

JUDICIAL COUNCIL MEETING

AGENDA

Friday, May 29, 2015
Judicial Council Room
Matheson Courthouse
Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

NOTE TIME CHANGE OF MEETING

1. 10:00 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 10:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 10:15 a.m. Administrator's Report. Daniel J. Becker
4. 10:30 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. 10:40 a.m. Council Committee Appointments. . . . Chief Justice Matthew B. Durrant
(Tab 3 - Action)
6. 10:45 a.m. Rules for Final Action. Alison Adams-Perlac
(Tab 4 - Action)
7. 10:55 a.m. Language Access Committee Update. Judge Rick Romney
(Information) Alison Adams-Perlac
Rosa Oakes
8. 11:15 a.m. Facilities Standing Committee Update. Judge Charles Behrens
(Tab 5 - Information) Alyn Lunceford
9. 11:35 a.m. Juvenile Court E-Filing Update. Dawn Marie Rubio
(Tab 6 - Information) Brody Arishita
10. 12:00 p.m. Escalante City Dissolution Request. Daniel J. Becker
(Tab 7 - Action)
11. 12:10 p.m. Executive Session
12. 12:15 p.m. Adjourn/Lunch

Consent Calendar

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

1. Committee Appointments
(Tab 8)

Liz Knight
Nancy Volmer

2. Rules for Public Comment
(Tab 9)

Alison Adams-Perlac

TAB 1

JUDICIAL COUNCIL MEETING

Minutes

Monday, April 27, 2015

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

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. Glen Dawson
Hon. Thomas Higbee
Hon. David Marx
Hon. David Mortensen
Hon. Reed Parkin
Hon. John Sandberg
Hon. Randall Skanchy
Hon. Kate Toome
John Lund, esq.

EXCUSED:

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Tim Shea
Alison Adams-Perlac
Nancy Sylvester
Dan Larsen
Derek Byrne
Tom Langhorne
Ron Bowmaster

GUESTS:

Judge Marsha Thomas
Joanne Slotnik, JPEC
Gil Miller, JPEC
David Walsh
Gary Syphus
Ken Matthews
Cheri Linsley, 3rd Dist
Evangelina Burrows, 3rd Dist
Tim Smith, self

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Skanchy moved to approve the minutes from the March 13, 2015 Judicial Council meeting. Judge Hornak seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following items:

A ceremony to recognize the 800-year anniversary of the signing of the Magna Carta took place at the Matheson Courthouse on Wednesday, April 15; where Chief Justice Durrant participated in a ceremonial signing of the replica document.

He offered comments at the Juvenile Court Judges Conference held last week in Cedar City.

Judge Kate Toomey, Court of Appeals, was sworn in to replace Judge James Davis who resigned.

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

Mr. Becker reported on the following items:

Justice Court Judges Conference. At the Justice Court Judges Spring Conference, the Justice Court Judges approved the appointment of Judge Paul Farr to replace Judge John Sandberg on the Council, upon his retirement at the end of May.

Carbon County Courthouse. Carbon County is prepared to move forward with applying for a CIB grant to fund a new courthouse. Mr. Becker highlighted the following relative to the proposed new courthouse: 1) a lease increase of \$300,000 would need to be approved in FY 2019, on a one-time basis; and 2) thereafter, with the completion of the Farmington lease in FY 2020, funding would be available to address the ongoing lease requirements for the new Price courthouse.

Davis County Commission. Mr. Becker, Mr. Rick Schwermer, and Mr. Brent Johnson are scheduled to meet with the Davis County Commissioners later today to discuss their request to dissolve the Davis County Justice Court in December 2016. An update of this matter will be provided to the Council at their May meeting.

4. COMMITTEE REPORTS:

Management Committee Report:

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

Liaison Committee Report:

No meeting was held in April.

Policy and Planning Meeting:

Judge Parkin reported on the following items: 1) the committee continues to review and consider rule changes and policies brought before them, 2) they are scheduled to meet on May 1, and 3) a rule for final action is on the agenda, for approval, later in the meeting.

Bar Commission Report:

Mr. Lund reported on the following items:

He expressed his appreciation to Chief Justice Durrant for his participation in the signing of the Magna Carta at the event held on April 15 at the Matheson Courthouse. The Magna Carta display will be set up at the Law Day Luncheon on May 1.

The results of the Bar election included: 1) Rob Rice, president elect; 2) Kate Conyers and Michelle Mumford, Third Division Commissioners; 3) Liisa Hancock, Fourth Division Commissioner; and 4) Kristin Woods, Fifth Division Commissioner.

The Bar's Summer Convention will be held July 29 – August 1 in Sun Valley, Idaho. Associate Justice Anthony M. Kennedy, U.S. Supreme Court is scheduled as a keynote speaker on July 30.

Expanding the Fall Forum to a two-day event is being considered by the Bar Commission.

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

The Policy and Planning Committee recommended Rule CJA 01-0205 – Standing and ad hoc committees be approved for final action. The rule has been amended to reauthorize numerous Judicial Council Standing Committees, and it adds a representative from the Self-Help Center to the Committee on Resources for Self-Represented Parties. If approved, the amended rule would be effective May 1.

MOTION: Judge Skanchy moved to approve the recommended changes to Rule CJA 01-205 – Standing and ad hoc committees, as proposed by the Policy and Planning Committee, effective May 1. Judge Hornak seconded the motion, and it passed unanimously.

6. RESOURCES FOR SELF-REPRESENTED PARTIES COMMITTEE UPDATE: (Judge Marsha Thomas and Nancy Sylvester)

Chief Justice Durrant welcomed Judge Marsha Thomas and Ms. Nancy Sylvester to the meeting).

Judge Thomas reminded members of the Council of the update provided to them in October 2014 which included: 1) a brief history of the committee, 2) where the committee is today, and 3) where they would like to go.

A strategic plan has been prepared since the update in October 2014. Prior strategic plans were prepared in 2006 and 2011 which provided guidance to the committee to date. The new strategic plan incorporates priorities from prior plans.

Ms. Sylvester highlighted the following data relative to self-represented parties in selected court case types during FY 2014 compared to FY 2005 to include: 1) no party with an attorney, 60% in FY 14 compared to 47% in FY 05; 2) guardianship, 67% in FY 14 compared to 65% in FY 05; 3) protective orders, 71% in FY 14 compared to 54% in FY 05; and 4) civil stalking, 77% in FY 14 compared to 76% in FY 05.

The proposed priorities in the current strategic plan include: 1) continued support including increased funding for the Self-Help Center, 2) continued development of forms, 3) improvement of lawyer directories and the development of a guided webpage for referral to legal services, 4) support for the development of virtual legal services delivery, 5) the development and implementation of a court navigator program, 6) increased availability of malpractice insurance for volunteer attorneys, 7) changes to the third year practice rule, and 8) increased education for those who interact with self-represented parties.

Ms. Sylvester provided details relative to court navigator programs used by other state court systems, nationally.

Discussion took place.

The following suggestions were made relative to the Resources for Self-Represented Parties Committee and the Self-Help Center: 1) the need for a bar representative on the committee, and 2) the need for self-representation in delinquency and child welfare related cases.

Chief Justice thanked Judge Thomas and Ms. Sylvester for their update. He asked Judge Thomas to express his appreciation to the Resources for Self-Represented Parties Committee for all they do, on behalf of the courts.

7. JUDICIAL PERFORMANCE EVALUATION COMMISSION UPDATE: (Joanne Slotnik and Mr. Gil Miller)

Chief Justice Durrant welcomed Ms. Joanne Slotnick and Mr. Gil Miller to the meeting.

Ms. Slotnik introduced Mr. Gil Miller to members of the Council.

Mr. Miller provided background information on his experience.

Ms. Slotnik and Mr. Miller highlighted the following in their update to the Council: 1) membership changes, 2) a redesign of the JPEC website is in progress to make the website more user-friendly and applicable to mobile users, 3) adding more volunteers to the courtroom observer aspect of the evaluation process, 4) development of a pre-survey letter for attorneys, and 5) dates to remember relative to the 2016 retention elections, 6) dates to remember relative to the 2018 mid-term evaluations.

Membership changes to the Judicial Performance Evaluation Commission (JPEC) include: 1) the Governor has appointed Ms. Sonia Martinez to fill the vacancy replacing Ms. Joanne Rigby, 2) Mr. John Ashton has been appointed as the chair of the committee, and 3) a Supreme Court appointment to fill the vacancy to replace Mr. Anthony Schofield is forthcoming.

Questions were asked of Ms. Slotnik. Ms. Slotnik provided responses to the questions asked.

Chief Justice Durrant thanked Ms. Slotnik and Mr. Miller for their update.

8. APPROVAL OF FY 2016 SPENDING PLAN: (Daniel J. Becker and Ray Wahl)

The recommendations for the proposed FY 2016 spending plan, as prepared by the Executive Budget Committee, were distributed and reviewed with members of the Council. A document relative to court commissioner compensation was distributed for further discussion relative to the FY 2016 spending plan.

Mr. Becker reviewed the available ongoing funding, by source, for FY 2016 to include: 1) ongoing turnover savings, 2) funding for nine fiscal notes, and 3) VOIP budget savings.

The available one-time funding available included: 1) one-time personnel turnover savings and current expense, and 2) one-time fiscal note funding.

Mr. Becker highlighted the proposed ongoing spending plan recommendations with regard to the court's budget obligations to include: 1) career track obligations, 2) market comparability adjustments, and 3) child welfare mediator.

He highlighted the proposed ongoing spending plan recommendations with regard to the court's discretionary budget items to include: 1) district court law clerk, 2) juvenile court law clerk, 3) commissioner compensation, 4) district court program administrator (.5 FTE to .75 FTE), 5) transfer of CIP Grant personnel funding to GF (.3 FTE), and 6) Self-Help Center.

Mr. Becker reviewed the proposed one-time spending plan recommendations. The following one-time spending plan recommendations were highlighted: 1) employee incentive awards, 2) education initiatives, 3) senior judges, 4) volunteer court visitor program, 5) Fourth District Juvenile clerical support, 6) district court program administrator (.75 FTE to 1.0 FTE), 7) time-limited law clerks, 8) Fourth District scanning project, and 9) reserve amount.

Court Commissioner Compensation. Mr. Becker mentioned that court commissioners are included with court staff for the approved 3% cost-of-living adjustment. Any changes to commissioner compensation have to be approved by the Council.

He provided background information on commissioner compensation compared to the justification that was used to increase judicial salaries. Mr. Becker highlighted the following to be considered when approving commissioner compensation: 1) an increase to commissioner compensation is supported by the Board of District Court Judges and the Board of Juvenile Court Judges, 2) judicial salary comparability, 3) legislative context, 4) national survey data relative to

commissioner compensation, and 5) survey data relative to comparable Utah government positions.

Discussion took place.

Commissioner compensation increases, approved by the Council, within the past four years was noted.

Motion: Justice Parrish moved to: 1) approve the court commissioner's compensation be increased by six percent, which includes the 3% cost-of-living adjustment, 2) continue to fund the district court program administrator position with one-time funding, and 3) reduce the amount to be funded one-time for courtroom technology and remote services. Mr. Lund seconded the motion. The motion passed with Judge Mortensen, Judge Dawson, and Judge Bagley voting no.

Motion: Justice Parrish moved to approve the FY 2016 Spending Plan as recommended, with the exception of the changes made relative to the following areas: 1) the commissioner compensation, 2) funding of the district court program administrator position with one-time funding, and 3) a reduction in the amount to be funded one-time for courtroom technology and remote services. Judge Hornak seconded the motion, and it passed unanimously.

9. APPROVAL OF COURT COMMISSIONER COMPENSATION: (Daniel J. Becker)

Motion: Justice Parrish moved to approve the increase in compensation from \$122,482 (FY 2015) to \$129,831 (FY 2016), which represents a six percent increase. Judge Sandberg seconded the motion, and it passed unanimously.

10. EXECUTIVE SESSION

An executive session was not needed at this time.

11. ADJOURN

The meeting was adjourned.

TAB 2

Management Committee Minutes

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Tuesday, May 12th, 2015
Matheson Courthouse
450 South State Street
Salt Lake City, Utah**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant, Chair
Hon. Kimberly Hornak
Hon. John Sandberg
Hon. Kate Toomey

EXCUSED:

Hon. Randall Skanchy

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Liz Knight
Brent Johnson

GUESTS:

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

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

Motion: Judge Sandberg moved to approve the April 14, 2015 Management Committee meeting minutes. Judge Hornak seconded the motion, and it passed unanimously.

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

He reported on the following items:

Judicial Council Membership. The Utah State Bar Commission recently approved the reappointment of Mr. John Lund to serve a second term on the Judicial Council.

Treatment Center Dedication. On Thursday, May 14; the Atherton Community Treatment Center (formerly the Fremont Community Correctional Center), was dedicated in honor of Judge Judith Atherton.

Traffic Court Report. Mr. Becker referred to a report entitled *Not Just A Ferguson Problem* which provided details regarding the process undertaken by California traffic courts in handling traffic citations.

JPEC Update. Mr Schwermer provided an update from the meeting held earlier in the day to include: 1) a request by JPEC to the Criminal Justice Center (CJC) at the University of Utah to validate the basic math and data collected on surveys compiled of judges up for retention, for a second time, in order to provide continued confidence in the accuracy of the data, 2) a pilot program is being conducted relative to a different survey instrument to be used for gathering subjective information of the mid-level group of justice court judges during two different days during their term, 3) what public comment means, and 4) Ms. Slotnik and Mr.

DeRosia will meet with the Board of Justice Court Judges at their August meeting to discuss the justice court judges performance evaluation process further.

3. COMMITTEE APPOINTMENTS: (Liz Knight and Nancy Volmer)

The Guardian ad Litem Oversight Committee has two vacancies, as a result of the resignations of Ms. Angela Fannesbeck and Ms. Louise Knauer.

The following names were submitted for consideration: 1) Mr. Doug Adair, 2) Ms. Alison Bond, 3) Mr. Kenyon Dove, 4) Ms. Erin Hill, 5) Ms. Dixie Jackson, and 6) Ms. Jeannine Timothy. Ms. Knight provided background information on the committee's recommendations.

Motion: Judge Hornak moved to approve Mr. Kenyon Dove and Ms. Timothy to fill the two vacancies on the Guardian ad Litem Oversight Committee and place it on the May Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

The Standing Committee on Judicial Outreach recommended the reappointment of Mr. Robert Austin, State Office of Education Specialist, to serve a third term on the committee.

Motion: Judge Hornak moved to reappoint Mr. Robert Austin to serve a third term on the committee due to extraordinary circumstances and place it on the May Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

4. DAVIS COUNTY DISSOLUTION UPDATE: (Rick Schwermer and Brent Johnson)

Mr. Schwermer and Mr. Johnson provided an update on Davis County's interest in dissolving their court. Mr. Schwermer reminded members of the Management Committee of the action taken at the March Council meeting denying Davis County's request for a waiver to shorten the waiting period required to dissolve the Davis County Justice Court. The following was highlighted in their update: 1) Mr. Becker, Mr. Schwermer and Mr. Johnson met with members of the Davis County Commission on April 27 to discuss the matter of dissolving the Davis County Justice Court, 2) Davis County is considering entering into an interlocal agreement with a neighboring municipality, 3) Mr. Schwermer and Mr. Johnson met with members of the Davis County Commission and affected municipalities on May 11, and 4) Mr. Schwermer outlined several options to members of the Davis County Commission and the affected municipalities at the May 11 meeting for consideration in resolving the matter of the Davis County Justice Court.

Mr. Johnson provided information, from his perspective, on the matter of the Davis County Justice Court.

5. COUNCIL COMMITTEE APPOINTMENTS: (Daniel J. Becker)

Mr. Becker recommended the appointment of Judge David Marx to fill the vacancy on the Management Committee upon the resignation of Judge John Sandberg after the May Council meeting. He also recommended the appointment of Judge Paul Farr to serve on the Liaison Committee, upon his swearing in as a member of the Council in June.

Motion: Judge Sandberg moved to recommend the appointment of Judge David Marx to fill the vacancy on the Management Committee after the May Council meeting, and to recommend the

appointment of Judge Paul Farr to serve on the Liaison Committee and place it on the Council agenda for final approval. Judge Hornak seconded the motion, and it passed unanimously.

6. ESCALANTE CITY DISSOLUTION REQUEST: (Rick Schwermer)

Escalante City is requesting approval to close the Escalante Justice Court by the end of June 2015. They have contacted the Garfield County Justice Court relative to consolidating their court with Garfield County. Garfield County has expressed interest in the consolidation.

Mr. Schwermer provided background information on the Escalante Justice Court, and the basis for their request.

The Management Committee agreed to place the Escalante City dissolution request on the May 29 Judicial Council agenda for further action.

7. UNIFORM FINE AND BAIL SCHEDULE REVISIONS: (Judge James Brady and Debra Moore)

Chief Justice Durrant welcomed Judge Brady to the meeting. Judge Brady joined the meeting by video.

Judge Brady highlighted the following as he reviewed the recommended revisions to the Uniform Fine and Bail Schedule: 1) it was noted that HB 348 made changes to numerous offenses in the Fine and Bail Schedule; 2) a review of the revisions per section as a result of HB 348 was provided; 3) question of whether the legislature intended to reduce the maximum statutory fine from \$1,000 to \$750 when it reduced the severity level of Class B offense to Class C was raised; 4) an increase in the surcharge and court security fee for the minimum and standard fine amounts; 5) the process for submitting changes to the schedule by court personnel; 6) compliance credit revision noted, 7) review of the juvenile fine and bail revisions, noting that the recommendation for an increase in the surcharge and security fee by \$25 be approved for the minimum and standard fine amounts only, with no increase to the maximum fines; 7) the Division of Wildlife Resources (DWR) requests would be considered at a future meeting; and 8) responded to questions relative to CORIS and CARE.

Chief Justice Durrant expressed his gratitude to Judge Brady and the Uniform Fine and Bail Committee for their hard work in finalizing the Uniform Fine and Bail Schedule revisions.

Motion: Judge Toomey moved to approve the Uniform Fine and Bail Schedule revisions as recommended by the Uniform Fine and Bail Committee, effective today. Judge Hornak seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reviewed the proposed Council agenda for the May 29 Council meeting.

Motion: Judge Sandberg moved to approve the Council agenda for the May 29 Council meeting as amended. Judge Toomey seconded the motion, and it passed unanimously.

Chief Justice Durrant expressed his gratitude to Judge Sandberg for his years of service on the Management Committee and to the Utah court system.

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

9. EXECUTIVE SESSION

An executive session was held at this time.

10. ADJOURN

The meeting was adjourned.

Policy and Planning Committee Minutes

Minutes of the Policy and Planning Committee
May 1, 2015
Draft

Members Present

Marvin Bagley, Ann Boyden, Thomas M. Higbee (by phone), John R. Lund, Reed S. Parkin

Members Excused

Glen R. Dawson

Staff

Alison Adams-Perlac

Guests

Justice Thomas Lee, Judge Fred Voros, Tim Shea

(1) Approval of Minutes

Judge Boyden stated that a statement regarding criminal law professors at the bottom of page 1 should be corrected to state that they typically have not practiced in district court. She moved to approve the minutes of the April 10, 2015 meeting as amended. Judge Bagley seconded the motion and it passed unanimously.

(2) Social Media Policy

Mr. Shea explained the request for a change in the social media policy. He stated that the purpose of the policy is to give judges discretion to allow a law clerk working for the judge to use the judge's name on social media websites. Justice Lee and Judge Voros added their support for the change in policy.

Judge Boyden stated that the policy should apply to all law clerks, rather than only to appellate law clerks.

Ms. Adams-Perlac expressed concern that if the policy includes all social networking sites, that judges and justices could be associated with political posts, comments, and activities posted by the clerk, particularly on sites like Facebook. She suggested limiting the policy to sites such as Linked In, where the purpose is networking.

Judge Boyden moved to incorporate the following changes into the policy: 1) the change would apply to law clerks at all court levels; 2) a judge may grant a limited exception to the social media policy to a law clerk working for the judge; and 3) the exception would only for purposes of a professional networking service. She moved to have Ms. Adams-Perlac incorporate the changes and bring the revised proposal back to the committee at its June meeting. Judge Bagley seconded the motion and it passed unanimously.

(3) Rule 4-401.01. Electronic media coverage of court proceedings.

Ms. Adams-Perlac reviewed the public comments received on rule 4-401.01 with the committee. She stated that most of them were favorable, including all of them from the media, but that there were a few comments that were unfavorable, including one from Commissioner Casey, who suggested that domestic proceedings should remain closed to the media, and a few from practitioners who thought the revised policy should be less limiting.

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

(4) Rule 4-202.02. Records classification.

Ms. Adams-Perlac explained the proposal to amend rule 4-202.02. She stated that the change to subparagraph (2)(HH) are in line with the statute making adoption records public after 100 years. She stated that the changes to subparagraph (4)(M), making notices from the U.S. Bankruptcy Court private are recommended because those notices contain sensitive personal information.

Mr. Lund moved to recommend the proposal for public comment. Judge Boyden seconded the motion, and it passed unanimously.

TAB 3

May 21, 2015

To: Members of the Judicial Council
From: Dan Becker
Subject: Judicial Council Committee Appointments

The resignations of judges Jim Davis and John Sandberg from the Council have created two committee vacancies. The Management Committee recommends the following appointments;

Management Committee

Judge Kate Toomey, replacing Judge Jim Davis

Judge David Marx, replacing Judge John Sandberg

Liaison Committee

Judge Paul Farr, replacing Judge David Marx

Thank you for your attention to this matter.

TAB 4



Administrative Office of the Courts

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

MEMORANDUM

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

To: Judicial Council
From: Alison Adams-Perlac *Handwritten signature*
Date: May 21, 2015
Re: Final Action on Rule 4-401.01, Electronic Media Coverage of Court Proceedings

The public comment period for rule 4-401.01 of the Utah Code of Judicial Administration has now closed.

CJA 04-0401.01, Electronic media coverage of court proceedings. Amend. Provides a presumption of electronic media coverage in court proceedings where the predominant purpose of the coverage is journalism or dissemination of news to the public. Provides that all requests for electronic media coverage must come through the court's public information office. Requires that news reporters providing pool coverage shall promptly share their files with other news reporters and that news reporters must be willing and able to share their files to be approved to provide coverage.

The majority of the comments made were favorable. These comments were as follows:

As co-chair of the Bench-Media Subcommittee where these changes originated, and as someone who has worked closely on these issues over the past two years, I commend the Judicial Council for responding to the prior public comments and proposing these changes to Rule 4-401.01. The changes wisely restore the presumption of electronic media coverage for public hearings in domestic cases. Categorically exempting all domestic hearings from the bedrock presumption of EMC was a slippery slope that was contrary to the entire purpose of the rule -- establishing a presumptive right of access to all public hearings, while granting judges the discretion to make individual determinations on a hearing-by-hearing basis. While domestic cases have their fair share of privacy issues, those cases have no monopoly on sensitive issues in litigation. Where the hearings at issue are already open to the public, there is no justification for categorically excluding all EMC from all domestic hearings without any case-specific determinations. The proposed changes restore the proper balance to the rule and should be adopted.

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

With respect to the two changes that do not deal with the presumption of access -- the clarification that EMC is allowed where "the predominant purpose of the electronic media coverage request is journalism or dissemination of news to the public," and the changes to the pooling provision that require all EMC to be pool-capable -- are fine as written. But I would underscore that I hope these provisions are not used in practice to exclude non-traditional media. Bloggers, student journalists, and other legitimate non-institutional reporters should not be presumed to be acting as non-journalists simply because they do not work for a major news outlet. Nor should the pooling requirement that video be capable of sharing in a "generally accepted format" be interpreted to require expensive equipment unavailable to non-traditional media, thus excluding them from every EMC request. As the Judicial Council recognized in its comments when it adopted Rule 509 of the Utah Rules of Evidence, "[w]hile there are not many 'lone pamphleteers' still functioning, they may have modern-day counterparts on the internet." I would encourage the Council and the judiciary to recognize the flexible nature of journalists as our sources of news continue to evolve. Whether the requirements of the rule are met in this respect is, again, best left to the sound discretion of judges in each particular case. Thank you for the opportunity to comment on these changes.

Posted by David Reymann April 13, 2015 03:21 PM

I write in support of the proposed modification to 04-0401.01. The courts took a bold leap forward into the next era by allowing cameras and other electronic devices in the courtroom for news-gathering/disseminating purposes. I believe it has proven to be a success and provided greater knowledge of the role of the judiciary, as well as education about how the law functions in our society. This modification to the rule restores access to all aspects of the court system, while providing some safeguards for concerns. I urge members of the Judicial Council to vote in favor of it.

Regards,

-Ben Winslow

Reporter, FOX 13 News

Posted by Ben Winslow April 11, 2015 07:07 AM

On behalf of the Utah Headliners Chapter of the Society of Professional Journalists and as a reporter myself, I applaud the Utah State Courts for moving toward restoring a presumption of access for media in family court hearings.

It is important to note that the access granted by Rule 4-401.01 would be in force whenever a hearing is already open to the public, illustrating that media access and public access are, and should be, the same.

I would like to thank the Utah State Courts for providing the public access to their justice system and urge that the amendment to Rule 4-401.01 be accepted.

Thank you,

McKenzie Romero

President - SPJ Utah Headliners Chapter

Reporter - Deseret News

Posted by McKenzie Romero April 9, 2015 05:35 PM

What Commissioner Casey wrote (in his post of March 25, 2015 at 5:04 PM) is neither completely true nor truly complete, as he either knows or should know. I respond to his

comments below. I mean the Commissioner no disrespect in differing with him or in correcting his misstatements.

COMMISSIONER CASEY WROTE: The exception for private cases is justified. It is impossible for the Court to police how information is used and disseminated outside the courtroom, and the privacy interests of parties and children in those proceedings are more important than the claimed interest, asserted by a certain operator of a private website, in being able to make and publish recordings of court hearings for "educational purposes."

THE FACTS: Virtually all news media outlets are "private." Free countries with free presses thankfully do not limit the news to state-owned and run outlets. Their private ownership status does not constitute a threat to the integrity of public court proceedings. Utah Family Law TV is not a private website, it's a YouTube channel and it does not promote any law firm. It does, obviously, feature a lot of content produced by the channel's owner and operator, but that should come as no surprise. Eric Johnson owns and operates the Utah Family Law TV (UFLTV) channel, but he does not advertise for his law firm on it, even though he could without that constituting a violation of UCJA 4-401.01.

COMMISSIONER CASEY WROTE: In the event a particular hearing or case is in fact newsworthy, it may be appropriate to conduct a hearing to determine whether the privacy interests are outweighed by the public interest in news.

THE FACTS: 1) With rare (but reasonable) exception, determining what is newsworthy is not the province of the very subject of the news, i.e., the judges and commissioners whose public proceedings are the subject of the electronic media coverage requests.

2) Commissioner Casey argues for hearings to determine whether electronic media coverage request should be granted, but then complains in the same breath that such would constitute an unfair burden on the courts. UCJA was written such that it does not require a hearing as a precondition to granting an electronic media coverage request. The reason for this should be obvious. UCJA 4-401.01 was intended to make news coverage of public proceedings easy, not an additional procedural burden to the courts.

COMMISSIONER CASEY WROTE: As it is, we are inundated by requests by this one website operator, who happens to also be a practicing family lawyer, with requests to record proceedings that on their face have no general newsworthiness.

THE FACTS: The courts are hardly "inundated" (besides, if they would allow some coverage, they wouldn't receive so many requests). I have asked Commissioner Casey and other judges and commissioners who have denied UFLTV's electronic media coverage requests to give me their definition, their elements of "newsworthy." None of them do, none of them will. Judges and commissioner (to which I will collectively refer as "courts") refuse to do it because courts know that as soon as they try to articulate a written definition or set of elements (a definition that will clearly and self-servingly be as narrowly and restrictively defined so as to prevent as much electronic news media coverage as possible), they will realize that 90% of what the news media broadcast now wouldn't meet the court's definition of newsworthy, and the court would be exposed in its scheme. When the courts, who are themselves the subject of the electronic media coverage request, also take upon themselves the role of determining what is newsworthy, is it any wonder that they will end up "finding" and "concluding" that that virtually all public proceedings are not newsworthy? This is one of the reasons why UCJA 4-401.01 was broadly, not narrowly drafted. The express purpose of UCJA 4-401.01 was to make public proceedings more open to the news media, not less.

COMMISSIONER CASEY WROTE: His position is that he is no different than any other media outlet, and that he does not have to prove that a case is newsworthy because of the presumption provided by the rule (even though the rule as now written excepts domestic and other private cases from the presumption).

THE FACTS: Nowhere in UCJA 4-401.01 is there a requirement that a news media outlet must "be no different than any other media outlet" to be considered a news reporter.

Nowhere in UCJA 4-401.01 is there a requirement that a request for electronic media coverage prove that a case is newsworthy as a condition of the request being granted. And as the Commissioner and his colleagues well know, even when UFLTV asks courts (and we have asked repeatedly) to articulate the standard of proof (the extralegal standard of proof that UCJA 4-401.01 does not contain but that many courts nonetheless seemingly feel free to impose) "required" to prove newsworthiness, my request for that clarification and guidance is utterly ignored.

COMMISSIONER CASEY WROTE: I have determined that, although the rule presently allows an ex parte request, I would not consider allowing such a request except after notice to all parties and counsel and an opportunity to be heard on the subject.

THE FACTS: Again, UCJA 4-401.01 contains no such requirement, and arguably the court cannot impose additional restrictions on electronic news media requests that are not provided for in the rule. But reasonable minds can differ, and if the court wants to require a hearing to determine newsworthiness before an electronic media coverage request is granted, I would be willing to oblige, at least on an experimental basis. The courts, however, would be in no position to complain about the extra time and effort hearings on electronic media coverage requests would consume. UCJA 4-401.01 was drafted – for obviously good reason – such that a hearing on every electronic media request would not be necessary.

COMMISSIONER CASEY WROTE: This puts the requesting party in the position of being able to, if nothing else, subject the parties to unnecessary expense, and possibly a delay of a hearing so the issue of whether to allow recording can be heard (these requests are generally made on just a few days' notice). It also puts a potentially significant additional burden on the court and staff. I do not know how else I could possibly make the necessary findings in a fair way. And frankly, I do not know how I can make findings about what the "purpose" of the request is, at least not without, again, taking evidence and allowing all parties and counsel to be heard on the issue.

THE FACTS: Commissioner Casey cannot advocate for requiring hearings and then complain about the burdens of a hearings in the same breath. If a court is going unilaterally going to compel news reporters to request a hearing and then unilaterally compel the reporters, the litigants, the court to participate in a hearing process (which UCJA 4-401.01 does not require), then it is indisputably the COURT, not the news reporter, that subjects the parties to unnecessary expense and delay. I have never asked that my electronic media coverage requests be granted if and only if they are first the subject of notice and a hearing. UCJA does not require hearings.

COMMISSIONER CASEY WROTE: I do not think changing the rule to limit the presumption to genuine journalistic and news-gathering activities is going to do anything other than shift the focus of the inquiry.

THE TRUTH: With due respect, is it so difficult to conceive of a "genuine journalistic and news-gathering activity" including the coverage of public domestic relations proceedings? First, it's already happening in many other jurisdictions without the judiciary in those jurisdictions collapsing. Second (and this is something the courts

appear to prefer no one know, UFLTV's electronic media requests hold themselves to a higher standard than what is articulated in UCJA 4-401.01 itself. Until the Administrative Office of the Courts media liaison office forbid us to include this information in each of our electronic media requests, this is what each of UFLTV's media requests voluntarily offered to in covering and publishing news of public court proceedings:

Please allow us some kind of coverage. Please see the next page for the voluntary restrictions we are willing to impose on ourselves to ensure that electronic media coverage more than reasonably safeguards the proceedings and their participants.

PLEASE NOTE: This reporter is more than willing to report subject to any reasonable restriction(s) the court deems necessary to protect against real (not merely feared/imagined) prejudice or any other harm articulated in 4-401.01.

NO REQUEST IS MADE TO COVER ANYTHING OTHER THAN THE PUBLIC PROCEEDINGS IN THE FOLLOWING ACTION(S). NO REQUEST IS MADE TO COVER ANY IN-CAMERA, OFF THE RECORD PORTION, OR ANY OTHER PROCEEDINGS THAT RULE 4-401.01 PROHIBITS FROM BEING REPORTED.

PLEASE NOTE: Electronic media coverage and protection of privacy and other interests of litigants and witnesses is not an all or nothing proposition. Rule 4-401.01 provides that a court may prohibit or restrict electronic media coverage of public court proceedings.

Accordingly, if the court has concerns over privacy or other real dangers that electronic media coverage actually creates (as opposed to concern arising from rumored or conjectural "risks" of "possible" and/or "potential" harm, which are limited only by the power of one's imagination), UFLTV and this reporter are willing to submit to reasonable, good faith restrictions on media coverage, and to those ends:

- have the ability — and is willing — to blot out faces and/or to "bleep out" key words and information on particular subjects designated by the court, if the court in good faith concludes that it is truly necessary to do so under Rule 4-401.01;
- will not identify parties or witnesses by names, images, or case number;
- will not publish our report until after the period for filing an appeal had expired, if the court so requires;
- will give the court, participants, and their counsel (if any) upon request the opportunity to review the report we intend to publish before we publish it to ensure the report complies with the court's orders pertaining to protection of privacy;
- are willing to cooperate with the court fully in any and all other ways necessary to ensure that electronic media coverage of proceedings takes place in compliance with the policy, intent, and express substance of Rule 4-401.01.

If these assurances are not deemed more than reasonable and sufficient to assuage concerns, we submit that nothing will or can be, thus rendering the purpose of UCJA 4-401.01 illusory and its implementation meaningless.

PLEASE NOTE FURTHER: We desire nothing other than to gather, record, photograph, report, and publish information for the purpose of disseminating news to the public about divorce and family law and family law-related matters in Utah. We have neither the intention nor desire to: prejudice the proceedings; jeopardize the safety or well-being of any individual; commit an unwarranted invasion of personal privacy; create adverse effects greater than those caused by electronic media coverage; tax the adequacy of the court's physical facilities; or otherwise adversely affect the fair administration of justice. A far greater percentage of the public seek personal knowledge and understanding of the workings of domestic relations law in the district courts than of virtually any other civil action. This public interest in divorce and other domestic relations proceedings makes

them newsworthy in their own right. Despite the public nature of family law proceedings in the district courts, few members of the public can or know how to come to a courthouse in person during the day to see what is happening in their courts, even though the courts are wide open to the public. It is a good thing for people to know what is happening in the courts; they are their courts. The benefits outweigh negatives, especially in creating a better understanding of and appreciation domestic relations and other matters for the public.

Posted by Eric Johnson April 9, 2015 12:47 PM

I would like to applaud the Judicial Council for drafting a rule that would restore the presumption of open to family hearings and renew the opportunity for electronic media coverage. I encourage those who have a vote to cast their ballot in favor of the proposed change.

Domestic court cases are the hearings with which most people are likely to interact. Closing these hearings sets a dangerous precedent and says to our citizens the work of our judicial system and government can and should be conducted behind closed doors. Blocking EMC also erodes the spirit of the original rule, which affirmed our courts are open- until there is a good reason for closure. If there are privacy or other concerns in a family hearing, each judge has the opportunity under the original or restored rule, to decline the request for video or other electronic coverage for good reason.

Shutting off the opportunity for video and other electronic coverage is a signal in the minds of some that they can't be confident in what the judicial system is doing because they can't see it in action. Closure limits accountability.

Utah was recognized two years ago for taking the important and historic step into the light of transparency by allowing EMC. Please remove the cloud the court created by closing family cases. The proposed change to 4-401.01 is a good one. I applaud you for drafting it and urge you to vote in favor.

Sheryl Worsley, News Director, KSL Newsradio

Posted by Sheryl Worsley April 9, 2015 11:24 AM

I support and appreciate the change to restore openness. Allowing the opportunity for the public, via the press, to view and better understand the court system in action improves civic understanding, and trust in the judicial system.

This is a necessary and important change.

Posted by Don Kauffman April 9, 2015 09:02 AM

As the largest national professional organization exclusively representing electronic journalists, the Radio Television Digital News Association (RTDNA) wholeheartedly supports this revision to the electronic media coverage rules in the Utah Code of Judicial Administration.

Approval of this change, which would reopen domestic case court hearings to electronic news coverage, would mark a return to the original intent of the Utah "cameras in the courtroom" rule in effect for the last two years. RTDNA believes there should be a presumption of openness in all court proceedings, including those involving family law and electronic media coverage should be allowed unless one or more of the parties can successfully argue otherwise to the Court.

At all levels, full transparency is critical in our judicial system. RTDNA has long-argued for such provisions in local, state and federal courts. Utah took an important step in 2013

when it became the 38th state to allow electronic news coverage of its courts. Unfortunately, it took a step backward a year later when it modified the rule so as to exclude that coverage in family court cases. We believe the citizenry of every state has a right to observe its government—including the judicial branch—conducting its business and making its decisions. By returning the Utah cameras rule to its original intent, the state courts will move one step closer to that goal. RTDNA strongly urges adoption of the proposed change to Rule 4-401.01.

Respectfully,

Mike Cavender

Executive Director

Radio Television Digital News Association

Posted by Mike Cavender April 9, 2015 06:51 AM

My comment is made with the deepest desire that the legal system have the necessary checks and balances in place to bring about justice for all, as our constitution states. I believe allowing electronic coverage of what the judges and commissioners are doing, currently behind closed doors, will bring that balance back into the court room.

My comment is made as one who has experienced blatant violation of civil rights by a commissioner and judge. Federal statute states, witnesses to crimes are to be protected from harm, namely retaliation. However, in Utah a wife cannot testify against her husband. I reported my husband for illegal distribution of drugs. The sheriff's detective told me that it is like the Susan Powell case; that the word of a wife cannot be used against her husband. I gave evidence to help Dr. Dewey MacKay's sentence be reduced. Now, my husband is prosecuting me. I fully believe if what he has done in "family" court were made public the commissioner and judge would hide their heads in shame. Yet legal abuse is a common place thing in Utah. Justice is doled out to the rich. I actually had an attorney, who has the reputation to be one of the very best tell me women and children are not mentioned in the constitution. This is wrong.

We need accountability for what our judges and commissioners are doing. At this point, there is none. They do whatever they feel and there is no possibility of appealing, except for the wealthy. I whole heartedly support this change and pray cameras and reporters be allowed into the courtrooms for the sake of justice for all.

Posted by Christine April 8, 2015 09:45 PM

Members of the Judicial Council,

I support the proposed changes for this rule.

The presumption of electronic media coverage only applies to any hearing that is already open to the public. If any party has privacy concerns then they should ask the judge to close the hearing, otherwise let's always keep all of Utah's courtrooms open and accessible to more than just the people that can appear in person.

Thank you for your consideration.

Mehul Asher

Assignment Editor

KUTV Channel 2 News

Posted by Mehul Asher April 8, 2015 09:40 PM

Judicial Council Members must be commended for taking steps to restore the proper balance to rule CJA 04-0401.01. All public hearings should be treated equally and remain

open for electronic media coverage for the benefit of the people the media serve with the purpose of journalism or dissemination of news to the public. As the News Director of two news-producing television stations in Utah, I certainly appreciate the integrity of our courts and the judge's retaining the right to individually decide whether EMC coverage is allowed on a case by case basis, rather than eliminating an entire category of cases outright. Restricting or shutting off access to courtroom proceedings only reduces public confidence in and the accountability of our court system. I ask the court to carefully consider the sincere intention of EMC requests made with the purpose of gathering information to disseminate to the public and in doing so, it would be appreciated if the court would acknowledge the ever-changing news gathering technology used to do so and not use its authority to overly restrict who is considered a journalist, taking into consideration nontraditional media is increasingly important. In turn, I encourage all journalists granted courtroom coverage to respect the rules of the courtroom and the requirement that they must be able to share their coverage with the pool in a timely manner and generally accepted format.

I support the proposed changes to this rule and appreciate the cooperation and careful consideration of the Judicial Council.

Thank you,
George Severson
News Director
ABC4 Utah & Utah's CW30

Posted by George Severson April 8, 2015 08:48 PM

Commissioner Casey's comments are misrepresentations for the following reasons (which can be confirmed in the record):

- 1) The electronic media coverage requests you claim to be "inundated by" are in actual number of less than 10 over the course of several months. There were two people submitting them, Eric Johnson, and myself.
- 2) To suggest that a practicing lawyer cannot also be a reporter is an argument with more holes than Swiss cheese. Making mention of the fact that Eric Johnson is also a family law attorney (as well as a news reporter) only serves to divert from the facts that really matter: that the majority of Utah courts have long flouted UCJA 4-401.01 (in any form) and have every intention of continuing to do so (especially regarding smaller media outlets), no matter what form UCJA 4-401.01 takes. It's appalling and I won't mince words about my feelings regarding the matter. No "legal smoke screen" will change the facts, and frankly, the citizens of Utah are not that stupid.
- 3) Why do the courts not want the public to have access to public court proceedings through the news media? The elephant in the room has long been ignored and it's high time it be properly addressed. Transparency at all levels of state and local government is crucial not only to maintaining respect for the government, but also in maintaining respect for the laws or individuals that govern our land or are voted into positions to do so.
- 4) Utah Family Law TV is not a "private website," it's a YouTube channel. Commissioner Blomquist denied a Utah Family Law TV request because she--fatuously--claimed Utah Family Law TV is not a commercial news outlet, and you, Commissioner Casey, complain that Utah Family Law TV is a "private" news outlet, as if the local KSL, KUTV, CBS, and Fox affiliates aren't private companies, and as if being a private entity has anything to do with one's legitimacy as a news outlet.

I started my YouTube channel (Utah Justice TV) before I was employed by Eric Johnson. Contrary to what you claim, Utah Justice TV is not a website, it is a YouTube channel. It is not a commercial channel (not that that should matter). For nearly a year now, Utah Justice TV and Utah Family Law TV have seen every kind of lame excuse in the book used to deny reporting on public court proceedings, the same proceedings any member of the public can attend in person. I have reported news to my community long before I started the Utah Justice TV YouTube Channel. I am a news reporter as UCJA 4-401.01 defines the term, which (for the readers) reads as follows:

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

5) I understand if you (as a Commissioner) would prefer to never have to deal with reporting of what goes on in your courtroom. To have the option of simply shutting the door of the public court room in the face of any reporter wishing to report the news has obvious personal benefits. But courts are open to the public, so your desire to bar the door to the news media doesn't hold water.

6) With extremely rare exception the courts deny any media coverage request of mine or of Utah Family Law TV. Some requests that were obviously of interest to the public, yet were denied out of hand. Case and point: my electronic media request to Judge Hruby-Mills for the criminal proceedings in the Alicia Englert (the young mother who put her baby in a garbage can) case (Case No. 141909909) that was set for January 26, 2015. Case No. 141909909 was presumptively entitled to electronic media coverage, but that didn't stop Judge Hruby-Mills from denying my request on, frankly, fake grounds. Judge Hruby-Mills's denial was so broad as to be meaningless, and it did not comply with subparagraph (2)(C) of UCJA 4-401.01. subparagraph (2)(C) of UCJA 4-401.01 requires every judge or commissioner who denies an electronic media coverage request to do as follows:

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

Judge Hruby-Mills did no such thing. But so what? If a judge denies a request, there is no option other than to file a petition for extraordinary writ under Rule 19 of the Utah Rules of Appellate Procedure. The judges know that this means they essentially have license to flout UCJA 4-401.01 with impunity, and they exercise it licentiously.

7) The lame excuse for denying coverage to "protect privacy" is simply a matter of convenience, and if allowed, freedom of press in Utah means nothing. No public court proceeding can be private, but that doesn't stop the judges from "finding" otherwise. Domestic relations cases that are open to the public can't be private. One can request a copy of the audio recording of domestic relations cases for \$10.

8) Surely providing transparency to educate the public and hold our courts more accountable (without having to spend a penny of taxpayer money) is, by itself, worth providing the public with greater access to public court proceedings. When Judge Damon Keith said, "Democracy dies in darkness" he was talking about the Watergate tapes, but what he said is just as relevant about UCJA 4-401.01 electronic media requests.

I second Eric Johnson's accusation that Rule 4-401.01 was changed because of our electronic media requests, because I watched it happen with my own eyes.

Mr. Minas,

Your comments and actions have a self-serving agenda of their own because you aspire to become a domestic relations commissioner. A reporter should never have "to prove newsworthiness" when the very subject of the news may be the court proceedings themselves. This Catch-22 thinking fools no one. Certainly pedophiles would much prefer to keep their crimes and secrets private as well. It's a good thing for the public at large, however, that a pedophile is not given the right to deny media coverage. The same thing happens to one falsely accused of such horrible or violent crimes, when or if it was determined that same accused was actually innocent. What about these people? As much as I wish to protect the innocent, banning the media from public proceedings(s) places privacy over freedom of the press and the public's right to access public court proceedings and is a disservice to Utahns overall, not the other way around. In a nutshell, the greater good should prevail.

Posted by Brian N. Godfrey April 8, 2015 07:20 PM

I feel the conduct of the officers of the court should conduct themselves with the up most scrutiny.

The ability to cover the court will ensure compliance with the law. It will also provide those with memory issues, such as those which come with PTSD or other cases of personal trauma. To deny this is to discriminate against those who need the system to be fair and impartial holding court officers accountable to the people they serve.

Posted by Danny April 8, 2015 06:51 AM

To whom it concerns,

I am the chair of Reform Utah Family Law, and we are a local organization working toward more transparency and accountability within our district courts, particularly family courts. There is a major lack of transparency at this point within our courts, and the fact that the courts took away our rights as media outlets to record and report the outcome of the family law cases, further perpetuates the ever growing belief among the public and thousands of parents that there is a clear bias and clear violation of due process, violation of parental rights and clear violation by judges of our state and federal constitutional rights as parents. We have been meeting with state and federal lawmakers to seek this change and others to provide clear transparency in our judicial system, as there should now be. We strongly support and encourage this change to the law, as we are going to continue to push for this reform if it is not approved here.

Posted by Griffin Bonacci April 7, 2015 08:20 PM

To whom it may concern:

I support the proposed changes to CJA-04-0401.01 and ask they please be adopted.

I am a reporter at The Salt Lake Tribune and am on the board of the Utah Headliners Chapter of the Society of Professional Journalists and the Utah Association of Latino Journalists. The proposals safeguard news gathering in courts. The technical changes are prudent.

Thank you.

Nate Carlisle

Posted by Nate Carlisle March 10, 2015 11:30 AM

The express purpose of UCJA 4-401.01 was to open public court proceedings to greater public access, but that has not been how the rule is applied. When the original version of 4-401.01 was issued, I started the Utah Family Law TV channel for the purpose of reporting on the operations of Utah courts in domestic relations cases.

My channel's stated purpose (written on the channel site itself) is "Utah Family Law TV, and the reporters connected with it, gather, record, photograph, report, and publish information for the primary purpose of disseminating news and information to the public pertaining to Utah family law and other domestic relations matters."

As soon as UTFLTV started making electronic media coverage requests, however, the courts reacted with patently lame excuses for denying the requests. Without wishing to appear immodest, my channel is the reason why Rule 4-401.01 was amended in April of 2014 to make it more difficult (though ostensibly not impossible) to cover public domestic relations proceedings. No matter how UTFLTV offers to bend over backward by volunteering to blot out faces, bleep out words, and any other reasonable accommodation so that the news can be reported without unduly invading the privacy of others, our requests are routinely denied statewide. Not because the requests are improper or will cause harm, but because the courts don't want themselves covered by the news media.

My concern, then is this: it appears to me, based upon my experience as an electronic media journalist, that Utah courts want credit for appearing more open to electronic news media coverage without actually being more open to electronic news media coverage.

This new proposed amendment language, if applied in the spirit of Rule 4-401.01's stated intent, would strike a fine balance between public access, freedom of the press, and preservation of participant privacy.

HOWEVER, the language can be (and surely will be, based upon my previous experience) construed so that the courts can define who or what is a journalist because the rule does not define the term. Making the definition a purely subjective one will--mark my words--will result in courts capriciously defining "journalist" and "news reporter" and "predominant purpose" on a shifting, ludicrously narrow, and case by case basis not for the purpose of protecting privacy, but to keep reporters they do not want in the courtrooms out and allowing those they do want in.

Posted by Eric Johnson February 26, 2015 04:43 PM

Two of the comments, however, were unfavorable.

With respect to CJA 04-401.01, I oppose the proposed change to Lines 27-28. Where an action is classified as private, usually family-related, the burden should rest on the journalist to demonstrate that electronic media coverage outweighs the presumption of privacy, not the other way around.

Posted by Russell Minas February 25, 2015 03:21 PM

The exception for private cases is justified. It is impossible for the Court to police how information is used and disseminated outside the courtroom, and the privacy interests of parties and children in those proceedings are more important than the claimed interest, asserted by a certain operator of a private website, in being able to make and publish

recordings of court hearings for "educational purposes." In the event a particular hearing or case is in fact newsworthy, it may be appropriate to conduct a hearing to determine whether the privacy interests are outweighed by the public interest in news. As it is, we are inundated by requests by this one website operator, who happens to also be a practicing family lawyer, with requests to record proceedings that on their face have no general newsworthiness. His position is that he is no different than any other media outlet, and that he does not have to prove that a case is newsworthy because of the presumption provided by the rule (even though the rule as now written excepts domestic and other private cases from the presumption). I have determined that, although the rule presently allows an ex parte request, I would not consider allowing such a request except after notice to all parties and counsel and an opportunity to be heard on the subject. This puts the requesting party in the position of being able to, if nothing else, subject the parties to unnecessary expense, and possibly a delay of a hearing so the issue of whether to allow recording can be heard (these requests are generally made on just a few days' notice). It also puts a potentially significant additional burden on the court and staff. I do not know how else I could possibly make the necessary findings in a fair way. And frankly, I do not know how I can make findings about what the "purpose" of the request is, at least not without, again, taking evidence and allowing all parties and counsel to be heard on the issue. I do not think changing the rule to limit the presumption to genuine journalistic and news-gathering activities is going to do anything other than shift the focus of the inquiry.

Posted by Commissioner T. Patrick Casey March 25, 2015 05:04 PM

The Policy and Planning Committee considered the public comments and voted to recommend the proposal, as written, to the Judicial Council. If the Council approves this proposal, it will be effective November 1, 2015.

Encl. CJA 4-401.01

Rule 4-401.01 Electronic media coverage of court proceedings.

Intent:

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

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

Applicability:

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

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

Statement of the Rule:

(1) Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Conduct in the courtroom; pool coverage.

(4)(A) Electronic media coverage is limited to one audio recorder and operator, one video camera and operator, and one still camera and operator, unless otherwise approved by the judge or designee. ~~If more than one news reporter has requested permission to provide electronic media coverage, i~~ All requests to

71 provide electronic media coverage shall be made to the court's public information office. The news
72 reporter whose request is granted by the court will provide pool coverage.

73 (4)(B) It is the responsibility of news reporters to determine who will participate at any given time, how
74 they will pool their coverage, and how they will share audio, video or photographic files produced by pool
75 coverage. The pooling arrangement shall be reached before the proceedings without imposing on the
76 judge or court staff. Neither the judge nor court staff shall be called upon to resolve disputes concerning
77 pool arrangements.

78 (4)(C) ~~The pool~~ The approved news reporter operators shall use equipment that is be capable of
79 sharing audio, video or photographic files ~~to with other pool recipients~~ news reporters in a generally
80 accepted format. ~~The pooling arrangement shall be reached before the proceedings without imposing on~~
81 ~~the judge or court staff. Neither the judge nor court staff shall be called upon to resolve disputes~~
82 ~~concerning pool arrangements.~~ News reporters providing pool coverage shall promptly share their files
83 with other news reporters. News reporters must be willing and able to share their files to be approved to
84 provide coverage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TAB 5

Standing Committee Report

Courts Facility Planning

Rule 3-409

Intent:

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

Committee Responsibilities:

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

Studies

- Completed – Carbon County
- Current and Ongoing – Sanpete County
- Future - Iron County

Capital Development Projects

- Completed – Additional Courtroom in Summit County
- Under Construction – Ogden Juvenile and Duchesne
- Funded – Fourth District Courthouse Replacement (Provo)

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

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

Review recommendations from the facility coordinator on construction projects and the Master Plan:

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

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

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

The Design and Space Guidelines are updated at the end of each Capital Development project; therefore, at the completion of Ogden Juvenile Courthouse and the Duchesne Courthouse the Design and Space Guidelines will be updated to reflect any changes. Changes to the Design Guidelines are presented to the Judicial Council for approval.

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

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

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

The Master Plan prioritizes all court facilities. This prioritization is used to select the order of Capital Development and Capital Improvement requests based on the needs of the courts and included in the annual report of the Standing Committee.

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

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

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

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

Utah State Courts Facility Master Plan 2015

Owned Court Facilities		
District Site	Scope and Cost Estimates	Update Status
<u>Second District</u> <u>Ogden Juvenile Court</u> <u>Construction will be complete June 2015</u>	<p>To replace the Ogden Juvenile Courthouse with a new facility located at 20th and Wall Avenue.</p> <p>The new building will consist of 85,000 square feet, and the 2009 estimated cost for construction is estimated at \$30,000,000.</p> <p>Total construction cost \$34,400,000</p>	<p>2008 Legislature Funded \$3,250,000.</p> <p>2012 Legislature Funded \$1,600.</p> <p>2013 Legislature Funded \$29,600,000</p>
<u>Fourth District</u> <u>Provo</u> <u>District and Juvenile Courthouse</u> <u>Status: Projected completion date July 2018</u>	<p>To provide a Court facility in Provo to replace the Provo District Courthouse, Provo Juvenile Courthouse and the Orem Juvenile Courthouse.</p> <p>This project will replace the nine District courtrooms and four Juvenile courtrooms and have at least three courtrooms (shelled) for growth.</p> <p>FY 2016 project cost \$88,000,000</p>	<p>2015 Legislature Approved a Revenue Bond to funded project</p>
<u>Fifth District</u> <u>Cedar City</u>	<p>To provide additional space for additional courtrooms and programs when needed.</p> <p>Current courthouses could probably accommodate Courts until 2020.</p>	<p>No action has been taken to date.</p>
<u>Second District</u> <u>Davis County Court Facilities</u> Layton, Farmington and Bountiful	<p>To provide additional courtrooms when needed.</p> <p>Space needs will be defined in the feasibility study when projections indicate additional courtrooms or program space is needed. The feasibility study will evaluate the needs of all three court facilities in Davis County.</p> <p>Current courthouses could probably accommodate Courts until 2025.</p>	<p>No action has been taken to date.</p>
<u>Sixth District</u> <u>Richfield</u>	<p>Identify timing for expansion of existing courthouse.</p> <p>Current courthouses could probably accommodate Courts until 2025</p>	<p>No action has been taken to date.</p>

Leased Court Facilities

District Landlord Site	Project Description and Cost Estimates	Update Status
<u>Eighth District</u> <u>Duchesne County</u> <u>Duchesne</u>	Build a new District courtroom, Juvenile courtroom, Judges chambers and remodel the Clerical work area. County funded the project with a twenty year cost pass CIB loan. The lease on new space new space will reflect the CIB loan. The current space will remain at the current rate through construction Project Cost \$5,400,000 - This project will be completed in April 2016	2013 Legislature authorized two new judicial positions in 8 th District. Additional funding will be a budget request for FY 2017
<u>Seventh District</u> <u>Carbon County</u> <u>Price</u>	Construct a new courthouse on the site of the old Carbon County office building. This building site is located on the main street of Price and has the support of the County and City. The County has agreed to finance the construction of the new facility. Estimated completion date is July 2018	This project is pending Judicial Council approval
<u>Sixth District</u> <u>Sanpete County</u> <u>Manti</u>	Construct a new courthouse in the central business district of Manti City. Sanpete County is not interested in participating in the project.	No action has been taken to date. This project should be presented to the 2016 Legislature for property purchase and planning.
<u>Seventh District</u> <u>San Juan County Monticello</u>	Remodel the current facility to improve security and operational issues, construct an addition to the facility to house Juvenile Probation and secure holding for Juvenile defendants in custody.	No action has been taken to date. This project should be presented to the 2018 Legislature

Juvenile Probation Facilities

District City	Project Description and Cost Estimates	Update Status
<u>Second District</u> <u>Juvenile Probation</u> <u>Ogden</u>	Remodel the old Ogden Juvenile Courthouse to properly house the Juvenile Supervision staff located in Weber County. This project will include remodeling space for GAL. The GAL offices are currently located in Layton.	2015 Legislature funded Capital Improvement funds this project.
<u>Sixth District</u> <u>Juvenile Probation</u> <u>Kanab</u>	Move the staff and work crew to the Kane County office building. This will consolidate all District and Juvenile court functions in Kane County to a single location and reduce the annual costs. This lease expires June 30, 2016.	We are working with Kane County to remodel the needed space.
<u>Sixth District</u> <u>Juvenile Probation</u> <u>Manti</u>	Construct a new courthouse in the central business district of Manti city that will consolidate all District and Juvenile functions in Sanpete County to a single location.	No action has been taken to date. This project should be presented to the 2017 Legislature

Other Projects

These projects require local government funding
These projects impact the Contract and Lease Budget

1. Wayne County

Letter has been received from Wayne County stating the County will need to new facility within 10 years, and wants the State to participate. No formal talks have yet been scheduled with the County. Wayne County is talking with DFCM to contract about Planning and Programming a new county facility that would include the Courts needs.

2. Kane County

We have contracted with Kane County for additional space to relocate Juvenile probation staff in the Kane County office building.

3. Wasatch County

Fourth Juvenile Court Judges have requested Courts to consider adding additional court space to the current facility. We are evaluating the request based on case load and population.

Facility Master Plan

The Capital Development prioritization list for State Courts system was established in 2001. We annually evaluate and update the prioritization of future Capital Development requests, recognizing changes in the Courts systems, aging facilities, leased facilities and contract sites that do not comply with the current design guidelines.

This study looks at all court facilities as of January 1, of the current year. The study evaluates the facility's security, building condition and adequacy (court function), as described below.

Scoring

Building Security Score 0 to 10

10 meets all current standard - 0 does not meet any current standards

Building Condition Score 0 to 10

Score 10 to 1 – 10 New (very good), 0 needs major work

Building Adequacy Score 0 to 10

10 meets all current needs - 0 fails to meet needs

Evaluation criteria

Security

Does the building meet current security standards

Can the building be renovated to bring the building up to current

Security check points in the building

Does the building have camera systems

Does the building have access control systems

Security equipment (x-ray – metal detector)

Condition

Does the building meet current building standards

Can the building be renovated to bring the building up to current

Building location

Adequacy

Number of courtroom / number of judges

Courtroom utilization

Clerical work area

Probation work area

Building renovation potential

Owned Court Facilities												
Facility #	District	County	Facility Type	State / Contract	Unit Name	Leased / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	Total
2631	4	Utah	Courthouse	State	Provo Dist	Owned	9	59,928	3	4	1	8
2633	4	Utah	Courthouse	State	Provo JV	Owned	3	18,303	0	5	5	10
2629	4	Utah	Courthouse	State	Orem	Owned	4	16,080	1	5	5	11
2641	5	Iron	Courthouse	State	Cedar City	Owned	3	17,037	7	7	5	19
2610	2	Davis	Courthouse	State	Layton	Owned	2	20,025	6	6	8	20
2653	6	Sevier	Courthouse	State	Richfield	Owned	2	19,839	7	7	8	22
2608	2	Davis	Courthouse	State	Farmington	Owned	10	131,699	7	7	8	22
2619	3	Salt Lake	Courthouse	State	West Jordan	Owned	10	117,439	9	8	8	25
2612	2	Weber	Courthouse	State	Ogden Dist	Owned	11	91,000	8	8	9	25
2622	3	Tooele	Courthouse	State	Tooele	Owned	2	58,968	8	9	8	25
2668	8	Uintah	Courthouse	State	Vernal	Owned	3	33,331	8	9	8	25
2618	3	Salt Lake	Courthouse	State	Matheson	Owned	37	417,000	9	9	7	25
2602	1	Box Elder	Courthouse	State	Brigham City	Owned	3	35,000	9	9	8	26
2603	1	Cache	Courthouse	State	Logan	Owned	6	73,644	9	9	10	28
2614	2	Weber	Courthouse	State	Ogden JV	Owned	3	87,000	9	10	10	29
2644	5	Washington	Courthouse	State	St George	Owned	8	95,550	9	10	10	29
		The new Ogden Juvenile court facility will be operational by July 1, 2015										
		The new Fourth District Court Facility is funded and is planned to be open mid 2018										
Leased Court Facilities												
2651	6	Sanpete	Courthouse	State	Manti	Leased	2	7,301	3	4	3	10
2657	7	Carbon	Courthouse	State	Price	Leased	3	18,279	4	3	3	10
2666	8	Duchesne	Courthouse	State	Duchesne	Leased	1	7,013	3	5	2	10
2661	7	San Juan	Courthouse	State	Monticello	Leased	1	3,206	4	4	4	12
2659	7	Grand	Courthouse	State	Moab	Leased	1	11,936	5	5	5	15
2611	2	Morgan	Courthouse	State	Morgan	Leased	1	2,727	3	3	9	15
2667	8	Duchesne	Courthouse	State	Roosevelt	Leased	1	4,786	5	5	6	16
2643	5	Iron	Courthouse	State	Parowan	Leased	1	3,077	3	4	9	16
2637	4	Wasatch	Courthouse	State	Heber City	Leased	1	10,043	7	8	6	21
2621	3	Summit	Courthouse	State	Park City (Silver Summit)	Leased	2	15,100	7	7	7	21
2628	4	Utah	Courthouse	State	American Fork	Leased	3	27,588	8	7	6	21
2640	5	Beaver	Courthouse	State	Beaver	Leased	1	7,088	6	8	8	22
2607	2	Davis	Courthouse	State	Bountiful	Leased	2	26,804	6	7	9	22
2658	7	Emery	Courthouse	State	Castle Dale	Leased	1	8,800	7	8	8	23
2635	4	Utah	Courthouse	State	Spanish Fork	Leased	2	31,779	9	9	8	26
2625	4	Juab	Courthouse	State	Nephi	Leased	1	3,080	9	9	9	27
		The new Eighth District Court facility in Duchesne county is planned to be operational November 1, 2015										

Leased Court Facilities												
2651	6	Sanpete	Courthouse	State	Manti	Leased	2	7,301	3	4	3	10
2657	7	Carbon	Courthouse	State	Price	Leased	3	18,279	4	3	3	10
2666	8	Duchesne	Courthouse	State	Duchesne	Leased	1	7,013	3	5	2	10
2661	7	San Juan	Courthouse	State	Monticello	Leased	1	3,206	4	4	4	12
2659	7	Grand	Courthouse	State	Moab	Leased	1	11,936	5	5	5	15
2611	2	Morgan	Courthouse	State	Morgan	Leased	1	2,727	3	3	9	15
2667	8	Duchesne	Courthouse	State	Roosevelt	Leased	1	4,786	5	5	6	16
2643	5	Iron	Courthouse	State	Parowan	Leased	1	3,077	3	4	9	16
2637	4	Wasatch	Courthouse	State	Heber City	Leased	1	10,043	7	8	6	21
2621	3	Summit	Courthouse	State	Park City (Silver Summit)	Leased	2	15,100	7	7	7	21
2628	4	Utah	Courthouse	State	American Fork	Leased	3	27,588	8	7	6	21
2640	5	Beaver	Courthouse	State	Beaver	Leased	1	7,088	6	8	8	22
2607	2	Davis	Courthouse	State	Bountiful	Leased	2	26,804	6	7	9	22
2658	7	Emery	Courthouse	State	Castle Dale	Leased	1	8,800	7	8	8	23
2635	4	Utah	Courthouse	State	Spanish Fork	Leased	2	31,779	9	9	8	26
2625	4	Juab	Courthouse	State	Nephi	Leased	1	3,080	9	9	9	27
The new Eighth District Court facility in Duchesne county is planned to be operational November 1, 2015												

Contract Court Sites

Facility #	District	County	Facility Type	State / Contract	Unit Name	Leased / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	Total
2634	4	Utah	Courthouse	Contract	Salem	Leased	0	104	N/A	N/A	N/A	-
2654	6	Wayne	Courthouse	Contract	Loa	Leased	1	2,600	2	1	5	8
2665	8	Daggett	Courthouse	Contract	Manila	Leased	1	3,137	1	3	6	10
2649	6	Kane	Courthouse	Contract	Kanab	Leased	1	3,846	3	3	5	11
2604	1	Rich	Courthouse	Contract	Randolph	Leased	1	2,415	2	5	5	12
2627	4	Millard	Courthouse	Contract	Fillmore	Leased	1	8,598	4	6	7	17
2648	6	Piute	Courthouse	Contract	Junction	Leased	1	4,120	6	8	10	24
2647	6	Garfield	Courthouse	Contract	Panguitch	Leased	1	2,481	8	9	10	27

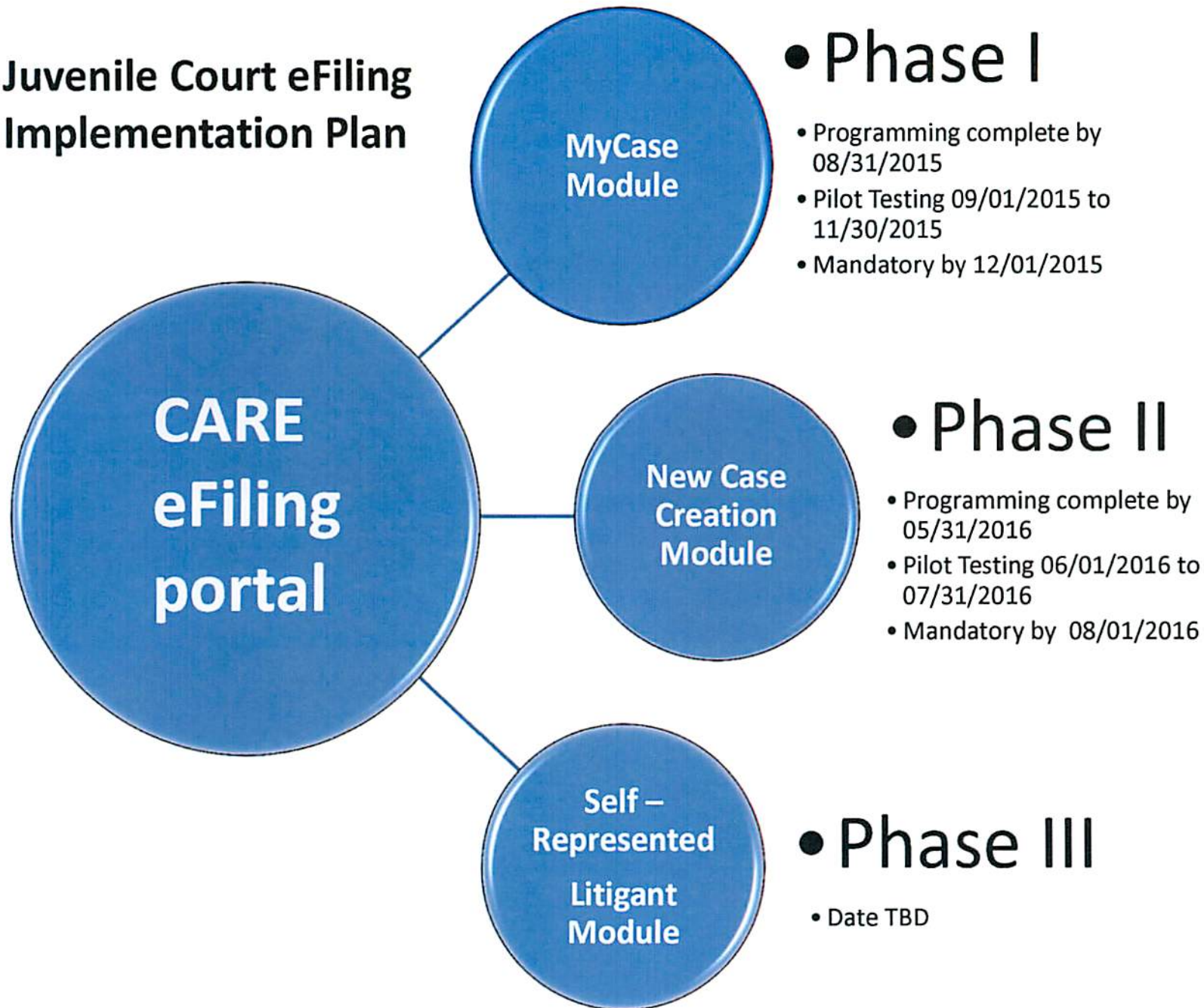
These facilities are contract sites - we work with the Counties to improve the facilities but the County controls the facilities.

Juvenile Probation Facilities

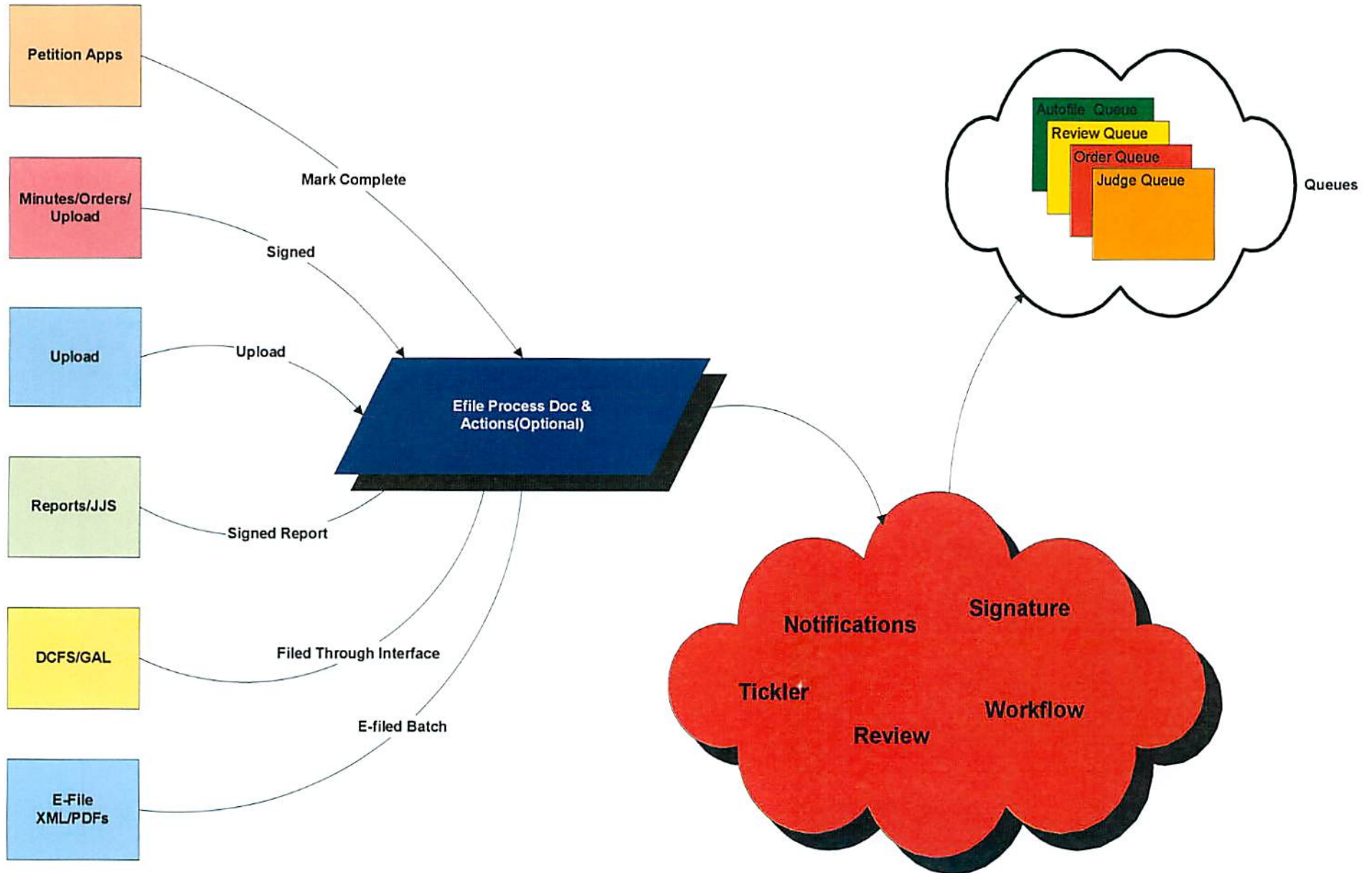
Facility #	District	County	Facility Type	State / Contract	Unit Name	Leased / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	Total
Owned Facilities												
2613	2	Weber	Probation Office	State	Ogden JV Probation / GAL	Owned	3	23,857		6	1	7
2669	8	Uintah	Probation Office	State	Vernal training / public programs	Owned	0	4,786		5	5	10
2617	3	Salt Lake	Probation Office	State	South Valley Work Crew building	Owned	0	20,594		6	7	13
2620	3	Salt Lake	Probation Office	State	West Valley City JV Prob	Owned	1	26,300		7	7	14
2633.5	4	Utah	Probation Office	State	Provo JV Work Crew building	Owned	0			9	8	17
2616	3	Salt Lake	Probation Office	State	City Center Probation	Owned	0	8,312		9	9	18
Leased Facilities												
2650	6	Kane	Probation Office	State	Kanab JV	Leased	0	2,180		5	3	8
2652	6	Sanpete	Probation Office	State	Manti JV	Leased	0	1,940		3	5	8
2662	7	San Juan	Probation Office	State	Monticello JV Prob	Leased	0	320		3	5	8
2626	4	Millard	Probation Office	State	Delta JV Prob	Leased	0	702		5	6	11
2660	7	San Juan	Probation Office	State	Blanding JV	Leased	0	374		6	5	11
2642	5	Iron	Probation Office	State	Cedar City JV Prob	Leased	0	5,089		7	8	15

TAB 6

Juvenile Court eFiling Implementation Plan



CARE E-Filing Processes



TAB 7



ESCALANTE CITY

P.O. BOX 189
56 NORTH 100 WEST
ESCALANTE, UT 84726
(435) 826-4644
FAX: (435) 826-4642

April 27, 2015

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

To whom it may concern,

On April 21, 2015 at the Escalante City Council meeting the Escalante City Council voted in favor of dissolving the Escalante City municipal court. Escalante City has been concerned with the cost to operate the court for some time and has contacted Garfield County who is willing to consolidate our court with theirs. Escalante City Council would like to close the court by the end of June to coincide with our fiscal year. At this time we would like to request to be put on the Council agenda for May. Thank you for your help in this matter and if you have any questions, please feel free to contact us.

Sincerely,



Jerry A. Taylor
Escalante City Mayor

TAB 8

**GAL OVERSIGHT COMMITTEE
APPOINTMENTS**

Utah Office of Guardian ad Litem
Oversight Committee

To: The Utah Judicial Council
From: Elizabeth Knight, Director, on behalf of the GAL Oversight Committee
Date: May 22, 2015
Subject: Nominees for Oversight Committee

There are currently two vacancies on the Guardian ad Litem Oversight Committee due to the resignation of Angela Fonnesbeck and Louise Knauer. The Management Committee selected two nominees to fill these vacancies, Kenyon Dove and Jeannine Timothy. We are fortunate to have these two highly qualified nominees and appreciate your consideration of these individuals.

Kenyon D. Dove

December 2014

2225 Washington Blvd., Ste. 200, Ogden, Utah 84401 • 801-476-0303 (work) •
kdove@smithknowles.com

**Education: University of Minnesota Mondak Hall, Minneapolis, MN
JD May 2002**

- Dean's List
- Jessup International Moot Court, May 2000 – May 2001
- *Journal of Russian Law and Public Policy*
 - Associate Editor, Jan. 2001 - May 2001
 - Managing Editor, May 2001 – October 2001
- University of Minnesota Law School Student Ambassadors
 - Student Ambassador, May 2000 - May 2001
 - Chief Ambassador, May 2001 – May 2002
- Legal Assistance for Minnesota Prisoners Clinic (LAMP)
 - Student Attorney, Sept. 2001 – May 2002
- Law and Medicine Society
 - Vice President, May 2000 - August 2001
- Latter-Day Saints Law Student Association
 - President, May 2001 – May 2002
- Law School Technology Committee

**Russian Law and Policy Institute, Humphrey Institute, University of
Minnesota, St. Petersburg State University, St. Petersburg, Russia
Study Abroad Program, July/August 2001**

- Introduction to Post-Soviet Public Law
- Seminar: Russian Business Environment
- Law and Economic Reform
- Advanced Russian Language

**Weber State University, Ogden, UT
BA cum laude Political Science 1999**

Major: Political Science / Minor: Legal Studies

- *Graduated top 10% of major*
- David O. McKay Presidential Scholarship
- Campus Activities Board – Chairperson
- Volunteer Improvement Program – Chairperson
- Student Supreme Court - Associate Justice
- Mock Trial
- Model United Nations - Delegate to the General Assembly
 - Represented South Africa at the Far West Conference of
Model United Nations in San Francisco, CA.
 - Outstanding Delegate Award

Kenyon D. Dove

December 2014

**2225 Washington Blvd., Ste. 200, Ogden, Utah 84401 • 801-476-0303 (work) •
kdove@smithknowles.com**

Experience: Smith Knowles, P.C., Ogden, Utah

March 2005 – present

- **Partner/Attorney**
 - Practicing in the fields of business, creditors' rights and real estate law, transactions and litigation
 - Private Guardian ad Litem

Solo Practitioner, Ogden, Utah

October 2003 – March 2005

- **Attorney**
 - Assisting clients in general law practice areas including: business/corporate law, debt relief and assistance, defamation, family law issues, employment law, real estate law, among others.
 - Private Guardian ad Litem

Keller Williams Success Realty, South Ogden, Utah

September 2003 – August 2004

- **Real Estate Sales Agent** representing residential buyers and sellers.

United States Department of Energy; National Nuclear Security Administration; Scientific and Technical Center On The Import and Export of Special Technologies, Hardware and Materials (STC)

Nonproliferation Graduate Program (NGP)

NGP Representative – Kiev, Ukraine, 6/2002 – 8/2003

- **Worked for the Office of Export Control Policy and Cooperation in Kiev, Ukraine with 'L' Clearance (Secret).**
- **Followed the progress of USDOE export control projects in Ukraine.**
- **Co-Authoring a quarterly newsletter on developments in the Ukrainian system of export controls.**

Kenyon D. Dove

December 2014

2225 Washington Blvd., Ste. 200, Ogden, Utah 84401 • 801-476-0303 (work) •
kdove@smithknowles.com

- Assisted Ukrainian partners in the contracting process
 - Assisted in execution of Basic Ordering Agreements, Work Orders and Representations and Certifications, Drafting of Project Proposals, etc.
- Wrote monthly reports on developments in USDOE export control projects in Ukraine.
- Provided logistic and linguistic support for USDOE export control projects in Ukraine.
- Improved Russian language abilities.

Fingerhut Companies, Inc., Minnetonka, MN

Law Clerk for In-House Counsel, 5/2000 – 1/2001

- Handled Small Claims Court complaints and complaint letters from customers and attorneys.
 - Conducted negotiations with customers and attorneys.
 - Drafted response letters to customers and attorneys.
 - Prepared releases of claims.
 - Represented corporation in Small Claims Court.
- Drafted and filed documents (Merger, Dissolution, Change of Statutory Representation, Qualification, etc.).
- Performed contract mark-up (Drafting, Corrections, etc.)
- Conducted legal research;

Church of Jesus Christ of Latter-Day Saints - Moscow, Russia

Volunteer Missionary, 8/1994 - 8/1996

- Performed voluntary church service.
- Held various leadership positions.
- Learned to speak Russian fluently.

Professional

Affiliations: Weber/North Davis Association of Realtors

Utah State Bar Association

- Bar Commissioner, Second Division, July 2013 to present

Weber County Bar Association

- President-Elect, February 2007 – January 2008

Kenyon D. Dove

December 2014

2225 Washington Blvd., Ste. 200, Ogden, Utah 84401 • 801-476-0303 (work) •
kdove@smithknowles.com

- President, January 2008 to January 2009
- Representative to Utah State Bar Governmental Relations Committee, January-March 2009

Rex E. Lee Inn, American Inns of Court
American Bankruptcy Institute

Licenses: Licensed Attorney, Utah State Bar Association, October 2003 – Present
Licensed Real Estate Agent, September 2003 to Present (Currently
Inactive)

References: Available upon request

Personal: I am an Eagle Scout, conversationally fluent in Russian and enjoy hunting, camping, playing the guitar, singing and working with people. I am married with three daughters and two sons.

JEANNINE PAPPAS TIMOTHY

520 East Bridle Walk Lane
Murray, UT 84107
801-269-1950 phone
801-558-7692 cell

PO Box 57963
Salt Lake City, UT 84157-0963
jeannine.timothy@gmail.com

EDUCATION

Juris Doctor
University of Utah College of Law

May 1985

Graduate Studies: English Literature
Bachelor of Arts: English Literature
University of Utah

1981-82
December 1978

CERTIFICATION

National Association of Counsel for Children,
Child Welfare Law Specialist

August 2012

EXPERIENCE

Legal

Guardian ad Litem

2001-present

Solo practitioner with emphasis as conflict and private Guardian ad Litem. Represent "best interest" of children in Juvenile Court Child Welfare matters and in District Court divorce and custody matters. Personally meet with clients in their homes, foster homes, residential treatment centers, and detention. Attend court hearings, family team meetings, and mediation. Conference with clients' caseworkers, therapists, physicians, teachers, and family members. Represent clients through reunification with their family of origin, trial to terminate parental rights, adoption, or other court placement.

Utah State Bar

Discipline Process Information Officer

2014-present

Administer the confidential, part-time office to inform and educate attorneys and complainants involved in Bar disciplinary proceedings. Answer questions about the process, explain the procedural rules at various points in the process, and inform parties about the progress of their individual discipline cases.

Utah State Bar

Consumer Assistance Program Attorney

1997-present

Developed and administer the part-time, informal procedure for addressing requests for assistance filed against Utah attorneys. Communicate with both consumers and attorneys in facilitating resolution of conflict between them in an attempt to quickly resolve minor problems that do not rise to the level of a Bar disciplinary complaint.

Estate Planning Attorney 1985-2014
Drafted wills, trusts, powers of attorney, and handled property transfers necessary in trust matters. Counseled clients regarding advance health care directives. Also represented clients in probate proceedings.

Ryan White Title II Legal Provider 1992-2004
Provided legal services under the federally funded grant, Ryan White Title II. Represented a significant number of clientele who were either HIV positive or persons with AIDS. When necessary, met with ill clients in their homes or their hospital/hospice rooms. Work for these clients included estate planning, adoptions, guardianship matters, and bankruptcies.

Family Law Attorney 1985-1998
Solo practitioner in family law. Represented both plaintiffs and defendants in divorce actions and modifications of divorce decrees. Represented adoptive parents in private placement adoptions, stepparents in stepparent adoptions, and petitioners in guardianship and name change matters.

Law Clerk 1984
Roe, Fowler & Moxley
Researched case law and statutes for individual and corporate clients involved in bankruptcy liquidation or reorganization. Wrote briefs, memoranda, bankruptcy petitions and attorney's fee applications. Drafted interrogatories, discovery requests and deposition questions. Participated in client interviews and negotiations with opposing counsel.

Teaching

Legal Writing II Adjunct Instructor 1996-1999
Westminster College
Taught legal writing in the legal assistant program. Students prepared case briefs, letters, inter-office memoranda, and memoranda to the court. Emphasis was on rewriting to achieve fluid, articulate and cohesive documents while students learned to hone legal analysis skills.

Expository Writing Teacher 1981-1982
University of Utah
Taught Expository Writing. Curriculum focused on improving composition skills through compare and contrast, argumentation, description and persuasion writing techniques. Also taught research skills and methods of research writing.

**STANDING COMMITTEE ON
JUDICIAL OUTREACH
APPOINTMENT**



Administrative Office of the Courts

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

April 28, 2015

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

MEMORANDUM

TO: Utah Judicial Council's Management Committee
FROM: Nancy Volmer, Public Information Office *NV*
RE: Committee Renewal

The Standing Committee on Judicial Outreach recommends the following committee appointment:

- State Office of Education Specialist Robert Austin has completed his second term on the committee and would like to serve a third term. In his position with the state, Mr. Austin oversees licensing, professional development, international initiatives, and K-12 Social Studies. The chair of the committee, Judge Elizabeth Hruby-Mills, recommends a third term for Mr. Austin.

Rule 3-114. Judicial Outreach Standing Committee on Judicial Outreach

Intent of the committee:

- 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.

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

TAB 9



Administrative Office of the Courts

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

MEMORANDUM

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

To: Judicial Council
From: Alison Adams-Perlac *Alison Adams-Perlac*
Date: May 21, 2015
Re: Proposed Amendments to the Utah Code of Judicial Administration

The Policy and Planning Committee has voted to recommend the following amendments to the Utah Code of Judicial Administration for public comment.

CJA 4-202.02. Records classification. Amend. Provides that adoption records become public on the one hundredth anniversary of the date of the final decree as required by statute. Makes notices from the U.S. Bankruptcy Court private.

The proposal makes two changes to the records classification rule. The change in subparagraph (2)(HH) reflects the requirement of Utah Code section 78B-6-141 that adoption records become public on the hundredth anniversary of the date of the final decree. The change in subparagraph (4)(M) makes notices from the U.S. Bankruptcy Court private. This change was recommended by Court Services because these notices contain sensitive, personal information.

If the Council votes to approve these amendments, they will be published for public comment.

Encl. CJA 4-202.02

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

Rule 4-202.02. Records classification.

Intent:

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

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

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

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

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

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

(2)(D) audit reports;

(2)(E) case files;

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

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

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

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

(2)(J) financial records;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72 (2)(HH) Notwithstanding subsection (3)(A)(i), adoption records become public on the one hundredth
73 anniversary of the date the final decree of adoption was entered.

74 (3) The following court records are sealed:

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

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

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

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

(3)(B) expunged records;

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

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

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

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

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

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

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

(4) The following court records are private:

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

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

(4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;

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

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

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

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

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

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

(4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

(4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;

(4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;

(4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

(4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);

(4)(C) aggregate records other than public aggregate records under subsection (2);

(4)(D) alternative dispute resolution records;

(4)(E) applications for accommodation under the Americans with Disabilities Act;

(4)(F) citation, but an abstract of a citation that redacts all non-public information is public;

(4)(G) judgment information statement;

(4)(H) judicial review of final agency action under Utah Code Section 62A-4a-1009;

(4)(I) the following personal identifying information about a party: driver's license number, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;

(4)(J) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;

(4)(K) medical, psychiatric, or psychological records;

(4)(L) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:

(4)(L)(i) name change of a minor;

(4)(L)(ii) guardianship or conservatorship for a minor;

(4)(L)(iii) felony, misdemeanor or infraction;

(4)(L)(iv) child protective orders; and

(4)(L)(v) custody orders and decrees;

(4)(M) notices from the U.S. Bankruptcy Court;

(4)(N) personnel file of a current or former court personnel or applicant for employment;

(4)(ON) photograph, film or video of a crime victim;

(4)(PΘ) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:

(4)(PΘ)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process; or

(4)(PΘ)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(QP) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

(4)(RQ) record submitted for in camera review until its public availability is determined;

(4)(SR) reports of investigations by Child Protective Services;

(4)(TS) victim impact statements;

(4)(UT) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

(4)(VU) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;

- 149 (4)(~~W~~) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
- 150 (4)(~~X~~) an addendum to an appellate brief filed in a case involving:
- 151 (4)(~~X~~)(i) adoption;
- 152 (4)(~~X~~)(ii) termination of parental rights;
- 153 (4)(~~X~~)(iii) abuse, neglect and dependency;
- 154 (4)(~~X~~)(iv) substantiation under Section 78A-6-323; or
- 155 (4)(~~X~~)(v) protective orders or dating violence protective orders;
- 156 (4)(~~Y~~) other records as ordered by the court under Rule 4-202.04.
- 157 (5) The following court records are protected:
- 158 (5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or
- 159 other representative of the courts concerning litigation, privileged communication between the courts and
- 160 an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation
- 161 of litigation or a judicial, quasi-judicial, or administrative proceeding;
- 162 (5)(B) records that are subject to the attorney client privilege;
- 163 (5)(C) bids or proposals until the deadline for submitting them has closed;
- 164 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance
- 165 of the final recommendations in these areas;
- 166 (5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would
- 167 reveal the court's contemplated policies or contemplated courses of action;
- 168 (5)(F) court security plans;
- 169 (5)(G) investigation and analysis of loss covered by the risk management fund;
- 170 (5)(H) memorandum prepared by staff for a member of any body charged by law with performing a
- 171 judicial function and used in the decision-making process;
- 172 (5)(I) confidential business records under Utah Code Section 63G-2-309;
- 173 (5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or
- 174 discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be
- 175 expected to:
- 176 (5)(J)(i) interfere with an investigation;
- 177 (5)(J)(ii) interfere with a fair hearing or trial;
- 178 (5)(J)(iii) disclose the identity of a confidential source; or
- 179 (5)(J)(iv) concern the security of a court facility;
- 180 (5)(K) record identifying property under consideration for sale or acquisition by the court or its
- 181 appraised or estimated value unless the information has been disclosed to someone not under a duty of
- 182 confidentiality to the courts;
- 183 (5)(L) record that would reveal the contents of settlement negotiations other than the final settlement
- 184 agreement;

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

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

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

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

(5)(Q) test questions and answers;

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

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

(5)(T) presentence investigation report; and

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

(6) The following are juvenile court social records:

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

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

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

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

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

(6)(F) referral reports;

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

(6)(H) treatment or service plans.

(7) The following are juvenile court legal records:

(7)(A) accounting records;

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

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

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

(7)(E) record of a court hearing;

(7)(F) referral and offense histories

(7)(G) and any other juvenile court record regarding a minor that is not designated as a social record.

(8) The following are safeguarded records:

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

(8)(B) upon request, location information, contact information and identity information other than name of a party or the party's child after showing by affidavit that the health, safety, or liberty of the party

222 or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform
223 Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family
224 Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;

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

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

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

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

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

**ADDITIONAL COUNCIL MEETING
HANDOUTS**

May 26, 2015

To: Members of the Judicial Council
From: Dan Becker
Subject: Judicial Council Committee Appointments

The resignations of Judges Jim Davis and John Sandberg, from the Council, have created two committee vacancies. The Management Committee recommends the following appointments;

Management Committee

Judge Kate Toomey, replacing Judge Jim Davis

Judge David Marx, replacing Judge John Sandberg

Liaison Committee

Judge Paul Farr, replacing Judge David Marx

In light of Justice Jill Parrish's appointment to the Federal bench, she has submitted her resignation as a member of the Judicial Council. The Council will need to appoint a replacement for her on the Liaison Committee, as well.

Thank you for your attention to this.

District Court Filings - 10 Month Update

Statewide

Sum of Case Filings		Fiscal			
Rprt Category	Descr	2014	2015	Change	% Change
criminal	State Felony	19,176	20,875	1,699	9%
	Other Misdemeanor	9,477	9,975	498	5%
	Misdemeanor DUI	934	1,090	156	17%
	Infraction	176	143	-33	-19%
	Not Applicable	1,417	1,588	171	12%
criminal Total		31,180	33,671	2,491	8%
domestic	Common Law Marriage	53	50	-3	-6%
	Custody and Support	1,098	1,082	-16	-1%
	Divorce/Annulment	10,919	11,030	111	1%
	Grandparent Visitation	38	39	1	3%
	Paternity	939	866	-73	-8%
	Separate Maintenance	36	22	-14	-39%
	Temporary Separation	49	55	6	12%
	UCCJEA Child Cust Jur	103	111	8	8%
	UIFSA	174	108	-66	-38%
domestic Total		3,800	3,836	36	1%
general civil		17,209	17,199	-10	0%
<div> <p>Note: With exception of involuntary commitment & NA, all case filing counts do not include transferred cases</p> </div>	Administrative Ag	244	238	-6	-2%
	Arbitration Award	8	8	0	0%
	Attorney Discipline	20	16	-4	-20%
	Civil Rights	19	23	4	21%
	Civil Stalking	736	691	-45	-6%
	Contempt	348	214	-134	-39%
	Contracts	2,354	2,149	-205	-9%
	Debt Collection	55,201	57,341	2,140	4%
	Forfeiture of Property	363	396	33	9%
	Hospital Lien	4,901	4,568	-333	-7%
	Interpleader	10	25	15	150%
	Miscellaneous	1,262	1,192	-70	-6%
	Notice of Dep OoS	205	229	24	12%
	Post Conv Rel NonCap	82	65	-17	-21%
	Post Conv Relief-Cap	2	3	1	50%
	SC denovo District	45	47	2	4%
	SC denovo Justice	182	175	-7	-4%
	Sexual Harassment		3	3	0%
	Small Claim	4	8	4	100%
	Tax Court	2	3	1	50%
	Writs	31	47	16	52%
	Wrongful Termination	16	11	-5	-31%
	Registry Removal	1	1	0	0%
general civil Total		66,036	67,453	1,417	2%
judgments	Abstract of Judgment	5,293	4,494	-799	-15%
	Child Support Lien	11,523	11,085	-438	-4%
	Foreign Judgment	354	351	-3	-1%
	Jdmt by Confession	431	236	-195	-45%
	Tax Lien	54,262	49,087	-5,175	-10%
	Workforce Svc Lien	12,854	12,132	-722	-6%
judgments Total		84,746	77,432	-7,314	-9%
probate	Adoption	1,137	1,106	-31	-3%
	Conservatorship	130	104	-26	-20%
	Gestational Agreement	28	39	11	39%
	Guardianship	1,307	1,419	112	9%
	Invol. Commitment	1,498	1,589	91	6%
	Minor's Settlement	220	251	31	14%
	Name Change	820	842	22	3%
	Other Probate	525	485	-40	-8%
	Supervised Administrator		1	1	0%
	Trust	87	108	21	24%
probate Total		7,466	7,680	214	3%
property rights	Condemnation	39	31	-8	-21%
	Eviction	6,369	6,162	-207	-3%
	Lien/Mortgage Fds	243	211	-32	-13%
	Property Rights	363	386	23	6%
property rights Total		7,028	6,798	-230	-3%
tort	Asbestos	3	6	3	100%
	Malpractice	120	114	-6	-5%
	Personal Injury	1,293	1,239	-54	-4%
	Property Damage	206	245	39	19%
	Wrongful Death	44	22	-22	-50%
tort Total		1,666	1,626	-40	-2%
traffic	Parking Citation	1,512	1,550	38	3%
	Parking Court Case	1		-1	-100%
	Traffic Citation	10,615	11,445	830	8%
	Traffic Court Case	4,746	4,998	252	5%
traffic Total		16,874	17,993	1,119	7%
Grand Total		232,205	229,852	-2,353	-1%

Juvenile Court Referrals - 10 Month Update
July thru April each fiscal year

FY2014										FY2015									
JC Type	TTL	District								TTL	District								
		1	2	3	4	5	6	7	8		1	2	3	4	5	6	7	8	
Felony	1,560	131	313	554	275	134	61	42	50	1,421	91	214	592	266	106	62	34	56	
Misdemeanor	12,954	658	2,428	6,012	2,118	825	260	275	378	12,386	702	2,359	5,291	2,156	820	332	292	434	
Infraction	602	54	81	302	94	15	9	7	40	626	52	87	310	92	19	18	2	46	
Contempt	5,246	282	1,204	2,009	779	288	88	285	311	5,084	313	1,117	1,923	904	284	64	219	260	
Status	3,612	595	672	897	667	243	161	118	259	3,588	619	688	773	710	218	164	143	273	
Traffic	1			1															
Adult Violations	1,145	71	281	350	219	100	34	20	70	1,149	72	251	393	220	95	23	26	69	
Child Welfare Proceedings	2,976	269	603	757	647	254	68	147	231	2,990	288	594	695	603	314	85	129	282	
Termination Parental Rghts	585	25	137	188	103	63	9	39	21	657	26	135	224	145	65	15	34	13	
Voluntary Relinquishment	587	48	167	153	88	53	5	53	20	674	46	186	179	146	30	12	50	25	
Domestic/Probate	626	34	171	194	97	52	3	43	32	683	44	127	229	149	39	9	58	28	
	29,894	2,167	6,057	11,417	5,087	2,027	698	1,029	1,412	29,258	2,253	5,758	10,609	5,391	1,990	784	987	1,486	

NOTES

- o Reported referrals is count of the most serious incident / event of a single intake episode.
- o "Domestic/Probate" - adoptions account for 90%+ of this category

2014 - 2015 Change

JC Type	Statewide		District 1		District 2		District 3		District 4		District 5		District 6		District 7		District 8	
	14-15		14-15		14-15		14-15		14-15		14-15		14-15		14-15		14-15	
	Change	% Change	Change	% Change	Change	% Change	Change	% Change	Change	% Change	Change	% Change	Change	% Change	Change	% Change	Change	% Change
Felony	-139	-9%	-40	-31%	-99	-32%	38	7%	-9	-3%	-28	-21%	1	2%	-8	-19%	6	12%
Misdemeanor	-568	-4%	44	7%	-69	-3%	-721	-12%	38	2%	-5	-1%	72	28%	17	6%	56	15%
Infraction	24	4%	-2	-4%	6	7%	8	3%	-2	-2%	4	27%	9	100%	-5	-71%	6	15%
Contempt	-162	-3%	31	11%	-87	-7%	-86	-4%	125	16%	-4	-1%	-24	-27%	-66	-23%	-51	-16%
Status	-24	-1%	24	4%	16	2%	-124	-14%	43	6%	-25	-10%	3	2%	25	21%	14	5%
Traffic	-1	-100%	0		0		-1	-100%	0		0		0		0		0	
Adult Violations	4	0%	1	1%	-30	-11%	43	12%	1	0%	-5	-5%	-11	-32%	6	30%	-1	-1%
Child Welfare Proceedings	14	0%	19	7%	-9	-1%	-62	-8%	-44	-7%	60	24%	17	25%	-18	-12%	51	22%
Termination Parental Rghts	72	12%	1	4%	-2	-1%	36	19%	42	41%	2	3%	6	67%	-5	-13%	-8	-38%
Voluntary Relinquishment	87	15%	-2	-4%	19	11%	26	17%	58	66%	-23	-43%	7	140%	-3	-6%	5	25%
Domestic/Probate	57	9%	10	29%	-44	-26%	35	18%	52	54%	-13	-25%	6	200%	15	35%	-4	-13%
	-636	-2%	86	4%	-299	-5%	-808	-7%	304	6%	-37	-2%	86	12%	-42	-4%	74	5%

Justice Court Case Filings - 10 Month Update
July thru April each fiscal year

Sum of CaseFilings		Fiscal			Change	% Change
Rprt_Category Descr	descr	2013	2014	2015		
criminal	Other Misdemeanor	51,975	49,492	51,167	1,675	3%
	Misdemeanor DUI	7,760	7,237	7,192	-45	-1%
	Infraction	6,133	4,290	2,715	-1,575	-37%
	{Not Applicable}	15	111	208	97	87%
criminal Total		65,883	61,130	61,282	152	0%
general civil	Small Claim	19,480	18,971	17,901	-1,070	-6%
	Small Claims/Park TP	6,547	3,415	5,062	1,647	48%
	Contempt	9	15	25	10	67%
general civil Total		26,036	22,401	22,988	587	3%
traffic	Traffic Court Case	104,827	92,234	86,922	-5,312	-6%
	Traffic Citation	233,415	232,575	213,617	-18,958	-8%
	Parking Court Case	1	13	3	-10	-77%
	Parking Citation	6,274	5,263	4,657	-606	-12%
traffic Total		344,517	330,085	305,199	-24,886	-8%
Grand Total		436,436	413,616	389,469	-24,147	-6%

Justice Court Filings - FY

