a funding source to support the project, please specify.

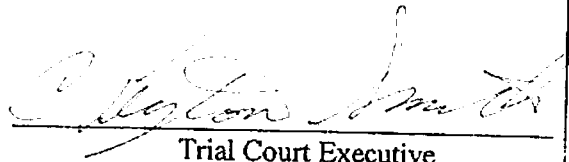
Legal Defenders, DA, AP&P, VA, Sheriff, Workforce Services, Jail, Mental Health, Coordinator/Screenener and mentor volunteer for one on one Veteran mentoring.

**Trial Court Executive Comment:**

Date:

10/24/14

Signature:



Trial Court Executive

**Presiding Judge Comment:**

Date:

31 Oct 2014

Signature:



Presiding Judge

Date:

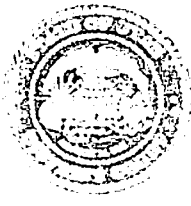
31 Oct 2014

Signature:



Applicant

Boyd Hansen



## Third District Court

Judge Royal I. Hansen

Legislative Veteran's Reintegration Task Force

October 1, 2014

Dear Members of the Task Force,

It gives me great pleasure to advise you of the Third District Court's intention of starting a Veterans Court, pending approval of the Administrative Office of the Courts. Beginning December 1, 2014, the Salt Lake County District Attorney and Amy Earl of the Veterans Administration will begin jointly screening defendants for acceptance into this specialty court. We anticipate that court shall begin commencing after January 1, 2015.

Sincerely,

Royal I. Hansen

Presiding Judge, Third District Court

## **VETERANS' COURT PROPOSAL**

### **THIRD DISTRICT COURT**

It is proposed that the Third District Court organize a Matheson Third District Court Veterans' Court. The Court would commence operations on January 1, 2015. The proposed Court is subject to the approval of the Third District Court Specialty Subcommittee, the Third District Court bench, and the Administrative Office of the Courts.

#### **Eligibility**

In the booking procedure, the jail would be instructed to screen for veterans by asking whether the inmate had served in the military or the uniformed services. The RANT Risk Needs Assessment would be administered by the Sheriff's Office. Further Risk and Needs Assessment would be conducted as appropriate.

Those eligible for the Veterans Court would be individuals charged with a felony or a Class A misdemeanor. They would be eligible for Veterans Administration services. The individual must be high risk, high need, and not predominantly axis II. A diagnosis of PTSD, major depressive or anxiety disorder would also be eligible. Medically-assisted Treatment ("MAT") should be considered on a case-by-case basis. The eligibility policy would follow the current procedures utilized to screen in the state specialty courts. Sex offenders would not be allowed to participate. Those that present a clear danger to staff and other participants would be excluded. Individuals with open DUI charges would not be invited to participate.

### **Veterans' Court Team**

The Veterans' Court Team should consist of an assigned judge, case manager provided by the V.A., sheriff from the Salt Lake County Sheriff's Office, clerk from the Third District Court, treatment representative from the V.A., including Barbara Rich of the Mental Health Treatment Team, and potentially an AP&P agent, and veterans mentors. The Division of Workforce Services and Voc Rehab would be available to assist.

### **Other Issues**

The initial target capacity is approximately 25 to 50 individuals with the ability to expand as needed. Formal training would be provided in Salt Lake County through the NADC. We should collect data to assist in the evaluation process. Rick Schwermer and Judge Dennis Fuchs will review and make suggestions regarding a policy and procedures handbook. A participant handbook would be available to each participant.

### **Outstanding Issues**

A determination needs to be made as to whether the Veterans' Court should pursue a legislative appropriation or wait until the program is operational.

Further information will be available through the Third District Court and Presiding Judge Royal Hansen.

## **Third District Court Veterans Court Planning**

### Process

Jail screening as vet, using appropriate question

RANT administered

Further risk and needs assessment conducted as appropriate

Probation violations would be another source of referrals and eligibility

Supervision – vet detective and AP&P as appropriate

### Eligibility

Charged with a felony or class A

VA eligible

Risk assessment conducted as part of eligibility determination, must be high risk

High need

Not predominantly axis 2

MAT policy needs to be developed, allowing MAT in appropriate circumstances

No sex offenders

No clear danger to staff and other participants

No open DUI charges

# **Fourth District Proposal**

**APPLICATION FOR INITIAL PROJECT PLANNING APPROVAL  
FOR PROPOSED PROBLEM SOLVING COURT PROJECT**

**Name / Working Title of Proposed Project** Utah County Veterans Court

**Court Location** 4<sup>th</sup> Judicial District, Provo, Utah

**Application Submitted by** Judge Samuel D McVey

**I. Target Population**

Describe the types of cases or the description of the population that will be served by this project. Please be specific.

*Veterans charged with Felonies and Class A Misdemeanors who are classified "Low Risk, High Needs" by the RANT assessment*

**II. Purpose / Goal of Project**

Please explain why you believe this project is necessary or desirable. How will a problem solving approach benefit your target population?

*Veterans in the justice system with mental health or co-occurring disorders respond well to specialized treatment courts addressing their peculiar needs when: 1) focused treatment is available from the Veterans Administration mental health and substance abuse providers, 2) other veterans are involved in the court process, and 3) Veterans service organizations provide in-court mentors to assist with housing and employment. Recidivism can be reduced through application of specialty court best practices.*

**III. What is the size of the proposed project?**

Approximately how large is your target population and how many participants would likely be served by the proposed project?

*Anticipate up to 15 participants in the court at a time. This will cover the overwhelming majority of our target population in Utah County.*

IV. What is the anticipated impact on court staff, clerks and judges, and how will that need be met?

*Our current specialty courts clerk will provide support services. Anticipate 90 minutes of clerk time every two weeks. Judge will assume this as a collateral duty. Anticipate 2 hours of judicial time every two weeks. Anticipate 45 minutes law clerk/bailiff time every two weeks. Trial Court Executive is instrumental in setting up procedures but once court is operational, do not anticipate a significant time requirement on his part.*

V. Funding considerations / Stakeholders

Identify the stakeholders and what they will need to contribute to the project. If you have identified a funding source to support the project, please specify.

*There will be no incremental funding required. The County Attorney and Public Defender Director, both veterans, are volunteering their time. The Veterans Administration Case Worker is funded by the VA. The County Substance Abuse Director and Jail are administered by RANT at no additional cost, as they would be testing participants even if they weren't in this court. The Sheriff and AP&P are providing transportation and supervision services at no incremental cost (they would likewise be doing this anyway). The VSOs are all volunteers from my American Legion Post, along with other VSOs.*

**Trial Court Executive Comment:**

Date: 11/17/2014 Signature: Shane Berke  
Trial Court Executive

**Presiding Judge Comment:**

Date: Nov. 17, 2014 Signature: [Signature]  
Presiding Judge

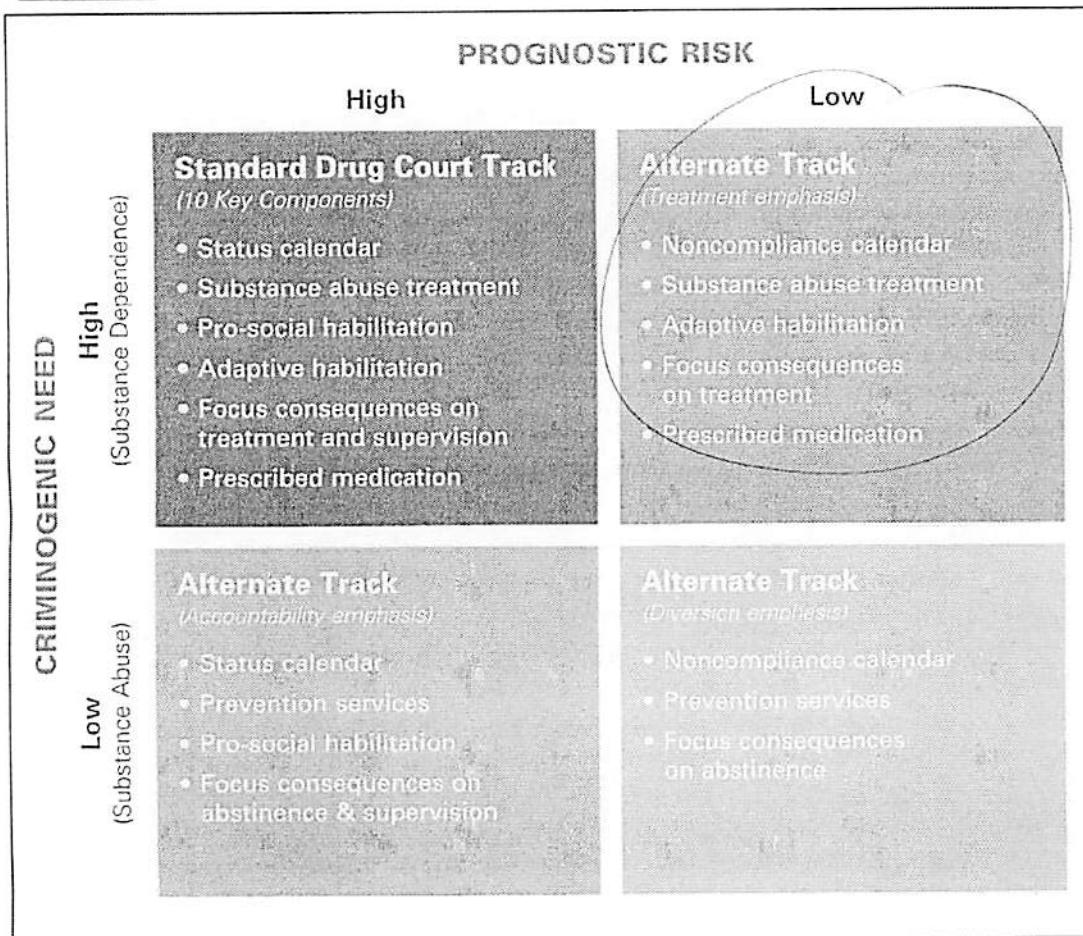
Date: Nov 17, 2014 Signature: [Signature]  
Applicant

and high-need (HR/HN), low-risk and high-need (LR/HN), high-risk and low-need (HR/LN) or low-risk and low-need (LR/LN). To be most effective and cost-efficient, treatment and supervision services should be specifically tailored to the risk/need profile of the offender. Interventions that are well-suited for participants in one quadrant may be a waste of resources or contraindicated for those in another quadrant.

Figure 1 summarizes alternative treatment and supervisory regimens that might be

administered within a drug court to serve different types of participants. The purpose of this figure is not to describe all of the interventions that should be administered in a drug court. As will be discussed, some services such as drug testing, community surveillance, and positive incentives should be administered to *all* participants regardless of their risk level or clinical diagnosis. The aim here is to highlight the specific adaptations that research suggests should be implemented in a drug court to serve different offender subtypes.

**FIGURE 1: Alternative Tracks Within An Adult Drug Court**



*Note:* Figure 1 adapted with permission from: Marlowe, D. B. (2009). Evidence-based sentencing for drug offenders: An analysis of prognostic risks and criminogenic needs. *Chapman Journal of Criminal Justice*, 1, 167–201.

**TAB 7**



# Utah State Courts

**FY 2014-2015**

## **Strategic Communication Plan**

Compiled by  
Nancy Volmer, Public Information Office  
October 2014

**Utah State Courts  
Strategic Communication Plan  
2014-2015**

**I. NARRATIVE**

Introduction

Under the direction of the Utah Judicial Council and the Standing Committee on Judicial Outreach, the Strategic Communication Plan addresses how to build public trust and confidence in the Utah State Courts through traditional public information programs, while exploring new methods of communicating through social media.

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

2014-2015 Plan

Each year when preparing the Strategic Communication Plan, the Standing Committee on Judicial Outreach asks committee members and the various subcommittees for goals to incorporate into the plan for the coming year.

In addition, the results and recommendations of the 2012 Public Trust and Confidence Survey continue to be noted for long-range planning purposes. (Detailed survey results and recommendations are listed on page 12 of this plan.)

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

In short, survey results indicated that while TV news programs, the Internet, and newspapers/news magazines are still the most frequently-used information sources for how the public learns about the courts, print communication is becoming less influential compared to digital communication. Plus, traditional media reaches primarily older and better-educated residents of Utah. Work on an effective integrated marketing mix will continue to be looked at and advanced in the court's ongoing communication efforts.

The survey results also found that the public felt it was important for the courts to report regularly on performance, but that the courts did not do an adequate job of doing so. Ways to better inform the public on the court's performance measures will be considered in various modes of communication.

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## **II. CHALLENGES AND STRENGTHS**

### **A. Challenges**

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

### **B. Strengths**

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

### **III. TARGET AUDIENCES**

#### **A. The Public**

1. Court users
2. Voters
3. Ethnic Minorities

#### **B. Attorneys**

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

#### **C. Employees**

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

#### **D. Media**

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

#### **E. Education**

1. Teachers and students
2. Community members

#### **F. Government Officials**

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

#### **IV. GOALS**

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

## **V. KEY MESSAGES**

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

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

The mission statement is the overriding message.

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

The core message is as follows:

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

The court's vision is as follows:

*Ensuring Justice for All.*

## **VI. STRATEGIES**

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

## **VII. TACTICS**

- A. Utilize media coverage proactively to create a better understanding of the Utah State Courts and the Judicial Branch.
1. Media Outreach
    - Search out and pitch newsworthy and feature story ideas that humanize the bench, focus on unique court programs, and illustrate the alliances in the community.
    - Issue media advisories or news releases and/or pitch stories to the media when newsworthy events occur that generate positive press about the Utah State Courts.
    - Track coverage of the courts and distribute relevant clippings through email and post on the court's intranet site.
    - Compile media clippings and provide report to the Judicial Council.
  2. Media Support
    - Support judges on media-related issues and media interviews.
    - Provide assistance to judges and coordinate media in high-profile cases, which includes drafting Decorum Orders.
  3. Media Interviews, Accessibility, and High-profile Case Tracking
    - Coordinate media interviews and photo opportunities with court personnel. Develop key messages and talking points when responding to the media.
    - Remain accessible to the media and respond to media requests in a timely manner.
    - Maintain tracking system for high-profile court cases.
    - Maintain a current, comprehensive media database of reporters statewide.
  4. Editorial Boards
    - Schedule meetings with editorial boards to address important court-related issues that arise.
    - Distribute news releases or contact editorial boards on issues that have a broad impact on the judiciary.
    - Submit editorials for publication when timely and appropriate.
  5. Bench-Media Subcommittee
    - Act as a liaison between the courts and the media on policy and logistical issues, including Rule 4-401.01
    - Distribute updated Media Guide to the Utah State Courts.
    - Explore holding a Law School for Journalists half-day update on a topic of interest to reporters.

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

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

1. Standing Committee on Judicial Outreach-Judge Elizabeth Hruby-Mills, chair
  - Perform duties as staff liaison to the committee.
  - Recruit new members to committee and subcommittees when terms expire.
2. Community Relations Subcommittee-Judge Robin Reese, chair
  - Review the court's communication channels and messaging and consider new integrated marketing and communication components.
  - Increase awareness of the court's performance measurements.
  - Research how other states treat jurors and implement resources for improving jurors' experience at the courthouse.
  - Maintain existing tools for judges to use in presentations. Create additional resources as needed for judges to encourage participation in outreach.
  - Implement Law Day Programming to include Judge for a Day, newspaper insert, Hinckley Institute of Politics panel, Law Day Declaration, Law Day luncheon attendance, and Salt Lake County Bar's Art and the Law contest coordination to recruit judges and display winning artwork at the Matheson Courthouse.
  - Continue oversight of court tours and speaker requests. Coordinate and host tours at the Matheson Courthouse.
  - Participate in teacher training programs, including the Hinckley Institute of Politics' Huntsman Seminar.
  - Plan community forums with ethnic communities.
3. Divorce Education for Children Subcommittee-Judge Elizabeth Hruby-Mills, chair
  - Continue holding classes twice a month in 3<sup>rd</sup> District and once a month in the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> districts.
  - Act as a central clearing house to coordinate and track class information for all districts.
  - Generate interest and attendance at the classes through advertising, media, and other publicity efforts.
  - Review current curriculum and consider modifications based on research of similar programs in other states.

4. Public Materials
    - Write, produce, and distribute the 2015 Annual Report to the Community.
    - Update publications that assist the public to better understand the court system.
    - Encourage staff to incorporate the court's look in all public materials.
    - Support districts with PIO-produced collateral materials.
- C. Use communication tools effectively and maintain avenues of communication to relay the Utah State Court's key messages to target audiences.
1. Social Media
    - Implement proactive uses of social media to promote judicial programs and communicate with stake holders.
    - Maintain the court's Facebook, Twitter, and YouTube pages.
  2. Website Updates
    - Maintain the media section of the website to be useful and current.
    - Post media advisories and news releases to the website in a timely manner.
    - Post and update judge's biographies to the website.
  3. Court Image and Messaging
    - Incorporate the court's central message in all forms of communication.
    - Continue efforts to implement a consistent look in the public materials.
    - Keep the Graphic Standards Manual on producing court public materials current.
- D. Maintain avenues of internal communication to recognize employee contributions and accomplishments, advance PIO services, and support new judges.
1. Internal Communication
    - Produce employee newsletter—*Court News*—monthly.
    - Update email-based newsletter format in Gmail
  2. Public Information Office-General
    - Maintain the Utah State Court's Crisis Communication Plan and contacts.
    - Maintain Court Media Guidelines and communicate to employees at New Employee Orientations.
    - Update board of judges, TCE's, and Clerks of Court regularly.

**3. Support New Judges and Employees**

- Request biography and photo for website posting.
- Produce invitations for oath of office ceremonies.
- Present at the new judge orientations on working with the media.

## **IX. BUDGET**

The Strategic Communication Plan will be administered within the approved Public Information Office budget of \$23,000. Additional funds will be solicited from non-state sources to produce the Law Day newspaper insert. The Divorce Education for Children Program is funded by \$50,000 from the Children's Legal Defense Fund.

## **X. EVALUATION**

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

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

## **XI. CONCLUSION**

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

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

## APPENDICES

### 2012 Survey Results

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

Highlights from the survey follow:

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

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

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

### **2012 Survey Recommendations**

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

#### **Communication Messaging and Methods**

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

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

#### **Court Performance Reporting**

Goal: Raise awareness of court performance measurements.

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

#### **Diversity Outreach**

Goal: Improve communication with minority communities.

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

#### **Employees as Ambassadors**

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

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

#### **Juror Experience**

Goal: Improve the juror experience.

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

### **RULE 3-404. PUBLIC INFORMATION PROGRAM**

**Intent:**

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

**Applicability:** This rule shall apply to the judiciary.

**Statement of the Rule:**

- (1) A public information program is established within and administered by the Administrative Office. The goal of the public information program is to establish strategies that promote the judiciary's missions, goals, and activities in a manner that reflects a positive image of the courts.
- (2) The public information program shall include: (a) the development and maintenance of internal communication within the judiciary; (b) the development and maintenance of external communications and relations; (c) the development of technical resources and expertise and the identification of methods for providing technical advice in specific cases; (d) the development and maintenance of public education programs; and (e) the publication of a report on the operations of the courts, including financial and statistical data, recommendations for legislative or administrative action, and a general review of the activities of the judiciary.

### **RULE 3-114. JUDICIAL OUTREACH**

**Intent:**

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

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

**Statement of the Rule:**

- (1) The Committee on Judicial Outreach shall:
- (1)(A) create and promote model outreach programs;
- (1)(B) promote local outreach programs;
- (1)(C) develop policies and rules that encourage judicial participation in outreach programs;
- (1)(D) work with educators to incorporate civic education into school curriculums;
- (1)(E) work with the Utah State Bar to develop joint outreach programs; and
- (1)(F) communicate judicial outreach efforts.

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

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

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

**TAB 8**

# Utah State Courts

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## Commissioner Workgroup Report

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**Final Report to the Judicial Council**  
**November 12, 2014**

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## **Commissioner Workgroup Report**

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### Introduction

In April, 2014, the Judicial Council appointed a workgroup to study the judiciary's use of court commissioners to handle domestic relations cases. The Council's charge to the workgroup was:

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

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

The Council directed the workgroup to complete its work and report its findings and recommendations at the November 2014 Council meeting. This would allow time to decide what, if any, legislation should be advanced in the 2015 General Session of the Utah Legislature.

The workgroup consisted of Second District Court Judge W. Brent West, Chair; Third District Juvenile Court Judge Christine Decker; Third District Court Commissioner Kim Luhn; Fourth District Court Judge David Mortensen; Lori Nelson, attorney, member of the Family Law Section of the Utah State Bar; Rep. Jeremy Peterson, Utah House of Representatives; Stewart Ralphs, also a member of the Family Law Section; and Sen. Todd Weiler, Utah Senate. District Court Administrator Debra J. Moore provided staff support to the workgroup.

### Research

The workgroup met monthly from June to November. The workgroup reviewed legal provisions relating to court commissioners, including:

- Utah Code section 78A-5-107, Court Commissioners – Qualifications – Appointment – Functions governed by rule;

## **Commissioner Workgroup Report**

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- Proposed Rule 3-111 of the Code of Judicial Administration (CJA), Performance evaluation of senior judges and court commissioners (draft May 19, 2014);
- Proposed CJA 3-201, Court Commissioners (draft May 19, 2014);
- CJA 3-201-02, Court Commissioner Conduct Committee;
- CJA 6-401, Domestic Relations Commissioners;
- Rule 101 of the Utah Rules of Civil Procedure (URCP), Motion practice before court commissioners;
- Rule 108 URCP, Objections to court commissioner's recommendation;
- Proposed CJA 4-902, Limited scope investigation of domestic issues (draft February 21, 2014);
- CJA 4-903, Uniform custody evaluations;
- CJA 4-904, Informal trial of support, custody and parent-time;
- Custody Evaluation Order Form;
- Acceptance of Appointment Form;

In addition, the workgroup reviewed various research reports prepared by the Administrative Office of the Courts. Those reports are listed in Appendix A.

### **Issues**

The workgroup identified the following issues to address:

1. Transparency of the hiring, accountability and performance review, discipline, and termination of court commissioners;
2. The opportunity for full evidentiary hearings with testimony from the parties and witnesses;
3. Management of cases involving self-represented parties;
4. The scarcity of guardians ad litem and other resources to address families' needs in domestic relations cases;
5. Lack of time in hearings before commissioners to take evidence and lack of effective remedies for violation of court orders;
6. Commissioners' lack of authority to modify permanent orders on a temporary basis without the parties' agreement or absent irreparable harm;
7. Proposed automatic temporary orders in domestic relations cases;
8. The risk of burnout by commissioners, who continually handle highly contentious cases involving intractable parties and emotional issues;
9. Expense and delay in the custody evaluation process;

## **Commissioner Workgroup Report**

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The workgroup did not identify any issues to address regarding the juvenile court commissioners. Juvenile court commissioners hear primarily low level delinquency cases and protective order petitions and are not involved in child welfare cases or the termination of parental rights.

The group considered whether it should hear from any outside parties or their representatives and determined that such hearings were not necessary.

### **Findings and Recommendations**

The workgroup makes the following findings and recommendations:

#### **1. Transparency and accountability.**

Findings: There is a general perception that the hiring, accountability and performance review, discipline, and removal of court commissioners should be more transparent. The appointment process should be apolitical and based on family law practice experience. There should be rigorous management of performance problems and enforcement of the Code of Judicial Conduct regarding recusal.

The courts are limited in their ability to disclose details of personnel actions involving commissioners because commissioners are court employees. However, commissioners hear and decide issues that directly affect the interests of parties in litigation that would otherwise be heard by judges. Judges are subject to public scrutiny in the appointment, performance evaluation, review of ethical complaints, and retention process. The transparency and effectiveness of the courts' management of commissioners may be improved by the creation of a public comment period before a commissioner is appointed or retained. The comments should be directed and submitted to the presiding judge of each district with one or more commissioners.

Commissioners have expressed concern that such comments would be strongly influenced by the outcome of a case or based on issues that are properly addressed through the appeals process. In addition, a high percentage comments may come from self-represented parties who have an incomplete understanding of the process. It may be difficult for commissioners to identify the relevant cases and put the comments into context.

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However, a comment period for retention of commissioners would be similar to the performance evaluation process for judges in which the public submits comments. The presiding judges are well-educated regarding the concerns of parties in domestic relations cases, including those who are self-represented. Public comments might provide useful information about a pattern of conduct that may raise concerns early when they can be easily addressed.

**Recommendations:** The workgroup recommends that a period of 10 calendar days be provided for the public to submit comments before the original hiring or reappointment of a commissioner.

When filling a position, comments should be sought on the three best qualified candidates as determined by the nominating committee under CJA 3-201(G). The comments should go to the nominating committee. If one or more comments would negatively affect the committee's decision whether to recommend a candidate to the judges of the courts the commissioner would serve, the candidate should be provided notice and an opportunity to respond to the comments. If the committee decides not to recommend a candidate based on the comments, the committee shall select another candidate from among the interviewed applicants and again allow public comment on the candidates.

When considering a commissioner for reappointment, the public comment should be directed to the presiding judge. If one or more comments would negatively affect the presiding judge's decision whether to recommend a commissioner for reappointment, the commissioner should be given notice and an opportunity to respond to the comments. Similarly, if the comments would negatively affect the Judicial Council's decision whether to reappoint the commissioner, the commissioner should be afforded notice and an opportunity to respond to the comments.

A person who comments on either the original hiring or reappointment of a commissioner should be encouraged but not required to supply his or her name and contact information. All comments submitted should be classified as non-public records protected from disclosure pursuant to a records request. The comments should be retained only until the hiring or reappointment decision has been made.

### **2. Full evidentiary hearings before district court judges.**

**Findings:** Before the adoption of Rule 108 of the Utah Rules of Civil Procedure in April, 2012, there was a perception that judges were not consistently or with adequate frequency granting hearings on objections to commissioner recommendations. Rule 108

## **Commissioner Workgroup Report**

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appears to have resolved most of those concerns. Judges are now hearing objections and providing an appropriate opportunity for full evidentiary hearings rather than only proffer. The adoption of the rule has resulted in a decrease in the number of objections.

Recommendation: The workgroup believes that the change in practice following the adoption of URCP 108 is sufficient to ensure the opportunity of a full evidentiary hearing by the judge. Therefore, the workgroup makes no recommendation on this issue.

### **3. Self-represented parties.**

Findings: Commissioners carry a high caseload. They must manage hearings quickly and efficiently. In a majority of cases, the short allotment of time for each matter is managed by taking evidence by proffer. When parties represent themselves, delay and a perception of unfairness can result, particularly when the opposing party is represented. Hearings go more smoothly and are more likely to be perceived as fair when parties are represented. Districts should review their calendaring and hearing practices and take action to ensure that each matter is allotted sufficient time. In addition, pro bono and limited appearances by attorneys should be encouraged. For example, commissioners in the Third District recently began to use dedicated calendars that enable volunteer lawyers to more easily represent parties through limited appearances.

Recommendations: The district courts should examine commissioners' calendars for opportunities to better accommodate pro bono and limited appearances by attorneys on behalf of self-represented parties. Districts should work with their local Pro Bono Committee and the Pro Bono Coordinator of the Utah State Bar to develop programs to assist self-represented parties in cases before commissioners.

### **4. Guardians ad litem**

Findings: Few resources, such as guardians ad litem, exist to assist either commissioners or district court judges in determining and making orders to provide for the best interests of the children in custody disputes. Under Utah Code section 78A-2-703, which was enacted during the 2014 General Session of the Utah Legislature, public guardians ad litem are only available in domestic relations cases when an allegation of child abuse or neglect is made and has been reported to Child Protective Services and the court finds that the parties are indigent and that no private guardians

## **Commissioner Workgroup Report**

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are reasonably available. The workgroup recognizes a continuing need for more guardians ad litem.

Recommendation: In light of the recent adoption of section 78A-2-703, the workgroup makes no recommendation concerning guardians ad litem. However, the impact of limiting the availability of guardians ad litem in district court should be monitored.

### **5. Remedies for contempt**

Findings: Inconsistent practices exist in the districts regarding the use of jail as a remedy for contempt. Commissioners in the Third District have insufficient time to conduct evidentiary hearings in cases of alleged contempt committed outside the presence of the commissioner ("indirect contempt"). Instead, they certify the issue to the district court judge assigned to the case, who will schedule an evidentiary hearing. This creates delay and additional costs that make the remedy less effective. Third District commissioners may order jail time in cases of contempt committed in their presence ("direct contempt").

In cases of indirect contempt in the Second and Fourth Districts, the commissioners may issue an order to show cause why the party should not be held in contempt. The order provides the party an opportunity to purge the alleged contempt. In most cases, the contempt is purged and no further proceedings are necessary. Providing the opportunity to purge the alleged contempt reduces the number of evidentiary hearings resulting from contempt allegations. If the contempt is not purged, the commissioner will hold an evidentiary hearing.

If contempt is found, the commissioner may issue an order committing the party to a short jail stay. However, before the party is transported to jail, the order is hand-carried for immediate review and countersignature by any available district court judge. This results in efficient use of the commissioners' and judges' time and a swift response to contemptuous behavior.

In cases of direct contempt before a commissioner in the Second or Fourth District, the commissioner may summarily issue an order of commitment to jail.

Recommendations: The practice for contempt proceedings should be consistent in all districts. For alleged indirect contempt, the commissioner should provide the party an opportunity to purge the contempt and, if the contempt is not purged, hold an evidentiary hearing. All orders of commitment for indirect contempt should be

## **Commissioner Workgroup Report**

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countersigned by a judge. The commitment orders should be reviewed by any available district court judge in the district where the case is pending. Direct contempt should continue to be punishable by order of the commissioner imposing community service, a fine of up to \$500 or up to five days in jail or a combination of those remedies. See Utah Code section 78B-6-310.

### **6. Modification of permanent orders.**

Findings: Under URCP 106(b)(1)(B), commissioners are unable to modify permanent orders on a temporary basis, absent the parties' agreement or a finding of irreparable harm.

Recommendation: The workgroup has no recommendation regarding modification of permanent orders.

### **7. Automatic temporary orders.**

Findings: The Judicial Council's Children and Family Law Committee (CHFL Committee) is considering a proposal to provide for automatic temporary orders in domestic relations cases. Automatic orders would notify the parties of some of their responsibilities in managing their property and providing care for their children while the proceedings are pending. Automatic orders might prevent violation of those responsibilities and allow the court to more expeditiously address any violations that may occur. Some members of the CHFL Committee and of the Board of District Court Judges have raised due process and other concerns about automatic orders.

Recommendation:

The workgroup makes no recommendation regarding automatic temporary orders.

### **8. Risk of commissioner burnout.**

Finding: Commissioners handle many of the courts' most difficult and high conflict cases, which puts them at risk of burning out on the job.

## **Commissioner Workgroup Report**

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**Recommendation:** Presiding judges should be sensitive to the difficult nature of commissioners' duties when supervising them on a daily basis and in conducting performance evaluations and retention reviews.

### **9. Custody evaluations.**

**Findings:** The custody evaluation process is expensive for the parties and creates delay in resolving proceedings concerning the best interests of children. The courts have taken steps to address concerns about custody evaluations. For example, the court enters orders with the consent and agreement of the evaluator to accept a predetermined fee and to complete the evaluation within a certain time frame. See Appendices B (Custody Evaluation Order form) and C (Acceptance of Appointment form). The determination of whether the parties are able to afford an evaluation should be made as early in the case as possible. If the parties are unable to afford an evaluation, oftentimes the court will not order one. Once the evaluation is ordered, no continuances should be granted without establishing a new date.

In addition, parties are required to engage in a custody evaluation settlement conference. The conference is held after the evaluation is completed but before the evaluator prepares a written report. The evaluator presents a verbal report at the conference. The conference encourages parties to settle before they incur the substantial expense of obtaining a written report.

The Council recently published proposed CJA 4-902, providing for a brief investigation of domestic issues. The rule encourages the parties and the court to identify a limited number of issues on which resolution of the case depends. A brief investigation of those issues may reduce the cost of the evaluation and expedite the case.

CJA 4-904 is also designed to expedite the case and reduce the cost to parties. The rule provides for an informal trial of support, custody and parent-time issues. In suitable cases, the rule is used by both commissioners and judges to hear directly from the parties, without direct or cross examination by their attorneys. By allowing the parties a voice, an informal trial may increase parties' satisfaction with the outcome of their case.

**Recommendation:** The workgroup has no recommendation regarding custody evaluations.

## **Conclusion**

The current system for using court commissioners serves the public well, but can be strengthened in the following ways:

1. Providing for a time period during which the public may submit confidential comments to the presiding judge before the original hiring or reappointment of a commissioner;
2. Restructuring commissioner calendars where possible, to encourage pro bono or limited scope representation of self-represented parties;
3. Adopting uniform procedures to remedy contempt in districts that use commissioners. Such procedures should include: a) an opportunity to purge indirect contempt, b) an evidentiary hearing before the commissioner if the contempt is not purged, and c) in matters of indirect contempt, the counter-signature of the order of contempt by any available judge in the district; and
4. Taking preventative steps in evaluating commissioners' performance to avoid burnout.

### **Appendix A**

#### **Research reports prepared for Commissioner Workgroup by the Administrative Office of the Courts:**

- Percent of each case type in fiscal year 2014 with both parties represented by an attorney, with one party represented by an attorney, and with no parties represented by an attorney;
- Profile of disposed divorce/annulment cases from July 1, 2013 to December 31, 2013;
- Cases assigned to each commissioner during FY 2010 through FY 2014, by case type;
- Percent of cases where custody evaluations were ordered, % where conferences were held, and average time to disposition in cases with evaluations, orders, and hearings in FY2010 through 2013;
- Count of informal custody trials, by commissioner, FY 2010 through FY 2014;
- District court documents filed relating to informal custody trials, FY 2010 through FY 2014;
- Calendared hearings held by commissioners by case type, FY 2010 through FY 2014;
- U.S. Census Bureau 2013 population data by age and sex for Utah and counties in urban areas;
- Weighted workload hours for commissioners and judicial officers, on a statewide, district and case type basis, FY 2010 through FY 2014;
- Court commissioner attorney survey averages;
- Commissioner conduct complaints;
- Number of objections to commissioners recommendations filed and how disposed, April 1, 2011 to July 2014;
- Sustained objections to commissioner recommendations compared to total domestic relations cases filed.

**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:** Nancy Sylvester  
**Date:** November 12, 2014  
**Re:** Nominee for chair of the Civil Jury Instructions Committee (MUJI-Civil)

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On November 12<sup>th</sup>, the Management Committee recommended that Juli Blanch be appointed the new chair of the Civil Jury Instructions Committee. The Judicial Council is now tasked with confirming or denying her appointment. The following is some background on Ms. Blanch's nomination to the chair position:

Last May, John Young finished his term as the Civil Jury Instructions Committee chair, but due to the committee's potential move from the Supreme Court to the Judicial Council, the committee did not replace him. On October 27, 2014, the Judicial Council passed a resolution expediting the adoption of an amended Rule 1-205, which placed the Civil Jury Instructions Committee under the Council's wing. As such, the committee now needs to fill the chair position.

Ms. Blanch has been the acting chair since Mr. Young's retirement from the committee. She has asked to be appointed as the full committee chair. Ms. Blanch has been consistent in her attendance at meetings and is well-respected by the committee. Only one other committee member expressed interest in the chair position, but he recently requested that his name be withdrawn in favor of Ms. Blanch.

I would recommend that the Judicial Council confirm Ms. Blanch as the chair. She has energy and enthusiasm for the committee's efforts and also a wealth of knowledge and experience due to her more than 11 years' tenure on the committee.

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.

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**TAB 10**



## 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:** November 16, 2014  
**Re:** Amendments to the Utah Code of Judicial Administration Recommended for Public Comment

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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 and will be subject to change after the comment period.

**CJA 1-205. Standing and ad hoc committees.** Amend. Reauthorizes numerous Judicial Council standing committees and provides dates through which they are reauthorized. Adds a representative from the Self-Help Center to the Committee on Resources for Self-represented Parties.

The Policy and Planning Committee voted to recommend the proposal regarding the Judicial Council standing committees following the Management Committee's action to reauthorize those committees until the dates indicated in the proposal. The Policy and Planning Committee voted to recommend the addition to the Committee on Resources for Self-represented Parties following a request from that Committee.

**App. F. Utah State Court Records Retention Schedule.** Amend. Adds a retention period of 5 years for civil stalking injunction records. Changes the retention policy for numerous juvenile court records. Provides that expunged records shall be retained for the same time as though the record had not been expunged, or for one year after the final decision on the petition for expungement, whichever is longer. Provides that case under

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.

advisement forms shall be retained for 6 years after the end of the term during which the form was submitted.

The Policy and Planning Committee voted to recommend the changes to the retention policy regarding civil stalking injunctions and expungements based on the recommendation of Brent Johnson, General Counsel. The Committee voted to recommend the changes to policy regarding juvenile court records at the request of the Juvenile Court. Finally, the Committee voted to recommend the change to the retention policy for case under advisement forms after revising a recommendation from Brent Johnson.

Encl.        CJA 1-205  
              App. F

**Rule 1-205. Standing and ad hoc committees.**

**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

**Applicability:**

This rule shall apply to the internal operation of the Council.

**Statement of the Rule:**

**(1) Standing committees.**

(1)(A) Establishment. The following standing committees of the Council are hereby established:

(1)(A)(i) Technology Committee;

(1)(A)(ii) Uniform Fine/Bail Schedule Committee;

(1)(A)(iii) Ethics Advisory Committee;

(1)(A)(iv) Justice Court Standards Committee;

(1)(A)(v) Judicial Branch Education Committee;

(1)(A)(vi) Court Facility Planning Committee;

(1)(A)(vii) Committee on Children and Family Law;

(1)(A)(viii) Committee on Judicial Outreach;

(1)(A)(ix) Committee on Resources for Self-represented Parties;

(1)(A)(x) Language Access Committee;

(1)(A)(xi) Guardian ad Litem Oversight Committee;

(1)(A)(xii) Committee on Model Utah Civil Jury Instructions; and

(1)(A)(xiii) Committee on Model Utah Criminal Jury Instructions.

(1)(B) Composition.

(1)(B)(i) The Technology Committee shall consist of one judge from each court of record, one justice court judge, one lawyer recommended by the Board of Bar Commissioners, two court executives, two court clerks and two staff members from the Administrative Office.

(1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of one district court judge who has experience with a felony docket, three district court judges who have experience with a misdemeanor docket, one juvenile court judge and three justice court judges.

(1)(B)(iii) The Ethics Advisory Committee shall consist of one judge from the Court of Appeals, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge, and an attorney from either the Bar or a college of law.

(1)(B)(iv) The Justice Court Standards Committee shall consist of one municipal justice court judge from a rural area, one municipal justice court judge from an urban area, one county justice court judge from a rural area, and one county justice court judge from an urban area, all appointed by the Board of Justice Court Judges; one mayor from either Utah, Davis, Weber or Salt Lake Counties, and one mayor from the remaining counties, both appointed by the Utah League of Cities and Towns; one county commissioner from either Utah, Davis, Weber or Salt Lake Counties, and one county commissioner from the remaining counties, both appointed by the Utah Association of Counties; a member of the Bar from Utah, Davis, Weber or Salt Lake Counties, and a member of the Bar from the remaining counties, both appointed by the Bar Commission; and a judge of a court of record appointed

54 by the Presiding Officer of the Council. All Committee members shall be  
55 appointed for four year staggered terms.

56 (1)(B)(v) The Judicial Branch Education Committee shall consist of one  
57 judge from an appellate court, one district court judge from Judicial Districts 2,  
58 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one  
59 juvenile court judge, the education liaison of the Board of Justice Court  
60 Judges, one state level administrator, the Human Resource Management  
61 Director, one court executive, one juvenile court probation representative, two  
62 court clerks from different levels of court and different judicial districts, one  
63 data processing manager, and one adult educator from higher education. The  
64 Human Resource Management Director and the adult educator shall serve as  
65 non-voting members. The state level administrator and the Human Resource  
66 Management Director shall serve as permanent Committee members.

67 (1)(B)(vi) The Court Facility Planning Committee shall consist of one judge  
68 from each level of trial court, one appellate court judge, the state court  
69 administrator, a trial court executive, and two business people with experience  
70 in the construction or financing of facilities.

71 (1)(B)(vii) The Committee on Children and Family Law shall consist of one  
72 Senator appointed by the President of the Senate, one Representative  
73 appointed by the Speaker of the House, the Director of the Department of  
74 Human Services or designee, one attorney of the Executive Committee of the  
75 Family Law Section of the Utah State Bar, one attorney with experience in  
76 abuse, neglect and dependency cases, one attorney with experience  
77 representing parents in abuse, neglect and dependency cases, one  
78 representative of a child advocacy organization, one mediator, one  
79 professional in the area of child development, one representative of the  
80 community, the Director of the Office of Guardian ad Litem or designee, one

81 court commissioner, two district court judges, and two juvenile court judges.  
82 One of the district court judges and one of the juvenile court judges shall  
83 serve as co-chairs to the committee. In its discretion the committee may  
84 appoint non-members to serve on its subcommittees.

85 (1)(B)(viii) The Committee on Judicial Outreach shall consist of one  
86 appellate court judge, one district court judge, one juvenile court judge, one  
87 justice court judge, one state level administrator, a state level judicial  
88 education representative, one court executive, one Utah State Bar  
89 representative, one communication representative, one law library  
90 representative, one civic community representative, and one state education  
91 representative. Chairs of the Judicial Outreach Committee's subcommittees  
92 shall also serve as members of the committee.

93 (1)(B)(ix) The Committee on Resources for Self-represented Parties shall  
94 consist of two district court judges, one juvenile court judge, one justice court  
95 judge, three clerks of court – one from an appellate court, one from an urban  
96 district and one from a rural district – one member of the Online Court  
97 Assistance Committee, one representative from the Self-Help Center, one  
98 representative from the Utah State Bar, two representatives from legal service  
99 organizations that serve low-income clients, one private attorney experienced  
100 in providing services to self-represented parties, two law school  
101 representatives, the state law librarian, and two community representatives.

102 (1)(B)(x) The Language Access Committee shall consist of one district  
103 court judge, one juvenile court judge, one justice court judge, one trial court  
104 executive, one court clerk, one interpreter coordinator, one probation officer,  
105 one prosecuting attorney, one defense attorney, two certified interpreters, one  
106 approved interpreter, one expert in the field of linguistics, and one American  
107 Sign Language representative.

(1)(B)(xi) The Guardian ad Litem Oversight Committee shall consist of seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(xii) The Committee on Model Utah Civil Jury Instructions shall consist of two district court judges, four lawyers who primarily represent plaintiffs, four lawyers who primarily represent defendants, and one person skilled in linguistics or communication.

(1)(B)(xiii) The Committee on Model Utah Criminal Jury Instructions shall consist of two district court judges, one justice court judge, four prosecutors, four defense counsel, and one person skilled in linguistics or communication.

(1)(C) The Judicial Council shall designate the chair of standing committees. Standing committees shall meet as necessary to accomplish their work but a minimum of once every six months. Standing committees shall report to the Council as necessary but a minimum of once every six months. Council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) Six months before the scheduled termination of a standing committee, the Management Committee shall review the performance of the committee and make recommendations to the Judicial Council regarding reauthorization. Unless reauthorized by the Judicial Council, the committees shall terminate on the date indicated and every six years thereafter.

(1)(D)(i) The Technology Committee shall terminate on June 30, 20016.

(1)(D)(ii) The Uniform Fine/Bail Schedule Committee shall terminate on June 30, 2018~~06~~.

(1)(D)(iii) The Ethics Advisory Committee shall terminate on June 30, 2019~~07~~.

(1)(D)(iv) The Justice Court Standards Committee shall terminate on June 30, 2014~~08~~.

(1)(D)(v) The Judicial Branch Education Committee shall terminate on June 30, 2020~~08~~.

(1)(D)(vi) The Court Facility Planning Committee shall terminate on June 30, 2015~~09~~.

(1)(D)(vii) The Committee on Children and Family Law shall terminate on June 30, 2017~~09~~.

(1)(D)(viii) The Committee on Judicial Outreach shall terminate on June 30, 2016~~0~~.

(1)(D)(ix) The Committee on Resources for Self-represented Parties shall terminate on June 30, 2016~~0~~.

(1)(D)(x) The Language Access Committee shall terminate on June 30, 2017.

(1)(D)(xi) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) Ad hoc committees. The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem

advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) General provisions.

(3)(A) Appointment process.

(3)(A)(i) Administrator's responsibilities. The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) Council's responsibilities. The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

188 (3)(B) Terms. Except as otherwise provided in this rule, standing  
189 committee members shall serve staggered three year terms.  
190 Standing committee members shall not serve more than two consecutive  
191 terms on a committee unless the Council determines that exceptional  
192 circumstances exist which justify service of more than two consecutive terms.  
193 (3)(C) Members of standing and ad hoc committees may receive  
194 reimbursement for actual and necessary expenses incurred in the execution  
195 of their duties as committee members.  
196 (3)(D) The Administrative Office shall serve as secretariat to the Council's  
197 committees.

## Utah State Court Records Retention Schedule

### (A) Definitions.

(A)(1) Appellate proceedings. As applicable to the particular case:

(A)(1)(a) expiration of the time in which to file an appeal;

(A)(1)(b) completion of the initial appeal of right;

(A)(1)(c) completion of discretionary appeals; or

(A)(1)(d) completion of trial court proceedings after remittitur.

Appellate proceedings do not include collateral review, such as a petition for post conviction relief or a petition for writ of habeas corpus, although these petitions may themselves be the subject of appellate proceedings.

(A)(2) Case file. The compilation of documents pertaining to a case in the district court and justice court. The compilation of documents pertaining to an individual under the jurisdiction of the juvenile court.

(A)(3) Case history. Includes the docket, judgment docket, registry of judgments, register of actions and other terms used to refer to a summary of the parties and events of a case.

(A)(4) Clerk of the court. Includes all deputy clerks.

(A)(5) Confidential records. Records classified in accordance with the Title 63G, Chapter 2, Government Records Access and Management Act and Rule 4-202 et seq. of the Judicial Council as private, protected, juvenile, or sealed.

(A)(6) Critical documents. As applicable to the particular case:

(A)(6)(a) Civil. Final amended complaint or petition; final amended answer or response; final amended counterclaims, cross claims, and third party claims and defenses; home study or custody evaluation; jury verdict; final written opinion of the court, including any findings of fact and conclusions of law; final trial court order, judgment or decree; interlocutory order only if reviewed by an appellate court; orders supplemental to the judgment and writs

28 that have not expired; notice of appeal; transcripts; appellate briefs; final  
29 order, judgment or decree or any appellate court; case history.

30 (A)(6)(b) Child abuse, neglect or dependency. In addition to that which is  
31 required of civil cases, shelter hearing order; adjudication orders; disposition  
32 orders; reports of the Division of Child and Family Services; psychological  
33 evaluations; reports from treatment providers; motion for permanency hearing;  
34 response to motion for permanency hearing; petition for termination of  
35 parental rights; and response to petition for termination of parental rights.

36 (A)(6)(c) Divorce and domestic relations. In addition to that which is  
37 required of civil cases, petitions to modify or enforce a final order, judgment or  
38 decree and the final order entered as a result of that petition.

39 (A)(6)(d) Felonies, including offenses by a minor in juvenile court. All  
40 documents other than duplicates, subpoenas, warrants, orders to show cause,  
41 presentence investigation reports and notices of hearings.

42 (A)(6)(e) Misdemeanors and infractions, including offenses by a minor in  
43 juvenile court. Final amended citation or information; jury verdict; final written  
44 opinion of the court, including any findings of fact and conclusions of law; final  
45 trial court order, judgment or decree; notice of appeal; appellate briefs; final  
46 order, judgment or decree or any appellate court; case history.

47 (A)(6)(f) Probate. In addition to that which is required of civil cases, will  
48 admitted to probate; trust instrument; final accounting; reports, findings and  
49 orders regarding the mental competence of a person.

50 (A)(7) Document. Any pleading or other paper filed with or created by the  
51 court for a particular case, regardless of medium.

52 (A)(8) Off-site storage. Storage at the State Records Center under the  
53 control of the Division of State Archives.

54 (A)(9) On-site storage. Storage at the courthouse or any secure storage  
55 facility under the control of the court.

56 (A)(10) Retention period. The time that a record must be kept. The  
57 retention period is either permanent or for a designated term of months or  
58 years.

59 (B) Case Records.

60 (B)(1) Objectives. The objective of the records retention schedule is to  
61 maintain convenient access to the documents of the case and to the case  
62 history as necessary to the activity in the case. Even in a case in which  
63 judgment has been entered there may be substantial activity. In criminal  
64 cases, the court can expect affidavits alleging violations of probation and  
65 petitions for post conviction relief. In civil cases, the court can expect to issue  
66 writs, orders supplemental to the judgment and to conduct other proceedings  
67 to collect the judgment. In divorce cases, the court can expect petitions to  
68 modify the decree or to enforce visitation and support. This may mean more  
69 immediate access in particular cases. The objective of the records retention  
70 schedule is to guide the transfer of permanent records to off-site storage and  
71 the destruction on non-permanent records.

72 (B)(2) Storage medium. The decisions of what storage medium to use and  
73 when to use it are left to local discretion, needs and resources of the clerk of  
74 the court.

75 With proper training or by the Division of State Archives the clerk of the  
76 court may microfilm records. Given the sensitive nature of identifying  
77 information contained in court records, such as name, address, telephone  
78 number, and social security number of parties, witnesses and jurors,  
79 microfilming of court records by Utah Correctional Industries is prohibited. All  
80 microfilming shall be in accordance with the standards adopted by the

81 Division. All microfilm developing and quality assurance checks shall be done  
82 by the Division. The Division of State Archives shall keep the original film and  
83 return a copy to the court.

84 The clerk of the court may scan documents to a digital image based on  
85 local needs and resources. Once scanned to a digital image, the document  
86 may be destroyed. Electronic documents may be printed and maintained in  
87 the case file.

88 (B)(3) Storage location. The Administrative Office of the Courts shall  
89 maintain all computer records. The clerk of the court shall store on site  
90 pending cases, closed cases with significant post judgment activity, and cases  
91 with a retention period of less than permanent.

92 The clerk of the court shall not store case files with significant activity off-  
93 site. Records in which there is an order of alimony or child support, visitation  
94 or custody shall not be stored off-site until at least three years has expired  
95 from the date of the last activity in the case. Within these parameters, the  
96 decision to store permanent records on-site or off-site is left to local discretion,  
97 needs and resources. The state court records officer and the Division of State  
98 Archives may evaluate exceptions for courthouses with critically short storage  
99 problems. Records stored off-site shall be prepared in accordance with  
100 standards and instructions of the Division of State Archives. If a record stored  
101 off-site is needed at the courthouse, the record will be returned to the court for  
102 the duration of the need. The clerk of the court shall not return a record in  
103 which there is an order of alimony or child support, visitation or custody to off-  
104 site storage until at least three years after the last activity in the case.

105 (B)(4) Critical documents. At any time after the completion of appellate  
106 proceedings, the clerk of the court may remove from the case file and destroy  
107 all documents other than critical documents.

(B)(5) The retention period in a criminal case begins as of the completion of the sentence. The level of offense is determined by the offense of which the defendant is convicted or to which the offense is reduced under Utah Code Section 76-3-402. The retention period in a civil or small claims case begins as of the expiration or satisfaction of the judgment. The retention periods are for the following terms.

(B)(5)(a) Permanent. All case types not governed by a more specific designation; the record of arraignment and conviction required by Rule 9-301; prosecution as a serious youth offender.

(B)(5)(b) 10 years. Third degree felonies; violations of Utah Code Section 41-6a-502 or Section 41-6a-503, or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that section; hospital liens.

(B)(5)(c) 5 years. Administrative agency review; civil and small claims cases dismissed with prejudice; forcible entry and detainer; investigative subpoenas; domestic violence misdemeanor within the scope of Utah Code Section 77-36-1; post conviction relief or habeas corpus other than capital offenses and life without parole; tax liens; temporary separation; worker's compensation; probable cause statements and search and arrest warrants not associated with a case; civil stalking injunctions issued under Utah Code Section 77-3a-101.

(B)(5)(d) 3 years. Violations of Utah Code Section 53-3-231; violations of Utah Code Section 76-5-303.

(B)(5)(e) 1 year. Civil cases with a judgment of money only; extraditions; misdemeanors and infractions classified as "mandatory appearance" by the Uniform Fine and Bail Schedule; petitions to expunge an arrest record in which no charges have been filed.

(B)(5)(f) 6 months. Civil and small claims cases dismissed without prejudice; misdemeanors and infractions classified as "non-mandatory appearance" by the Uniform Fine and Bail Schedule; small claims cases with a judgment of money only.

(B)(6) Retention period in Juvenile Court. The retention period in a delinquency petition or referral begins as of the completion of the sentence. The retention period in other cases begins as of the expiration of the judgment. The retention periods are for the following terms.

(B)(6)(a) Permanent. Adoptions; civil cohabitant abuse; orders terminating parental rights; prosecution as serious youth offender; substantiation.

(B)(6)(b) Until the youngest subject of the petition reaches age 28. Abuse, neglect and dependency; felonies; misdemeanors and infractions other than non-judicial adjustments; interstate compact; violations of Utah Code Section 41-6a-502 or Section 41-6a-503 or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that section; violations of Utah Code Section 53-3-231; petitions to expunge an arrest record in which no charges have been filed; violations of Utah Code Section 53-3-231; non-judicial adjustment of referrals; misdemeanors and infractions classified as "non-mandatory appearance" by the Uniform Fine and Bail Schedule, such as fish and game violations; cases dismissed without prejudice.

(B)(6)(c) 10 years. Prosecution of an adult for any offense or violation, including contempt of court. Until the subject of the petition reaches age 18 and jurisdiction of the court is terminated. Misdemeanors and infractions other than non-judicial adjustments; interstate compact.

~~(B)(6)(d) 10 years. Violations of Utah Code Section 41-6a-502 or Section 41-6a-503, or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that section.~~

~~(B)(6)(e) 3 years. Violations of Utah Code Section 53-3-231.~~

~~(B)(6)(f) 1 year. Petitions to expunge an arrest record in which no charges have been filed.~~

~~(B)(6)(g) 6 months. Non-judicial adjustment of referrals; misdemeanors and infractions classified as "non-mandatory appearance" by the Uniform Fine and Bail Schedule, such as fish and game violations; cases dismissed without prejudice.~~

(B)(7) Retention period in Supreme Court and Court of Appeals. The retention period for records in the Supreme Court and Court of Appeals is permanent.

(B)(8) Special cases.

(B)(8)(a) The retention period for foreign judgments, abstracts of judgment and transcripts of judgment is the same as for a case of the same type filed originally in Utah.

(B)(8)(b) With the exception of contempt of court by an adult in juvenile court, the retention period for contempt of court is the same as for the underlying case in which the contempt occurred.

~~(B)(8)(c) The retention period in the juvenile court for records of the prosecution of adults is the same as for the corresponding offense in district or justice court.~~

(B)(9) Case related records. If the record is filed with the case file, it is treated as a non-critical document unless it is specifically included within the definition of a critical document. If the record is not filed with the case file then its retention period is determined in accordance with the following schedule:

(B)(9)(a) Audio and video tapes and tape logs; court reporter notes. For misdemeanors, infractions and small claims, 3 years from the date the record

187 is created. Otherwise, 9 years from the date the record is created. Tapes shall  
188 not be reused.

189 (B)(9)(b) Court calendars. As determined by the clerk of the court based on  
190 local needs.

191 (B)(9)(c) Confidential records. Confidential records are retained for the  
192 same period as the case to which they apply, but they are filed and stored in  
193 such a manner as to protect their confidentiality.

194 (B)(9)(d) Depositions. 6 months after the close of appellate proceedings.

195 (B)(9)(e) Exhibits. Three months after disposition of the exhibit in  
196 accordance with Code of Judicial Administration 4-206.

197 (B)(9)(f) Expunged records. For the same time as though the record had  
198 not been expunged or for one year after the final decision on the petition for  
199 expungement, whichever period is longer.

200 (B)(9)(g) Indexes. Permanent.

201 (B)(9)(h) Jury lists and juror qualification questionnaires. 4 years from  
202 completion of term of availability.

203 (B)(9)(i) Case history. Permanent.

204 (B)(10) Record destruction. Court records 50 years of age or older shall be  
205 reviewed for historical significance by the Division of State Archives prior to  
206 destruction. If a record is of historical significance, the Division will take  
207 possession. If a record is not of historical significance, the court shall manage  
208 the record in accordance with this schedule.

209 Paper documents shall be destroyed after expiration of the retention period  
210 or after copying the document to microfilm, digital image, or electronic  
211 medium. If documents are copied to microfilm, digital image, or electronic  
212 medium, the court may maintain the paper documents until such later time  
213 that convenient access to the case file can be achieved by means of microfilm

or digital image. Each court is responsible for destroying records or making arrangements for destroying records. The court must comply with all laws applicable to the method of destruction. Confidential records must be shredded prior to destruction. Recycling is the preferred method of destruction. In addition, the court may destroy records by incineration or deposit in a landfill. If the court is unable to destroy records by these means, the court may arrange through the state court records officer to have records destroyed by the State Records Center, which may charge a fee.

(C) Administrative Records

(C)(1) Record storage, microfilming, imaging and destruction.

Administrative records shall be stored on-site. Administrative records may be microfilmed or scanned to a digital image based on local needs and resources.

(C)(2) Retention period. The retention period for administrative records is in accordance with the following schedule.

(C)(2)(a) Accounting, audit, budget, and finance records. 4 years from the date the record is created.

(C)(2)(b) Final reports approved by the Judicial Council. Permanent.

(C)(2)(c) General counsel legal files. 10 years from date the record is created.

(C)(2)(d) Juror fee and witness fee payment records. 4 years from the date of payment.

(C)(2)(e) Meeting minutes. Permanent.

(C)(2)(f) Case under advisement forms. 6 years after the end of the judge's term during which the form was submitted.

(C)(3) Other Record Retention. All administrative records not specifically listed in this record retention schedule will be retained, transferred or

241 destroyed according to the appropriate court policy and procedure manual or  
242 the "Utah State Agency General Retention Schedule."

243 (D) Email retention.

244 (D)(1) Incidental Personal Correspondence. Correspondence that does not  
245 relate to the business of the courts. The sender and recipient should delete  
246 the email as soon as s/he has no more need for it.

247 (D)(2) Transitory Correspondence. Court-related correspondence that is  
248 transitory in nature and does not offer unique information about court  
249 functions or programs. These records include acknowledgment files and most  
250 day-to-day office and housekeeping correspondence. The sender and  
251 recipient should delete the email as soon as s/he has no more need for it.

252 (D)(3) Policy and Program Correspondence. Court-related correspondence  
253 that provides unique information about court functions, policies, procedures,  
254 or programs. These records document material discussions and decisions  
255 made regarding all court interests. The recipient should delete the email as  
256 soon as s/he has no more need for it. The sender must retain policy and  
257 program email for the same duration as the Utah State Archives Record  
258 Retention Schedule for a record of that type.

259 (D)(4) The sender must retain policy and program correspondence in a  
260 reproducible medium separate from transitory messages. The sender can do  
261 this by moving the email message to an electronic folder in the email system  
262 with an appropriate retention period or by copying the correspondence to  
263 another medium for retention, such as a web page, a saved file, or a printed  
264 document. If the sender copies the email to another medium for retention,  
265 s/he should delete the email.

266 (D)(5) Email records of a terminated or transferred employee.

(D)(5)(a) Supervisor's or designee's responsibility. If an employee is scheduled for termination or transfer, the employee's supervisor or designee will notify the Help Desk of the IT Division using the form provided by the Division. Upon termination or transfer, the supervisor or designee will review the employee's email. The supervisor or designee will retain policy and program correspondence of which the employee was the sender in accordance with paragraph (D)(3).

(D)(5)(b) IT Division's responsibility. If the employee is transferred, the IT Division will maintain the employee's email account at the new location. If the employee is terminated, the IT Division will:

- 1) De-provision the user id and email account of the employee;
- 2) Remove authority to sign on to the court's computing network;
- 3) Remove authority to access the court's email account;
- 4) Remove the employee from group email lists; and
- 5) Remove authority to access personal and network drives.

Upon receipt of notice of termination or transfer, the IT Division will retain the employee's email in its original form for 180 days from the date of termination or transfer. After 180 days, the IT Division may back up the employee's email, delete the email account and recover and reuse the disk space. The IT Division will retain the back-up off site for one year from the date of deletion. If a terminated or transferred employee returns within 180 days after the date of termination, the IT Division will reactivate the employee's email account.

(D)(6) Litigation. Upon notice of pending or potential litigation, the IT Division will retain the employee's email in the current format until notice that the litigation is complete or is no longer contemplated. At such time, the employee's email will be subject to this section (D).