

JUDICIAL COUNCIL MEETING

AGENDA

Tuesday, September 22, 2015

Silver Mine A

Park City Marriott

Park City, Utah

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator's Report. Daniel J. Becker
4. 9:25 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Judge David Mortensen
Policy and Planning Judge Reed Parkin
Bar Commission. John Lund, esq.
(Tab 2 - Information)
5. 9:40 a.m. Rules for Final Action. Alison Adams-Perlac
(Tab 3 - Action)
6. 9:50 a.m. Legislative Update. Rick Schwermer
(Tab 4 - Information)
7. 10:05 a.m. Judicial Branch Education Committee
Update Justice Christine M. Durham
(Information) Tom Langhorne
- 10:25 a.m. Break
8. 10:35 a.m. Judicial Performance Evaluation Commission Update. . . . Joanne Slotnik
(Information)
9. 10:55 a.m. Board of Justice Court Judges Update. Judge Reuben Renstrom
(Information) Rick Schwermer
10. 11:15 a.m. Online Dispute Resolution (ODR) Proposal. Daniel J. Becker
(Action)
11. 11:35 p.m. Budget Adjustment for Unallocated Carry Forward. Ray Wahl
(Action)

12. 11:45 p.m. 2016 Judicial Council Study Item.Daniel J. Becker
(Action)
13. 12:00 p.m. Senior Judge and Commissioner Certifications.Nancy Sylvester
(Tab 5 - Action)
14. 12:15 p.m. Retention Election Certifications.Nancy Sylvester
(Tab 6 - Action)
15. 12:25 a.m. Board of District Court Judges Update.Judge Derek Pullan
(Information) Debra Moore
16. 12:45 p.m. Executive Session
17. 12:55 p.m. Adjourn
- 1:00 p.m. Lunch/Outgoing Member Recognition

Consent Calendar

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

1. Committee Appointment Nancy Volmer
(Tab 7)
2. Grant Approval Dawn Marie Rubio
(Tab 8)
3. Rules for Public Comment Alison Adams-Perlac
(Tab 9)

TAB 1

**JUDICIAL COUNCIL
Budget and Planning Session
Minutes
Friday, August 14th, 2015
Large Conference Room A
Matheson Courthouse
Salt Lake City, UT**

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Hon. Kimberly K. Hornak, Vice Chair
Justice Deno Himonas for Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Glen Dawson
Hon. Thomas Higbee
Hon. David Marx
Hon. Paul Maughan
Hon. David Mortensen
Hon. Reed Parkin
Hon. Ryan Harris for Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

EXCUSED:

Justice Thomas Lee
Hon. Randall Skanchy

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jeni Wood
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Kim Allard
Ron Bowmaster
Derek Byrne
Nancy Sylvester
Alyn Lunceford
Nancy Volmer
Neira Siaperas
Liz Knight

GUESTS:

Phil Dean, GOMB
Ken Matthews
Gary Syphus
David Walsh
Judge Charles Behrens
Judge Keith Barnes
Rick Davis, 5th Dist TCE
Judge Mary Noonan

1. WELCOME: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting. Chief Justice Durrant welcomed Mr. Phil Dean and Mr. Ken Matthews from the Governor's Office. He also welcomed Judge Ryan Harris who was sitting in for Judge Skanchy, as well as, Justice Deno Himonas who was sitting in for Justice Lee.

2. GOVERNOR'S OFFICE OF PLANNING AND BUDGET ECONOMIC PRESENTATION: (Phil Dean)

Chief Justice Durrant welcomed Mr. Phil Dean, Budget Director and Chief Economist, from the Governor's Office of Management and Budget to the meeting.

Mr. Dean highlighted the following in his update: 1) Utah's population change relative to net migration, 2) Utah's employment levels and growth rate, 3) unemployment rate in Utah and the US, and 4) upcoming major expenditure issues.

The major expenditure issues include: 1) public education; 2) higher education; 3) Medicaid; 4) Justice Reinvestment Act and prison relocation; 5) infrastructure – transportation, buildings, and water; 6) compensation; 7) rainy day funds and other reserves; and 8) debt levels.

Chief Justice Durrant thanked Mr. Dean for his update.

3. OVERVIEW OF BUDGET PLANNING SESSION: (Daniel J. Becker)

Mr. Becker stated that each August for one day there is a meeting to discuss budget needs. The purpose of this meeting is to arrive at a prioritized list of request to be presented to the Governor and Legislature. This year there are 17 requests totaling 6.8 million dollars. Mr. Becker stated the Council's role is to hear the request and then decide how each should be addressed. Mr. Becker presented the budget plan prepared by Derek Byrne. He also addressed Navigating the Budget, prepared by Nancy Volmer.

Mr. Becker recognized the following individuals: 1) Mr. David Walsh, GOMB and Commission on Criminal and Juvenile Justice; 2) Mr. Ken Matthews, Financial Operations Analyst; 3) Neira Siaperas, Third District Juvenile Court TCE; 4) Mr. Shane Bahr, Fourth District Court TCE; 5) Nancy Volmer, Courts Public Information Officer; and 6) Alyn Lunceford, Facilities Manager.

The objectives for the budget and planning session include: 1) set a prioritized budget request, and 2) develop a plan to address the courts budget needs for FY 2017.

Mr. Becker reviewed the agenda for the budget and planning session. He noted that a copy of the following documents was sent to each member of the Council for review prior to the meeting: 1) FY 2016 Annual Budget Plan, 2) Navigating the Budget, and 3) Court Administrator's Review and Recommendations. The budget and planning session will include the following: 1) an update from GOMB on the state's economy, 2) fiscal trends and restricted funds reports, 3) data and performance measure overview, 4) reports and budget requests from boards and committees, 5) the court administrator's analysis and recommendations, 6) discussion and voting on budget priorities, and 7) review of proposed legislation.

The afternoon will consist of a brief Council meeting and a Management Committee meeting.

4. FISCAL TRENDS AND RESTRICTED FUNDS REPORTS: (Derek Byrne)

Mr. Byrne was welcomed to the meeting. Mr. Byrne reviewed the fiscal data and trends relative to the Utah Courts budget summary. He noted that available funding for use by the courts is categorized as follows: 1) general fund; 2) general fund, one-time; and 3) general fund, restricted accounts.

He highlighted the following restricted accounts: 1) Children's Legal Defense Fund (CLDF), 2) Alternative Dispute Resolution, 3) Court Complex Funding, 4) Law Library Non-Lapsing Dedicated Credit Fund, 5) Security Fee, 6) Court's Traffic Caseload, and 7) Justice Court Technology, Security and Training Account.

Mr. Byrne stated the drivers that relate to the growth have been cost-of-living adjustments as well as retirement increases.

5. DATA PRESENTATION OVERVIEW: (Kim Allard)

Ms. Allard updated the Council on the FY 2015 Annual Caseload Trends. She highlighted the following:

Juvenile Court. There were 35,007 referrals and filings in FY 2015 compared to 37,789 referrals and case filings in FY 2014 which represents a 3% decrease. Ms. Allard highlighted the following relative to juvenile court referrals and case filings: 1) referred to the report entitled *Juvenile Crime Keeps Falling, But Reasons Elusive* by Matt Smith dated February 26, 2015; 2) delinquency referrals from FY 2008 to FY 2015 represents a 38% decrease; 3) juvenile court – time to disposition data; 4) juvenile court – referrals/weighted hours; 5) juvenile court – weighted caseload – caseload as % of standard; 6) juvenile court – workload vs. available hours per judicial officer; 7) juvenile court – weighted caseload – judicial officers needed; and 8) the Fourth District Juvenile Court shows a deficit of 2.1 judicial officers needed.

District Court. There were 269,143 case filings in FY 2015 compared to 273,492 case filings in FY 2014 which represents a 1.6% decrease. Ms. Allard highlighted the following relative to district court case filings: 1) criminal filings in FY 2015 represent a 1.6% increase, 2) in Third District Court, felonies in FY 2015 represent a 13% increase; 3) Justice Reinvestment Initiative impact on felony and Misdemeanor A cases; 4) weighted caseload impact, 5) misdemeanor case filing data, statewide, in district and justice court; 6) district court, non criminal case filing data; 7) district court – time to disposition; 8) district court – raw filings and weight; 9) district court – weighted caseload – caseload as % of standard; 10) district court – workload vs. available hours per judicial officer; 11) district court – weighted caseload – judicial officers needed.

Justice Court. There were 459,622 case filings in FY 2015 compared to 496,953 case filings in FY 2014 which represents a 7.5% decrease. There were 353,922 traffic case filings in FY 2015 compared to 459,693 traffic case filings in FY 2006.

Supreme Court. There were 608 case filings in FY 2015 compared to 626 case filings in FY 2014.

Court of Appeals. There were 1010 case filings in FY 2015 compared to 991 case filings in FY 2014.

6. REPORTS AND BUDGET REQUESTS FROM BOARDS AND COMMITTEES
Guardian ad Litem: (Elizabeth Knight)

Chief Justice Durrant welcomed Ms. Knight to the meeting.

Ms. Knight reported that the GAL Oversight Committee is requesting \$1,036,400 for an attorney salary parity increase for the Guardian ad Litem attorneys, noting the differential in salaries between the Guardian ad Litem attorneys and the attorneys working in the Attorney General's office.

Ms. Knight was congratulated for her service as the Guardian ad Litem Director, and well wishes were expressed to her in her new position as a juvenile court judge.

Court Facilities Planning Committee: (Judge Charles Behrens & Alyn Lunceford)

Judge Behrens and Mr. Lunceford were welcomed to the meeting.

The Court Facilities Planning Committee has requested funding to cover the lease, and operations and maintenance increases. The following was highlighted relative to the request: 1) a savings was noted in Garfield County and in Utah County, and 2) the majority of the funding

being requested will cover the expansion project in Duchesne which should be completed in December of 2015.

Appellate Courts: (Tim Shea)

Tim Shea was welcomed to the meeting.

Mr. Shea reported that the Appellate Courts is requesting funding in the amount of \$72,300 for an administrative assistant to support the appellate administrator and the clerks of court for the Supreme Court and the Court of Appeals.

Board of District Court Judges: (Judge Keith Barnes, Ms. Debra Moore, and Mr. Rick Davis)

Judge Keith Barnes and Rick Davis from the Fifth District, as well as Debra Moore, were welcomed to the meeting.

Ms. Moore reported, on behalf of the Board of District Court Judges, their budget requests to include: 1) funding for an additional judgeship and staff in the Fifth District Court, and 2) funding of two additional law clerk positions in district court.

Judge Barnes, Fifth District Court Judge, and Mr. Rick Davis, Fifth District TCE, spoke on behalf of the Fifth District Court's request for an additional judgeship and staff. Currently, coverage is being provided by Fifth District Juvenile Court judges, visiting judges and senior judges.

Ms. Moore highlighted the following relative to the request for funding of two permanent law clerk positions: 1) one of the current positions is funded on a time-limited basis, 2) the Board of District Court Judges is conducting a study of law clerks—evaluating their duties and the need for law clerks, and 3) current statewide average ratio is one law clerk for every 2.4 district judges.

Technology Standing Committee: (Ray Wahl)

Ray Wahl was welcomed to the meeting.

The Technology Standing Committee has the following budget requests: 1) audio/video upgrade for the Seventh District Court, and 2) implementation of a five-year computer replacement schedule with one-time funding.

SYSTEM-WIDE REQUESTS:

Juror/Witness/Interpreter: (Derek Byrne)

Mr. Byrne requested an increase in ongoing funding to the Juror/Witness/Interpreter Fund to eliminate the deficit spending in the account in the amount of \$975,000.

District Court Program Administrator: (Debra Moore)

Ms. Moore requested permanent funding for the remaining 25 percent of the District Court Program Administrator's position.

Domestic Violence Program Coordinator: (Debra Moore)

Due to the increasing cost of the position resulting from cost-of-living adjustments, benefit increases, and a reduction in grant funding; Ms. Moore requested ongoing funding to cover the shortage from the VAWA Grant funding.

Online Dispute Resolution Project – One Time: (Ray Wahl) Funding has been requested for the Online Dispute Resolution (ODR) project. This request would be addressed with the CORIS Re-Write Project.

CORIS Modernization Project: (Ray Wahl)

A one-time funding request of \$2,500,000 has been requested for the CORIS Modernization Project. Highlights of the project include: 1) the first phase will be to revisit and redesign the core business functions that will become the case management system of the future, and 2) the second phase will be to convert CORIS to a web application.

Court Visitor Program: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Sylvester to the meeting.

A request for permanent funding of the court visitor program is being made. The program was grant funded for a three-year period from the State Justice Institute which expired June 30, 2014. One-time funding was approved by the Council for FY 2015 and FY 2016.

The request is to fund the salary and benefits for two program coordinators in the amount of \$174,300.

Board of Juvenile Court Judges: (Judge Mary Noonan and Dawn Marie Rubio)

Judge Noonan and Ms. Rubio were welcomed to the meeting.

The Board of Juvenile Court Judges is requesting funding for an additional judgeship and staff in the Fourth District Juvenile Court.

Judge Noonan highlighted the following relative to the judgeship request: 1) senior judge coverage is being used, 2) high child welfare caseload, 3) workload per judge, 4) length of time before the youth offender is scheduled before the judge, and 5) addition of a night court.

7. STATE COURT ADMINISTRATOR'S REVIEW AND RECOMMENDATIONS

Mr. Becker addressed the 2017 budget requests, totaling 6,862,200, with the following recommendations:

Judgeship Requests. Two requests for additional judgeships and staff were made by: 1) Fourth District Juvenile Court and 2) Fifth District Court. Both courts demonstrate a need for an additional judgeship. Mr. Becker recommended advancement of the judgeships with the number of judicial assistants that accompany a judgeship be reduced from two to one, to bring down the funding request. It is recommended to fund the second judicial assistant through savings realized from juvenile e-filing.

Leases and Contracts. It is recommended to advance the lease and contract request for new funding.

Replacement of General Fund to Court Complex Fund. Mr. Becker reminded the Council of the request advanced last year to replace General Fund dollars to the Trust Fund Account. This is a similar request to replace General Fund dollars to the Court Complex Fund.

It is recommended to advance this request for funding.

CORIS Modernization Project. This project will allow for the re-write of the CORIS, AIS and Jury Management systems into a web-based application. The project would require funding of contract programmers over a two-year period. Mr. Becker recommended one-time funding from internal sources in the amount of \$1,000,000 be approved for the project, and he

recommended advancing a request for \$1,500,000 in funding to cover the remainder of the project.

Juror/Witness/Interpreter. It was recommended to advance the following requests for funding: 1) \$867,500 for FY 2016 supplemental funding to cover the FY 2015 deficit, and 2) \$975,000 in ongoing funding to bring the budget in line with current expenditures.

District Court Law Clerks, Five-Year Computer Replacement Schedule, District Court Program Administrator, Domestic Violence Program Coordinator, Volunteer Court Visitor Program and Audio/Video Upgrades in the Seventh District Court. It was recommended to address these funding requests by redirecting existing funds, using fiscal note funding, and/or one time funding in April when the Council considers a spending plan for FY 2017.

Justice Court Administrator. Mr. Becker is recommending that the Council consider creating a full-time, dedicated Justice Court Administrator position. He noted that the Board of Justice Court Judges supports the proposal. He provided background information on the current position as covered by the Assistant Court Administrator, along with his other responsibilities. He recommended alternate funding, highlighting the following as possible sources for funding: 1) the elimination of the half-time justice court program administrator position and redirection of those funds; 2) partial funding from the Justice Court Technology, Education, and Security Funds; and 3) partial funding from one-time funds.

Appellate Courts Administrative Assistant. It was recommended that the work of this position be addressed by reorganizing the current staff in the Appellate Courts.

Discussion took place.

8. BUILDING BLOCK DISCUSSION AND JUDICIAL COUNCIL DECISIONS ON PROPOSED FY 2017 LEGISLATIVE REQUESTS

Mr. Schwermer reviewed the process of prioritizing the budget requests. He mentioned the importance of assessing each request, reviewing the options, and making a decision on each request.

Mr. Becker reminded members of the Council that the Guardian ad Litem's request will not be part of the judiciary's request; however, they are seeking the Council's support for their request. Mr. Becker stated the Guardian ad Litem will present their request, separately, to the Governor's Office and Legislature.

He reviewed the budget categories to be considered when prioritizing the budget requests to include: 1) obligations, 2) deferral or alternate funding, 3) elimination, 4) building blocks, 5) supplemental, and 6) fiscal note building blocks.

Categorization of each request:

Juvenile Court Judge and Staff – fiscal note/legislation

District Court Judge and Staff – fiscal note/legislation

Courtroom AV Upgrade – deferral

Replace Main Line Item Court Complex Account with GF – building block

Reduce Court Complex in Main Line Item – building block

Online Dispute Resolution – eliminate

CORIS Modernization Project – building block

Ongoing JWI Funding – building block

FY16 Supplemental to Cover FY15 JWI deficit – building block

Lease Increases – building block

Appellate Administrative Assistant – eliminate
Law Clerks – deferral
District Court Program Coordinator VAWA grant increase – deferral
District Court Program Administrator - deferral
Five-Year Computer Replacement Schedule – deferral
Justice Court Administrator – alternative funding
Volunteer Court Visitor Program – deferral

Mr. Schwermer clarified the difference between a fiscal note request and a building block request.

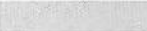
Motion: Judge Dawson moved to advance the judgeship requests for the Fourth District Juvenile Court and the Fifth District Court as recommended by the State Court Administrator by reducing the number of judicial assistants that accompany each judgeship, with the availability to fund the second judicial assistant with savings realized from e-filing. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Dawson moved to advance the request for funding of the CORIS Modernization Project in the amount of \$1,500,000 and fund the remaining \$1,000,000 with alternative funding. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Toomey moved to prioritize and approve the items in the following order: 1) Fourth District Court Juvenile Judge; 2) Fifth District Court Judge; 3) CORIS Modernization Project; 4) Lease Increases; 5) Replace Main Line Item Court Complex Account with General Fund; 6) FY 16 Supplemental to Cover FY 15 JWI Deficit; 7) Ongoing JWI Funding; and 8) to approve the creation of a Justice Court Administrator position, internal funding to be determined in April. Judge Hornak seconded the motion, and it passed unanimously.

Judicial Council Annual Budget Meeting Actions & Prioritization of Requests 8-14-15

Priority	District	Request	Request \$	Fiscal Note / Legislation	Building Block	Alternative Funding	Eliminate	Deferral	TOTALS
1	4th J	Juvenile Court Judge & Staff (3 FTEs)	417,200	341,400		75,800			417,200
2	5th D	District Court Judge and Staff (3 FTEs)	417,200	341,400		75,800			417,200
3	AOC	CORIS Modernization Project	2,500,000		1,500,000	1,000,000			2,500,000
4	C & L	Lease Increases	260,000		260,000				260,000
5	AOC	Replace Main Line Item Court Complex Account with GF	313,400		313,400				313,400
5	AOC	Reduce Court Complex in Main Line Item	(313,400)		(313,400)				(313,400)
6	AOC	FY16 Supplemental to Cover FY15 JWI Deficit	867,500		867,500				867,500
7	AOC	Ongoing JWI Funding	975,000		975,000				975,000
N/A	7th D	Courtroom AV Upgrade	55,000					55,000	55,000
N/A	AOC	Online Dispute Resolution Project	500,000				500,000		500,000
N/A	COA	Administrative Assistant (1 FTE)	72,300				72,300		72,300
N/A	District Court	Law Clerks (2 FTEs)	183,600					183,600	183,600
N/A	District Court	District Court Program Coordinator (Ongoing Funding to Cover VAWA Grant Funding Shortage)	15,000					15,000	15,000
N/A	District Court	District Court Program Administrator (.25 FTE)	20,000					20,000	20,000
N/A	IT	5-Year Computer Replacement Schedule	250,000					250,000	250,000
N/A	Justice Court	Justice Court Administrator (1 FTE)	155,100			155,100			155,100
N/A	Legal	Volunteer Court Visitor Program (2 FTEs)	174,300					174,300	174,300
Totals			6,862,200	682,800	3,602,500	1,306,700	572,300	697,900	6,862,200

 = One-time Request

I:\Budget Info\Budget Meetings\FY17 Budget Meetings (Aug 15 and Apr 16)\Annual Budget Meeting\[Jud Coun Ann Bud Mtg Final Results 8-14-15.xlsx]8-14-15-JC Final

9. PROPOSED LEGISLATION

Mr. Schwermer reported that the Liaison Committee met prior to the Budget and Planning Session, and they considered several matters of legislation. Judge Mortensen highlighted the following on behalf of the Liaison Committee: 1) draft judiciary amendments, 2) restraints in juvenile court, 3) pre-trial release, and 4) indigent defense.

Motion: Judge Hornak moved to authorize the Liaison Committee to proceed regarding the following matters as appropriate: 1) draft judiciary amendments, 2) restraints in juvenile court, 3) pre-trial release, and 4) indigent defense. Judge Higbee seconded the motion, and it passed unanimously.

10. ADJOURN

The meeting was adjourned.

JUDICIAL COUNCIL MEETING

Minutes

Friday, August 14, 2015
Large Conference Room A
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 Deno Himonas for Justice Thomas Lee
Justice Jill Parrish
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Glen Dawson
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. David Mortensen
Hon. Reed Parkin
Hon. Ryan Harris for Hon. Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jeni Wood
Nancy Sylvester
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Tim Shea
Alison Adams-Perlac

GUESTS:

Judge Michele Christiansen

EXCUSED:

Justice Thomas Lee
Hon. Randall Skanchy

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

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

Motion: Judge Marx moved to approve the minutes from the July 20, 2015 Judicial Council meeting. Judge Toomey seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on his recent trip to Omaha where he attended the Annual CCJ/COSCA meeting, and he recognized Justice Jill Parrish for her years of service on the Judicial Council.

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

Mr. Becker had nothing to report.

4. **LEGISLATIVE UPDATE: (Rick Schwermer)**

Chief Justice Durrant welcomed Mr. Schwermer to the meeting.

Mr. Schwermer highlighted the following in his legislative update: 1) discussion took place relative to the protective order system; 2) proposed legislation that would require the courts to post signs at each courthouse informing court patrons that court proceedings are being recorded; 3) proposed legislation, being considered by the Sentencing Commission and its

subcommittees, would classify all traffic Class C as misdemeanors; and 4) proposed legislation that would include a provision that would make clear that a person could not be placed in jail for failure to pay a fine.

5. COMMITTEE REPORTS:

Management Committee Report:

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

Liaison Committee Report:

There was nothing to report at this time.

Policy and Planning Meeting:

Judge Parkin deferred all discussion to the Rules for Final Action being considered later on the agenda and the Rules for Public Comment on the consent calendar.

Bar Commission Report:

Mr. Lund reported on the following items: 1) the Bar's Summer Convention held at the end of July, 2) discussion by the Bar Commission relative to middle-class litigants being represented in court, and 3) the release of the report on the future of legal practice.

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

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

The Policy and Planning Committee is recommending final action on the following rules: CJA 1-205 – Standing and ad hoc committees. The rule is being amended to add a professor of criminal law to the Model Criminal Jury Instructions Committee.

CJA 3-201 – Court commissioners. The rule is being amended to provide a public comment period for commissioner nominations and reappointments.

CJA 4-502 – Expedited procedures for resolving discover issues. The rule is being repealed as expedited procedures for resolving discovery issues are now covered by Rules 26, 30, 37 and 45 of the Utah Rules of Civil Procedure.

CJA 4-603 – Mandatory electronic filing. The rule is being amended to provide that a person seeking a hardship exemption may do so by filing a written request, in lieu of a form provided by the AOC, with the District Court Administrator.

Ms. Adams-Perlac reported that comments were received and considered on CJA 1-205, and CJA 3-201.

Motion: Mr. Lund moved to approve the recommended rule changes as proposed, with an amendment to the motion, requesting that rule CJA 4-502 not be use in the future. Judge Hornak seconded the motion, and it passed unanimously.

7. SENIOR JUDGE AND COMMISSIONER CERTIFICATIONS: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Sylvester to the meeting.

Ms. Sylvester highlighted the following relative to senior judge and commissioner certifications: 1) certification process for senior judges was noted, 2) certification for commissioners was noted, 3) attorney survey information, 4) attorney and presiding judge/court executive survey results included in Council materials, 5) senior judge applications included in Council materials, and 6) end of term surveys for commissioners included in Council materials.

The following judges terms as senior judges will expire at the end of 2015, and they have applied for recertification: 1) Judge Judith Atherton – active senior judge, 2) Judge Kent Bachman – active senior judge, 3) Judge Russell Bench – active senior judge, 4) Judge Roger Dutson – active senior judge, 5) Judge Pamela Greenwood – active senior judge, 6) Judge Clint Judkins – active senior judge, 7) Judge Michael Lyon – active senior judge, 8) Judge Frederic Oddone – active senior judge, 9) Judge Lynn Payne – active senior judge, 10) Judge William Thorne – active senior judge, 11) Judge William Bohling – inactive senior judge, 12) Judge Richard Carr – inactive senior judge, 13) Judge Dennis Frederick – inactive senior judge, 14) Judge Allan Vail – inactive senior judge, and 15) Judge Jeril Wilson – inactive senior judge.

The following commissioners terms will expire at the end of 2015, and they are up for recertification: 1) Commissioner Patrick Casey, 2) Commissioner Catherine Conklin, and 3) Commissioner Joanna Sagers.

The survey results for the commissioners are in order, and certification is appropriate.

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

Motion: Judge Higbee moved to forward the recommendations, on behalf of the Council, to the Supreme Court to certify the commissioners up for certification and the judges applying for active and inactive senior judge status and waive the education hour requirement for Judge Michael Lyon to certify him as an active senior judge, as well. Judge Toomey seconded the motion, and it passed unanimously.

8. COURT COMMISSIONER CONDUCT COMMITTEE UPDATE: (Judge Michele Christiansen)

Chief Justice Durrant welcomed Judge Michele Christiansen to the meeting.

Judge Christiansen reported there have been six complaints filed against commissioners. Four of which were found to be without merit, while two are still pending.

Judge Christiansen was thanked for her update.

9. JUSTICE COURT JUDGE CERTIFICATIONS: (Rick Schwermer)

Mr. Schwermer recommended the certification of the following justice court judges who recently completed justice court judge orientation and passed the orientation exam: 1) Ms. Cyndee Probert, Fillmore City Justice Court; and 2) Mr. Brook Sessions, Wasatch County Justice Court, and 3) Mr. Brian Brower, Clearfield City Justice Court.

Motion: It was moved and seconded to certify the following justice court judges: 1) Ms. Cyndee Probert, 2) Mr. Brook Sessions, and 3) Mr. Brian Brower. The motion passed unanimously.

10. EXECUTIVE SESSION

An executive session was held at this time.

11. ADJOURN:

The meeting was adjourned.

Administrative Office of the Courts

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

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

Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

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

1. On 8-14-15 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:
 - ☒ the character, competence, or physical or mental health of an individual;
 - ☐ litigation;
 - ☐ the deployment of security personnel, devices, or systems;
 - ☐ allegations of criminal misconduct; or
 - ☐ consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record.
2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

9-10-15
Date



Chief Justice Matthew B. Durrant
Chair, Utah Judicial Council

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

TAB 2

Management Committee Minutes

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Friday, August 14th, 2015
Matheson Courthouse
450 South State Street
Salt Lake City, Utah**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant, Chair
Hon. Kimberly Hornak
Hon. David Marx
Hon. Ryan Harris for Hon. Randall Skanchy
Hon. Kate Toomey

EXCUSED:

Hon. Randall Skanchy

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jeni Wood
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Tim Shea
Heather Mackenzie-Campbell
Nancy Volmer

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 Toomey moved to approve the August 4, 2015 Management Committee meeting minutes as amended. Judge Marx seconded the motion, and it passed unanimously.

2. GRANT APPROVAL: (Dawn Marie Rubio)

Chief Justice Durrant welcomed Ms. Rubio to the meeting.

Ms. Rubio provided information on the Program Evaluation Grant with requested funding in the amount of \$51,900 which includes a \$5,190 General Fund match.

The grant will provide funding for the continued development of a program evaluation module in the CARE database, improved research resources, and support for continued evaluation of select juvenile court funded programs.

Ms. Rubio noted that the funding will go away during the next federal fiscal year.

Motion: Judge Hornak moved to approve the Program Evaluation Grant as presented and place it on the September Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reviewed the proposed Council agenda for the September 22 Council meeting.

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

4. JUDICIAL OUTREACH COMMITTEE: (Nancy Volmer)

Chief Justice Durrant welcomed Nancy Volmer to the meeting. Chief Justice Durrant acknowledged Ms. Volmer's position as Chair of the National Public Information Officers, stating that Ms. Volmer received praise during the recent Conference of Chief Justices meeting.

Ms. Volmer reported that a current committee member, Mr. Jesse Soriano's term is expiring; however, Ms. Volmer reported that the committee would like to extend Mr. Soriano's term for a third period due to his depth of experience and his involvement in community forums.

Motion: Judge Hornak moved to approve the appointment of Mr. Jesse Soriano, for a third term, on the Standing Committee on Judicial Outreach and place it on the September Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

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

5. EXECUTIVE SESSION:

An executive session was held at this time.

6. ADJOURN

The meeting was adjourned.

Policy and Planning Committee Minutes

Minutes of the Policy and Planning Committee
September 11, 2015
Draft

Members Present

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

Members Excused

Thomas M. Higbee

Staff

Alison Adams-Perlac

Guests

Dan Becker, Judge Kimberly Hornak, Rick Schwermer

(1) Approval of Minutes

Judge Dawson moved to approve the minutes of the August 7, 2015 meeting. Judge Bagley seconded the motion and it passed unanimously.

(2) Rules for Final Action

Ms. Adams-Perlac stated that the public comment period for rules 4-905 and 4-202.02 of the Code of Judicial Administration has closed and the rules are now ready for a final recommendation from the committee to the Judicial Council.

CJA 04-0905. Restraint of minors in juvenile court. New. Provides for the proper restraint of minors in juvenile court proceedings. Provides that ex parte communications related to restraint are not prohibited, but that the judge or commissioner shall notify all parties of the communication as soon as possible and give them an opportunity to respond.

Ms. Adams-Perlac stated that the court received three public comments on rule 4-905. She said that Judge Lyman suggested that the rule should apply only when a judge is physically present in the room with the minor. She stated that the Washington County Sheriff's office commented that minors who are held in detention should be restrained from the time they leave detention until they are returned, since they are in detention for good cause. She also stated that the National Juvenile Defender Center commented in favor of the rule.

Ms. Adams-Perlac stated that Judge Higbee asked her to committee his thoughts to the committee. She stated that Judge Higbee's two concerns are: 1) that the rule as written removes a judge's discretion, and 2) that the rule is not grounded in Evidence-based Practices. She also stated that although he has previously used the example of humbling a juvenile as an example, he wanted to make it clear that that is not his philosophy, but is just one example of where a judge should have discretion. Judge Higbee wanted to the committee to know that he would object to the rule as written.

The committee reviewed the comments. Judge Parkin asked for Judge Hornak's thoughts on the rule and she stated that the rule has been thoroughly vetted. Mr. Becker agreed with Judge Hornak. Mr. Lund suggested adding "while present in a juvenile courtroom," after "a minor," in paragraph (a) to address Judge Lyman's concerns, and the committee discussed this proposed language.

Mr. Lund moved to recommend rule 4-905, as written, to the Judicial Council for final action. Judge Dawson seconded the motion, and it passed over Judge Higbee's objection.

CJA 04-0202.02. Records Access. 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.

Ms. Adams-Perlac stated that the court received three public comments on rule 4-202.02. She stated that all three comments opposed the rule with regard to bankruptcy notices. She stated that the commenters expressed concerns that these documents are public in the federal court, and that the state court should not make them more protected. She also stated that the commenters expressed concerns that these notices should remain public because the public has an interest in understanding the history of solvency of those with whom they do business.

The committee reviewed the comments. Judge Boyden asked if there is a concern that we are protecting the notices although the federal court is not. Ms. Adams-Perlac agreed and reminded the committee that the recommendation to make these records private came because the notices contain private information, e.g. social security numbers. Judge Parkin stated that the state courts may be further ahead in protecting information.

Judge Dawson moved to recommend the proposal, as written, to the Judicial Council for final action. Judge Boyden seconded the motion and it passed unanimously.

(3) Rule 4-202.08. Fees for records, information, and services. (Update)

Ms. Adams-Perlac reminded the committee that it had requested more information on this proposal at its last meeting regarding how the Technology Committee came up with the \$0.50, whether there was any data to support the fee change, and also whether Mr. Becker, Administrator of the Courts, was aware of the recommendation.

Ms. Adams-Perlac stated that she had spoken with Mr. Becker and that he had stated that he was on board with the rule amendment. Mr. Becker agreed. Ms. Adams-Perlac also stated that she had spoken with Kim Allard, a member of the Technology Committee, and that she had stated that the committee had made this decision not based on any data, but because it was the right thing to do to allow the public to access documents. She further stated that the committee felt that the revenue decrease will be offset by the revenue increase from access to justice court records when that function becomes available. Ms. Adams-Perlac also stated that Ms. Allard recommended that the rule be expedited, since it is an internal rule, and access is so important.

Mr. Becker stated that the current \$2.50 fee per document was chosen when court clerks were scanning everything. He stated that now that e-filing is mandatory, there is less of a justification for the fee, since everything is coming in as an electronic document. He stated that now people are driving in or calling clerks so that they do not have to pay the access fee. He stated that it is good public policy to make the records available, and that the committee felt that the revenue from justice court records will more than offset the loss from the fee decrease.

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

(4) Rule 4-503. Mandatory electronic filing.

Ms. Adams-Perlac reviewed the proposal to require a person requesting a hardship exemption from e-filing to file a written request with the District Court Administrator, in lieu of a form provided by the AOC. She stated that this language mirrors the language the committee recently approved with regard to the criminal e-filing rule, but that this civil e-filing rule also requires an update.

Judge Dawson moved to recommend the proposal, as written, to the Judicial Council for public comment. Judge Parkin seconded the motion and it passed unanimously.

(5) Rule 11-201. Senior judges; Rule 11-203. Senior justice court judges.

Ms. Adams-Perlac stated that the Judicial Council would like attorney surveys from JPEC evaluations on judges who retire prior to final evaluation being completed and then apply to be senior judges. She stated that she had reviewed the proposals with Joanne Slotnick of JPEC, and that Ms. Slotnick had approved them. She stated that Ms. Slotnick indicated that by rule, final evaluations on retired judges will go to the Judicial Council.

The committee discussed the proposals. Ms. Adams-Perlac asked Mr. Becker whether the information should be limited to attorney surveys. Mr. Becker stated that the Council would like whatever survey information it can get. Ms. Adams-Perlac suggested the following language in paragraphs (1)(B)(ix) of rule 11-201, and paragraphs (1)(B)(viii) of rule 11-203:

give the Administrative Office of the Courts written permission to obtain all available completed survey results on the most recent judicial performance evaluation conducted prior to termination of service sufficient to have been certified for retention election regardless of whether the survey was conducted for self-improvement or certification.

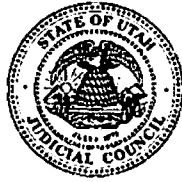
Ms. Adams-Perlac will review the language with Ms. Slotnick, prior to the next meeting to see if she has any concerns regarding the language and will bring the proposals back to the meeting in October. If the committee approves, they will go to the Council for its consideration, then to the Supreme Court for approval to publish for comment.

(6) Reformatting Records Access Rules – Rules 4-202.02 and 4-202.03.

Ms. Adams-Perlac stated that the documents in Tab 6 were provided as examples of how the records access and classification rules can be reformatted. She stated that using tables, instead of just indenting, bolding, and topic sentences would likely make the rules more user-friendly. She stated that aside from just putting the rules in a table, she thinks the rules should be cleaned up more, including deleting superfluous language, and making them clearer. Mr. Lund agreed. He suggested that some things to consider might be whether to break the rule into pieces, e.g. 4-202.02.01, gender neutral language, and how it will lay out on a computer screen when someone pulls it up. Judge Parkin suggested that we should consider making these rules and future rules more user-friendly and consider how we should publish each rule individually so that it makes the most sense for that rule.

Ms. Adams-Perlac suggested that she work on revising these rules further with these concepts in mind and bring them back to the December meeting for the committee's consideration. The committee agreed.

TAB 3



Administrative Office of the Courts

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

MEMORANDUM

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

To: Judicial Council
From: Alison Adams-Perlac *Alison Adams-Perlac*
Date: September 15, 2015
Re: Rules for Final Action and Expedited Rule

1. Rules for Final Action

The public comment period for rules 4-202.02 and 4-905 of the Utah Code of Judicial Administration has closed and the proposals are ready for final action by this Council. The proposals received the included comments. The Policy and Planning Committee recommended each of the proposals, as written, for final action. If the Council approves these proposals, rule 4-202.02 will be effective May 1, 2016 and rule 4-905 will be effective October 1, 2015 as required by statute.

CJA 04-0202.02. Records Access. 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 amendments are at lines 72-73 and line 131. The proposal received the following comments:

I oppose the proposed change to CJA 04-0202.02 that would make notices from U.S. Bankruptcy Court private.

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

First, I am not aware U.S. Bankruptcy Court considers such notices private. Why then would Utah courts want to make private something that is public? This is bad policy by Utah courts.

Second, I do not see that such "notices" are defined either in the proposed rule or by U.S. Bankruptcy Court. What is a notice in this circumstance? Anything entered into the U.S. Bankruptcy Court docket? Does something have to have "Notice" written on the top of it? This is a vague and potentially broad rule Utah courts are proposing.

Finally, it seems notices from U.S. Bankruptcy Court, however you define them, would be something that should be in the public record in Utah. It might provide important information about the solvency of an individual or business.

I am on the board of the Utah Headliners Chapter of the Society of Professional Journalists and the Utah Association of Latino Journalists.

Posted by Nate Carlisle July 14, 2015 01:09 PM

I oppose the proposed change to CJA 04-0202.02 that would make notices from U.S. Bankruptcy Court private.

While bankruptcy can have many causes, in all cases it is the failure to be able to make good on debts owed to others. Records of bankruptcy are public precisely because members of the public have a vested interest in understanding the history of solvency of those with whom they do business.

Posted by Matthew LaPlante July 12, 2015 03:20 AM

CJA 04-0202.02 proposes to give a "private" designation to notices from the bankruptcy court. Why? Aren't notices issued by the bankruptcy court already public record? Why should public records be designated as private? I recommend that the amendment not be adopted. If it is adopted, it should be limited to notices from the bankruptcy court that are not already public record.

Posted by Leslie Slaugh June 25, 2015 04:29 PM

The Policy and Planning Committee considered the comments and voted to recommend the proposal, as written.

CJA 04-0905. Restraint of minors in juvenile court. New. Provides for the proper restraint of minors in juvenile court proceedings. Provides that ex parte communications related to restraint are not prohibited, but that the judge or commissioner shall notify all parties of the communication as soon as possible and give them an opportunity to respond.

The rule is new. In addition to a comment from the National Juvenile Defender Center, which is attached, the proposal received the following comments:

Judicial Council:

Proposed Rule 4-0905 does not cover a situation that occurs frequently in the Sixth District and could occur in other Districts.

Juveniles are allowed a hearing within 48 hours of being placed in detention, to determine if continued detention is necessary. Due to my traveling schedule, for most of those hearings I appear by telephone. Although the juvenile is brought into the courtroom, it is solely for the purpose of facilitating the phone call. There is no way that I will be biased against the juvenile when he is shackled for that appearance. It is hard to see that the juvenile will feel prejudiced, since the juvenile is talking to me on a speaker phone.

I suggest that this restraint rule only apply in instances where a judge is physically present.

Judge Paul D Lyman, by email July 7, 2015

Juveniles who are held in detention should be held in restraints once the inmate/juvenile is picked up from the secure facility until he is returned, without motion to the court. If they are being held in detention, it is for good cause or they would be released.

Posted by washeriff August 10, 2015

The Policy and Planning Committee considered the comments and voted to recommend the proposal, as written.

2. Expedited Rule

The Policy and Planning Committee has recommended an expedited change to

the following rule regarding document access fees:

CJA 04-202.08. Fees for records, information, and services. Amend.
Changes the fee to access a document online from \$2.50 per document to
\$.50 per document.

The Technology Committee recommended the amendment, at line 55, to
the Policy and Planning Committee. The current fee was chosen before e-filing when
clerks were scanning all documents. The Technology Committee made this
recommendation because it is good public policy to allow increased access and the
current fees are expensive and cost-prohibitive for some members of the public.
Although there is an estimated decreased revenue impact of \$185,000, this amount is
expected to be more than offset by the fees for justice court documents when they
become accessible online. The rule is recommended to be expedited, since it is an
internal rule, and the policy behind the rule should be implemented as soon as possible.
If the Council votes to expedite the proposal, the rule will be effective immediately and
will be subject to change following the public comment period.

Encl. CJA 4-202.02
CJA 4-905
Comment to 4-905 by NJDC
CJA 4-202.08

Rule 4-202.02. Records classification.

Intent:

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

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

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

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

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

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

(2)(D) audit reports;

(2)(E) case files;

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

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

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

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

(2)(J) financial records;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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;

- 112 (4)(E) applications for accommodation under the Americans with Disabilities Act;
- 113 (4)(F) citation, but an abstract of a citation that redacts all non-public information is public;
- 114 (4)(G) judgment information statement;
- 115 (4)(H) judicial review of final agency action under Utah Code Section 62A-4a-1009;
- 116 (4)(I) the following personal identifying information about a party: driver's license number, social
- 117 security number, account description and number, password, identification number, maiden name and
- 118 mother's maiden name, and similar personal identifying information;
- 119 (4)(J) the following personal identifying information about a person other than a party or a victim or
- 120 witness of a crime: residential address, personal email address, personal telephone number; date of birth,
- 121 driver's license number, social security number, account description and number, password, identification
- 122 number, maiden name, mother's maiden name, and similar personal identifying information;
- 123 (4)(K) medical, psychiatric, or psychological records;
- 124 (4)(L) name of a minor, except that the name of a minor party is public in the following district and
- 125 justice court proceedings:
- 126 (4)(L)(i) name change of a minor;
- 127 (4)(L)(ii) guardianship or conservatorship for a minor;
- 128 (4)(L)(iii) felony, misdemeanor or infraction;
- 129 (4)(L)(iv) child protective orders; and
- 130 (4)(L)(v) custody orders and decrees;
- 131 (4)(M) notices from the U.S. Bankruptcy Court;
- 132 (4)(N) personnel file of a current or former court personnel or applicant for employment;
- 133 (4)(ON) photograph, film or video of a crime victim;
- 134 (4)(PO) record of a court hearing closed to the public or of a child's testimony taken under URCrP
- 135 15.5:
- 136 (4)(PO)(i) permanently if the hearing is not traditionally open to the public and public access does not
- 137 play a significant positive role in the process; or
- 138 (4)(PO)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to
- 139 release the record without prejudice to the interests that justified the closure;
- 140 (4)(QP) record submitted by a senior judge or court commissioner regarding performance evaluation
- 141 and certification;
- 142 (4)(RQ) record submitted for in camera review until its public availability is determined;
- 143 (4)(SR) reports of investigations by Child Protective Services;
- 144 (4)(IS) victim impact statements;
- 145 (4)(UT) name of a prospective juror summoned to attend court, unless classified by the judge as
- 146 safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;
- 147 (4)(VU) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except
- 148 briefs filed pursuant to court order;

(4)(~~W~~) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;

(4)(~~X~~) an addendum to an appellate brief filed in a case involving:

(4)(~~X~~)(i) adoption;

(4)(~~X~~)(ii) termination of parental rights;

(4)(~~X~~)(iii) abuse, neglect and dependency;

(4)(~~X~~)(iv) substantiation under Section 78A-6-323; or

(4)(~~X~~)(v) protective orders or dating violence protective orders;

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

(5) The following court records are protected:

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

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

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

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

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

(5)(F) court security plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

204 (6)(F) referral reports;

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

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

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

208 (7)(A) accounting records;

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

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

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

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

214 (7)(F) referral and offense histories

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

216 (8) The following are safeguarded records:

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

220 (8)(B) upon request, location information, contact information and identity information other than
221 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.

1 4-905. Restraint of minors in juvenile court.

2 Intent:

3 To provide for proper restraint of minors in juvenile court proceedings.

4 Applicability:

5 This rule applies to the juvenile court.

6 Statement of the Rule:

7 (a) Absent exigent circumstances, a minor appearing in juvenile court shall not be restrained unless
8 the court finds by a preponderance of the evidence that:

9 (a)(1) restraints are necessary to prevent physical harm to the minor or a third party present in the
10 courtroom;

11 (a)(2) the minor is a flight risk;

12 (a)(3) the minor is currently in jail, prison or a secure facility as defined by Utah Code section 78A-6-
13 105(36);

14 (a)(4) the seriousness of the charged offense warrants restraints; or

15 (a)(5) other good cause exists for the minor to be restrained.

16 (b) Any person with an interest in the case may move the court to restrain a minor during court
17 proceedings. The court shall permit all persons with a direct interest in the case the right to be heard on
18 the issue of whether to restrain the minor.

19 (c) If the court orders that a minor should be restrained, the court shall reconsider that order at each
20 future hearing regarding the minor.

21 (d) Ex parte communications that provide information on the criteria listed in paragraph (a) are not
22 prohibited. However, the judge or commissioner shall notify all other parties of the communication as
23 soon as possible and shall give them an opportunity to respond.



August 10, 2015

Alison Adams-Perlac
Staff Attorney
Administrative Office of the Courts
450 South State Street
P.O. Box 140241
Salt Lake City, Utah 84114-0241

Judicial Council
Utah Supreme Court
450 South State Street
Salt Lake City, UT 84111

Re: Comments on Proposed Rule 4-905, Restraint of minors in juvenile court, as drafted June 22, 2015

Dear Ms. Adams-Perlac and Members of the Judicial Council:

The National Juvenile Defender Center (NJDC) supports Proposed Rule 4-905 to limit the use of restraints on young people in juvenile court. While NJDC suggests language modifications to clarify the need to limit shackling only to those situations where it is necessary, the Utah Supreme Court's proposed rule is a great step forward that protects the constitutionally guaranteed due process rights of youth and follows the growing national consensus against the practice of the indiscriminate shackling of children, without harming security inside the courtroom. The Utah Supreme Court should eliminate indiscriminate shackling because it unnecessarily humiliates, stigmatizes, and traumatizes young people, impedes the attorney-client relationship, chills due process protections afforded by the United States Constitution, runs counter to the presumption of innocence, and decries the dignity of the juvenile court.

The National Juvenile Defender Center strives to promote justice for all children by ensuring excellence in juvenile defense. NJDC believes that all youth have the right to ardent, well-resourced representation. NJDC acknowledges the unique and special status of childhood and the impact that immaturity, disabilities, or trauma may have on that representation. NJDC works to improve access to counsel and quality of representation for all young people in delinquency court, provides technical assistance, training, and support to juvenile defenders across the country, and supports the reform of court systems that negatively impact our nation's youth. As an organization dedicated to promoting justice for all children, NJDC opposes the indiscriminate shackling of youth.

We are pleased that the rule as drafted would allow for juvenile defense attorneys to be heard on whether a minor should be restrained. We are similarly pleased that for a minor who has been restrained at a given hearing, the order for restraints would be reconsidered at subsequent hearings. These provisions comport with best practices and reduce the arbitrary shackling of young people.

Judges, advocates, medical and mental health professionals, and other experts agree that young people should only be shackled when it is necessary. In interpreting rules and statutes, establishing an explicit intent is paramount. Utah's current stated intent would allow for the "proper restraint of minors." This sets an imprecise tone for the remainder of the rule. The intent should acknowledge a desire to limit

restraints to protect the rights and well-being of minors. Within this proper framework, the rule will be most effective.

No child should appear in court with shackles unless the court has found that child to be an actual safety or flight risk. As it stands, the draft rule is written in such a way that the exceptions may eviscerate the rule. We have found across the country that a simple approach focused on actual safety concerns is best. The rule as drafted allows for shackling where there are "exigent circumstances." Such exigent circumstances are undefined, unclear, and unnecessary to promote safety. In every state and locality that has enacted a similar rule or statute without "exigent circumstances" language, no egregious incidents have occurred.

Because shackles should only be considered for young people who are actual safety or flight risks, the only necessary provisions under part (a) are (1) and (2) in the current rule draft. The American Bar Association, and National Council of Juvenile and Family Court Judges have both adopted resolutions and states such as Florida, Nebraska, and Nevada, have all adopted rules or statutes that provide for this.¹ Utah's proposed rule adds language that could complicate the shackling determination. The minor's placement in a secure facility, the seriousness of the charges, and other good cause may all be factors in the determination as to whether a minor is a safety or flight risk. Thus, these additional factors are superfluous. They may lead to far more minors being shackled than is necessary—thereby harming the rights and well-being of the very children the juvenile justice system seeks to rehabilitate.

We recommend that part (a) of the Statement of the Rule should read, "(a) Restraints shall not be used on a juvenile during a juvenile court proceeding and shall be removed prior to the juvenile's appearance before the juvenile court, unless the juvenile court makes a finding that the use of restraints is necessary due to one of the following factors: (a)(1) Instruments of restraint are necessary to prevent physical harm to the child or another person; (a)(2) The child has a history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or (a)(3) There is a founded belief that the child presents a substantial risk of flight from the courtroom."

Please do not hesitate to contact us if you require further information or have questions. Thank you.

Respectfully,



Kim Dvorchak
Executive Director

¹ AM. BAR ASS'N, 107(A) (2015), <http://njdc.info/wp-content/uploads/2014/09/ABA-Report-Resolution-2015-107A-Revised-Approved.pdf>; NAT'L COUNSEL OF JUVENILE & FAM. CT. JUDGES, Resolution Regarding Shackling of Children in Juvenile Court (2015), <http://njdc.info/wp-content/uploads/2015/08/NJCFCJ-Shackling-Resolution.pdf>; FLA. R. JUV. P. 8.100(b); L.B. 482, 104th Leg., 1st Sess. (Neb. 2015) (effective three months after May 29, 2015); Nev. Assemb. B. 8 (2015) (effective Oct. 1, 2015).

Rule 4-202.08. Fees for records, information, and services.

Intent:

To establish uniform fees for requests for records, information, and services.

Applicability:

This rule applies to all courts of record and not of record and to the Administrative Office of the Courts. This rule does not apply to the Self Help Center.

Statement of the Rule:

(1) Fees payable. Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public ~~on-line~~online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public ~~on-line~~online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) Use of fees. Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public ~~on-line~~online services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

(3) Copies. Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied and are as follows:

(3)(A) paper except as provided in (H): \$.25 per sheet;

(3)(B) microfiche: \$1.00 per card;

(3)(C) audio tape: \$10.00 per tape;

(3)(D) video tape: \$15.00 per tape;

(3)(E) floppy disk or compact disk other than of court hearings: \$10.00 per disk;

(3)(F) electronic copy of court reporter stenographic text: \$25.00 for each one-half day of testimony or part thereof;

(3)(G) electronic copy of audio record or video record of court proceeding: \$10.00 for each one-half day of testimony or part thereof; and

(3)(H) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4)(A) Mailing. The fee for mailing is the actual cost. The fee for mailing shall include necessary transmittal between courts or offices for which a public or private carrier is used.

(4)(B) Fax or e-mail. The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

(5) Personnel time. Personnel time to copy the record of a court proceeding is included in the copy fee. For other matters, there is no fee for the first 15 minutes of personnel time. The fee for time beyond the first 15 minutes is charged in 15 minute increments for any part thereof. The fee for personnel time is

charged at the following rates for the least expensive group capable of providing the record, information, or service:

(5)(A) clerical assistant: \$15.00 per hour;

(5)(B) technician: \$22.00 per hour;

(5)(C) senior clerical: \$21.00 per hour

(5)(D) programmer/analyst: \$32.00 per hour;

(5)(E) manager: \$37.00 per hour; and

(5)(F) consultant: actual cost as billed by the consultant.

(6) Public ~~on-line~~online services.

(6)(A) The fee to subscribe to public ~~on-line~~online services shall be as follows:

(6)(A)(i) a set-up fee of \$25.00;

(6)(A)(ii) a subscription fee of \$30.00 per month for any portion of a calendar month; and

(6)(A)(iii) \$.10 for each search over 200 during a billing cycle. A search is counted each time the search button is clicked.

(6)(B) When non-subscription access becomes available, the fee to access public ~~on-line~~online services without subscribing shall be a transaction fee of \$5.00, which will allow up to 10 searches during a session.

(6)(C) The fee to access a document shall be \$2.50 per document.

(7) No interference. Records, information, and services shall be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public ~~on-line~~online services whose use interferes with computer performance or access by other users.

(8) Waiver of fees.

(8)(A) Fees established by this rule other than fees for public ~~on-line~~online services shall be waived for:

(8)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;

(8)(A)(ii) any person who is the subject of the record and who is impecunious; and

(8)(A)(iii) a student engaged in research for an academic purpose.

(8)(B) Fees for public ~~on-line~~online services shall be waived for:

(8)(B)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(8)(B)(ii) any government entity of Utah or its political subdivisions;

(8)(B)(iii) the Utah State Bar;

(8)(B)(iv) public defenders for searches performed in connection with their duties as public defenders; and

74 (8)(B)(v) any person or organization who the XChange administrator determines offers significant
75 legal services to a substantial portion of the public at no charge.

TAB 4



INTERIM HIGHLIGHTS

Office of Legislative Research and General Counsel
House Building, Suite W210 • Salt Lake City, Utah 84114 • (801) 538-1032

LEGISLATIVE INTERIM MEETINGS

Meetings were held August 19, 2015, or as noted.

IN THIS ISSUE:

(Click on the committee you would like to view)

Administrative Rules Review

Business and Labor

***Commission for the Stewardship of
Public Lands***

Commission on Federalism

***Economic Development and
Workforce Services***

Education

Government Operations

Health and Human Services

Judiciary

Law Enforcement and Criminal Justice

Legislative Management Committee

***Natural Resources, Agriculture,
and Environment***

Political Subdivisions

Prison Relocation Commission

Public Utilities and Technology

Revenue and Taxation

State Water Development Commission

Transportation

Page 8—Highlights from Special Session

Administrative Rules Review Committee

August 17, 2015

Implementation of Statewide Longitudinal Data Systems Grant Program

Received the presentation "[Data Collection and Parental Rights in Utah](#)" and a [presentation](#) on parental rights from parents of school children regarding the Statewide Longitudinal Data Systems Grant Program. Discussed whether the Utah State Office of Education should have obtained legislative authorization before the office applied for a \$9.6 million grant under the Statewide Longitudinal Data Systems Grant Program. Also discussed whether student behavioral data was at any time, or continues to be, collected and included in the database.

Peace Officer Use of Force

Considered a [draft letter](#) to the Law Enforcement and Criminal Justice Interim Committee recommending that it study certain issues related to peace officer use of force that were recently discussed by the committee.

Action: Approved a draft letter recommending that the Law Enforcement and Criminal Justice Interim Committee study issues related to officer training, particularly:

- *de-escalation and mental health issues as part of Crisis Intervention Training;*
- *involvement of minority communities by local police agencies in both the development of their policies regarding use of force and incident investigations;*
- *investigation of incidents involving peace officer use of force, including the formation of an independent entity to assure that the investigative process is consistent and impartial throughout the state;*
- *body cameras;*
- *psychological evaluations and counseling for peace officers both prior to an officer's being hired and during the course of an officer's service; and*
- *forced entry, including under what circumstances no knock procedures should be used.*

(Continued next page)

Statutes and Administrative Rules Related to the Charter School Board's Charter School Application Process

Discussed with State School Board and State Charter School Board representatives whether there is sufficient direction in current statute and administrative rules governing the charter school application processes, and whether the current charter school application process is operating within existing state law and administrative rules.

*Chairs: Rep. Curtis Oda / Sen. Howard A. Stephenson
Staff: Art L. Hunsaker (Policy Analyst) / Christine R. Gilbert (Attorney) / Tracey Fredman (Legislative Assistant)*

Business and Labor

Insurance

Action: Voted to open a committee bill file to make changes to the Insurance Code.

Public Access to Administrative Actions

Discussed draft legislation "Public Access to Administrative Actions" that would require a state agency that is subject to the Administrative Procedures Act to remove administrative disciplinary action documents from publicly accessible internet sites controlled by the state agency no later than 10 years after final action.

Transporting Work Crews

Discussed issues related to requiring a driver transporting work crews of 15 or fewer passengers to obtain a driver license endorsement, similar to a taxi endorsement.

U.S. Supreme Court Case Regarding Licensing

Received a briefing from committee staff regarding the potential impact of the U.S. Supreme Court ruling "North Carolina State Board of Dental Examiners v. FTC," which addresses state-action immunity from antitrust liability for state boards, committees, and commissions.

Action: Voted to open a committee bill file to make changes to certain boards, committees, and commissions.

Worker Classification - Sunset Review

Received a presentation from committee staff and a presentation from the Worker Classification Coordinated Enforcement Council. Pursuant to Utah Code Section 631-1-234, absent further action by the Legislature, on July 1, 2016, Title 34, Chapter 47, Worker Classification Coordinated Enforcement Act will be repealed.

Action: Voted to open a committee bill file to remove the sunset requirement related to the Worker Classification Coordinated Enforcement Act from the Sunset Act.

*Chairs: Rep. Val L. Peterson / Sen. Curtis S. Bramble
Staff: Joseph T. Wade (Policy Analyst) / Patricia Owen (Attorney) / Samuel C. Johnston (Attorney) / Lucy W. Daynes (Legislative Assistant)*

Commission for the Stewardship of Public Lands

August 20, 2015

Carbon Sequestration

Received a briefing from a regional representative of the U.S. Forest Service on ways state and federal agencies could implement management practices that increase carbon sequestration through biological processes and are consistent with 2015 General Session H.C.R. 8, "Concurrent Resolution on Carbon Sequestration on Rangelands."

Congressman Bishop's Public Lands Initiative

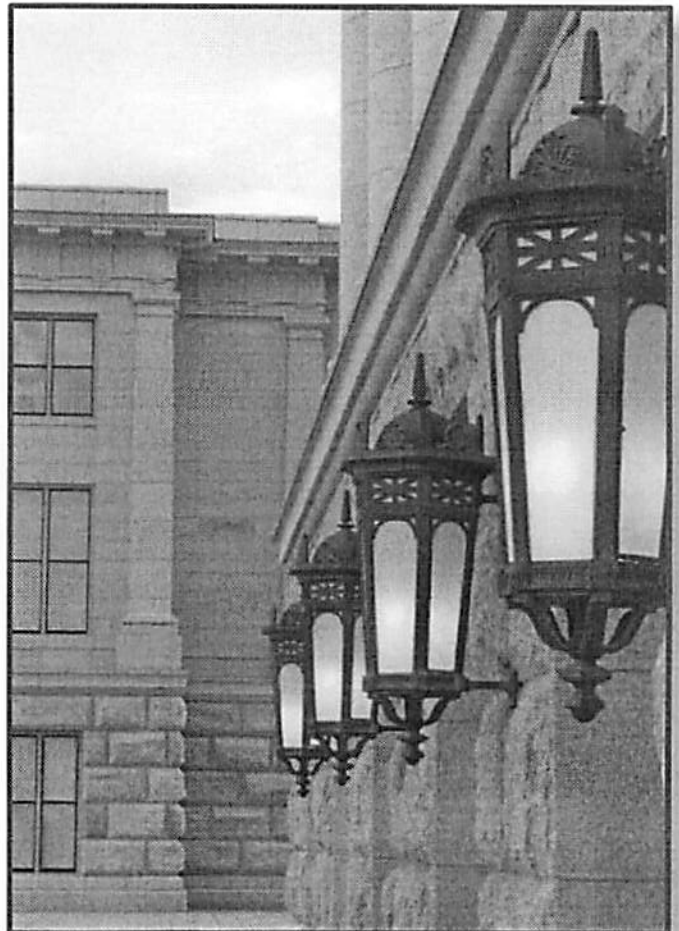
Received an update on Congressman Bishop's Public Lands Initiative, a joint effort between Utah's congressional delegation, Governor Herbert, counties, and other stakeholders to build consensus and designate certain lands in eastern Utah for conservation and development.

Federal Water Rules and Directives

Received a report from the Utah Farm Bureau Federation on federal agency actions related to water rights and the federation's efforts to protect those rights in the state. Discussed the proposed U.S. Forest Service Groundwater Resources Management Directive and the Environmental Protection Agency's redefining of waters of the United States under the Clean Water Act.

Discussed draft legislation "Concurrent Resolution on Waters of the United States," which expresses disapproval of the

(Continued next page)



expansion of the term "waters of the United States" and expresses support for the Utah Attorney General in seeking to vacate this rule.

Implementation of Transfer of Public Lands Legislation

Action: Voted to direct commission staff to prepare a list of Utah laws that address the transfer of public lands and to invite the executive branch to provide an update to the commission on its efforts to implement those laws.

Sage Grouse

Received an update on sage grouse conservation efforts. The director of the Public Lands Policy Coordinating Office indicated that listing the sage grouse as an endangered species may be avoided, but the U.S. Bureau of Land Management sage grouse plans impose significant regulatory burdens.

*Chairs: Rep. Keven J. Stratton / Sen. David P. Hinkins
Staff: Tiffany A. Stanley (Policy Analyst) / RuthAnne Frost (Attorney) / Cathy J. Dupont (Attorney) / Joshua M. Weber (Legislative Assistant)*

Commission on Federalism

August 11, 2015

Commission Duties and Responsibilities

Received a presentation from commission staff regarding the statutory duties and responsibilities of the commission. The commission was established to evaluate federal actions and make findings if it determines that any federal actions violate the principles of federalism.

Curriculum for the Continuing Education on Federalism

Received a report from the commission's evaluation committee on the two responses to the commission's request for proposals regarding curriculum development for the seminar on continuing education on federalism. The evaluation committee recommended that the commission terminate the request for proposals process.

Action: Voted to terminate the request for proposals process regarding development of the curriculum for the seminar on continuing education on federalism. Authorized the chairs of the commission or their designees to negotiate a contract with Utah Valley University to develop the continuing education on federalism seminar.

*Chairs: Rep. Ken Ivory / Sen. Allen M. Christensen
Staff: Jerry D. Howe (Managing Policy Analyst) / Nathan W. Brady (Policy Analyst) / Robert H. Rees (Attorney) / Cathy J. Dupont (Attorney) / Bree Frehner (Legislative Assistant)*

Economic Development and Workforce Services

Affordable Housing and Transit

Received presentations from two private developers regarding opportunities and challenges in building more affordable housing near transit hubs and in other areas. The developers agreed that affordable housing projects must

(Continued next column)

INTERIM HIGHLIGHTS • August 2015

include a subsidy component and that policy makers must make affordable housing a priority in order to make significant progress.

Air Quality and Utah Economic Development

Received a presentation from the Department of Environmental Quality on air quality and economic development. The report stated that:

- air quality in Utah is generally good and improving but does not meet health standards on some days;
- perceptions about air quality impact quality of life and economic development; and
- improvement of air quality is among the top three issues important to Utahns.

The department also reported on the budget needs for the Division of Air Quality.

Arts, Libraries, and Museum Grant Application Process

Received a presentation from the Department of Heritage and Arts on the statutory process of forwarding grants to eligible applicants for capital facility projects related to the arts, libraries, and museums. The process requires applicants to submit detailed grant applications, which are then reviewed by the relevant division board. The department recommended that the statutory process be repealed because it is largely circumvented by individual legislators sponsoring funding legislation or by an appropriation for each specific project. The committee discussed the need for an ongoing infusion of funding into the arts.

Enterprise Zone Amendments

Received a presentation from a legislator on the need to statutorily provide for improved reporting of enterprise zone tax credits. During the 2015 General Session, H.B. 87, "Enterprise Zone Amendments," was introduced but did not pass. The bill would have modified the population requirements for a county or a municipality to qualify for designation as an enterprise zone. The bill sponsor pointed out the need to consider ways to make the program more transparent before modifying the population requirement.

Action: Voted to open a bill file to address the issue of accountability and reporting for the enterprise zone program.

Utah Housing Corporation Act - Sunset Review

Received a presentation from committee staff on the sunset review process and a presentation from the Utah Housing Corporation on extending the sunset date of the corporation. The corporation was initially created in statute as an independent public corporation in 1975. The corporation purchases and services mortgage loans made by private lenders to low- and moderate-income buyers and packages the loans into various securities that are sold to investors. The Utah Housing Corporation Act will be repealed July 1, 2016, unless reauthorized by the Legislature.

Action: Approved as a committee

(Continued next page)

bill, draft legislation "Utah Housing Corporation Sunset Extension," which extends the sunset date of the Utah Housing Corporation Act to July 1, 2026.

Chairs: Rep. Rebecca P. Edwards / Sen. Aaron Osmond
Staff: Benjamin N. Christensen (Policy Analyst) / Peter Asplund (Attorney) / Debra Hale (Legislative Assistant)

Education

Early Learning and Math Proficiency

Discussed alternatives for expanding optional extended-day kindergarten and optional prekindergarten for at-risk four-year-old children. Discussed possible bills related to optional extended-day kindergarten and prekindergarten.

Action:

- Voted to consider expanding optional extended-day kindergarten to all at-risk students.
- Voted to consider allowing local education agencies to charge a fee for optional extended-day kindergarten.
- Voted to open a committee bill file to provide tuition assistance for parents who enroll their children in a high-quality prekindergarten program.

Methods for Selecting State Board of Education Members

Received a presentation from committee staff about how other states select state school board members. Considered draft legislation "State Education Governance Revisions," which would change the Utah State Board of Education membership from 15 elected members to 13 members, including four members elected in a nonpartisan election, four members elected in a partisan election, and five members appointed by the governor.

Statutorily Required Reports

Action: Voted to open a committee bill to amend the reports required by statute to be submitted to the Education Interim Committee based on the chairs' recommendations.

Chairs: Rep. Bradley G. Last / Sen. Ann Millner
Staff: Allyson R. Goldstein (Policy Analyst) / Tiffany A. Stanley (Policy Analyst) / Tracy J. Nuttall (Attorney) / Victoria Ashby (Attorney) / Rebekah M. Bradway (Attorney) / Debra Hale (Legislative Assistant)

Government Operations

Effects of Addressing Plurality

Received a presentation from the Office of the Lieutenant Governor on the implications of using runoff elections to address plurality, including statutory and administrative changes that would be necessary for runoff elections to operate successfully in the state. The presentation also included a cost analysis of different policy solutions to plurality. Plurality is the election situation where a candidate receives the greatest number of votes in an election without receiving a majority of the votes cast.

(Continued next column)

Financial Disclosures Database

Received a proposal from a legislator to require the Office of the Lieutenant Governor to link the online lobbyist registration database with the online candidate financial disclosure database.

Legislative Audit - Office of the Attorney General

Received a presentation from the Office of the Legislative Auditor General regarding a performance audit and an in-depth budget review of the Office of the Attorney General, including recommendations.

Referendum Amendments

Considered draft legislation "Referendum Amendments," which changes the timeline by which individuals may apply for and submit a referendum petition.

State School Board Selection

Received a proposal from a legislator to change the composition of the state school board, and the method by which the members are selected, by redrawing state school board districts according to local school district boundaries.

Chairs: Rep. Jack R. Draxler / Sen. Margaret Dayton
Staff: Brian J. Bean (Policy Analyst) / Thomas R. Vaughn (Attorney) / Katie LeFevre (Legislative Assistant)

Health and Human Services

Medical Marijuana

Received a presentation by experts in law enforcement, pain management, neuropharmacology, and cannabis research on the physiological impacts of marijuana use and other issues related to state legalization of marijuana or marijuana products for medical use.

Chairs: Rep. Kay L. McIlff / Sen. Evan J. Vickers
Staff: Gregg A. Girvan (Policy Analyst) / Mark D. Andrews (Policy Analyst) / Cathy J. Dupont (Attorney) / Lee A. Killian (Attorney) / Lori Rammell (Legislative Assistant)

Judiciary

Electronic Filings in District Court

Received a presentation from a legislator on the consequences of individuals receiving an arrest warrant rather than a summons.

Expungement Legislation

Action: Adopted as a committee bill, draft legislation "Expungement Amendments," which makes specific changes regarding the expungement of information in state agency files and creates a statement of legislative intent with regard to expungement.

Guardianship of Disabled Adults

Considered draft legislation "Disabled Adult Guardianship Amendments," which is related to parents who apply for guardianship of a disabled child when the child reaches adulthood.

Chairs: Rep. LaVar Christensen / Sen. Mark B. Madsen
Staff: Gregg A. Girvan (Policy Analyst) / Esther Chelsea-McCarty (Attorney) / Lucy W. Daynes (Legislative Assistant)

Law Enforcement and Criminal Justice

Elimination of Specified Annual Reports

Action: Adopted as a committee bill, draft legislation "Law Enforcement and Criminal Justice – Statutory Reports Repeal," which would repeal the following four annual reports:

- Law Enforcement Operations Account;
- Law Enforcement Services Account;
- Drug Offender Reform Act; and
- State inmates in county jails.



Use of Body Cameras by Law Enforcement

Discussed the use of body cameras by law enforcement, including issues of local or statewide regulation of use. The committee received comments from representatives of local police departments, county sheriffs, the Utah Highway Patrol, and concerned citizens. The committee was advised of ongoing collaboration between the various stakeholders to create legislation addressing the use of body cameras by law enforcement.

*Chairs: Rep. Don L. Ipson / Sen. Todd Weiler
Staff: Nathan W. Brady (Policy Analyst) / Susan Creager Allred (Attorney) / Lori Rammell (Legislative Assistant)*

Legislative Management Committee

August 18, 2015

Actions:

- Approved the request of the Business and Labor Interim Committee to study the issue of parking tickets and rental cars.
- Approved a request from the Retirement Working Group to hold three meetings.
- Amended the legislative intern program, allowing authorized universities and colleges, rather than specific departments, to approve interns for work during legislative general sessions.

Risk Management

Action: Recommended to the Division of Risk Management a settlement agreement regarding a school bus incident.

*Chairs: President Wayne L. Niederhauser / Speaker Gregory H. Hughes
Staff: Michael E. Christensen (Director) / John L. Fellows (General Counsel) / Phalin L. Flowers (Administrative Assistant)*

Natural Resources, Agriculture, and Environment

Beekeeping

Considered draft legislation "Beekeeping Modifications" which amends registration requirements, county bee inspector duties, and bee inspection requirements. The bill provides for restrictions and the regulation of beekeeping by a political subdivision under certain circumstances.

R.S. 2477 Rights-of-way

Received a report from the Public Lands Policy Coordinating Office on the status of state efforts to identify and designate R.S. 2477 rights-of-way in the state. The R.S. 2477 plan, adopted by the Constitutional Defense Council, is established for the purpose of asserting, defending, and litigating state and local government rights and claims regarding the federal R.S. 2477 roads.

Sage Grouse Habitat Improvement and Population Increase

Received a report from the Public Lands Policy Coordinating Office on the office's activities and expenditures. The office reviewed a recently prepared inventory and valuation of current activities in the greater sage grouse range in Utah. The committee discussed efforts to increase the sage grouse population, protect sage grouse habitat, and avoid the listing of sage grouse under the Endangered Species Act.

*Chairs: Rep. Lee B. Perry / Sen. Scott K. Jenkins
Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Katie LeFevre (Legislative Assistant)*

Political Subdivisions

Assessment Area Foreclosure Amendments

Action: Voted to recommend draft legislation "Assessment Area Foreclosure Amendments," which amends foreclosure provisions in the Assessment Area Act and modifies methods by which a local entity may enforce an assessment lien.

Community Development and Renewal Agencies

Received an update from a legislator on progress toward legislation that would amend Title 17C, Limited Purpose Local Government Entities - Community Development and Renewal Agencies, noting that productive discussions have taken place among stakeholders.

Action: Voted to open a committee bill file to amend Title 17C, Limited Purpose Local Government Entities - Community Development and Renewal Agencies.

Good Landlord Program

Received an update from a legislator regarding legislation to amend the Good Landlord Program. The legislator proposed to eliminate the program's current economic incentive for landlords to refuse to rent to people with a criminal history.

(Continued next page)



Municipal and County Code Enforcement

Action: Voted to open a committee bill file to address issues related to municipal code enforcement.

Subdivision Base Parcel Tax Amendments

Action: Voted to recommend draft legislation "Subdivision Base Parcel Tax Amendments," which modifies provisions of the Property Tax Act related to redemptions. The bill describes the procedure by which a property owner of a subdivided lot may redeem the owner's portion of the underlying parcel's delinquent taxes.

*Chairs: Rep. R. Curt Webb / Sen. Daniel W. Thatcher
Staff: Megan L. Bolin (Policy Analyst) / Christine R. Gilbert (Attorney) / Joshua M. Weber (Legislative Assistant)*

Prison Relocation Commission

August 11, 2015

Commission Recommendation

Action: Voted to approve the I-80/7200 West site in Salt Lake City as the site for the construction of new correctional facilities.

Economic Report

Received a report from the Economic Development Corporation of Utah regarding the economic impact of

(Continued next column)

developing a correctional facility on each of the four finalist sites under the commission's consideration for the location of the proposed new state correctional facilities. The presenter explained that a correctional facility may have a negative impact if located in more rural communities that lack significant economic activity, but may have a neutral-to-slightly-positive impact if located in a more developed community.

Report from Consultants and Staff

Received a presentation from commission consultants regarding a comparative evaluation of the four finalist sites being considered by the commission for the location of the proposed new state correctional facilities. Also received a presentation from the Legislative Fiscal Analyst regarding the comparative long-term costs of operating a correctional facility on each of the four finalist sites. The combined findings showed that the I-80/7200 West site in Salt Lake City would:

- cost more than other sites in up-front costs, but \$233.5 million less than other sites over the life of the facility;
- provide the best access to key services needed for the facility's operation; and
- complement criminal justice reform better than alternative sites.

*Chairs: Rep. Brad R. Wilson / Sen. Jerry W. Stevenson
Staff: Brian J. Bean (Policy Analyst) / Bryant R. Howe (Assistant Director) / Robert H. Rees (Attorney) / Bree Frehner (Legislative Assistant)*

Public Utilities and Technology

Department of Technology Services

Organizational Proposals

Received a presentation from the Department of Technology Services on proposed legislation that addresses organizational changes in the department. One key provision is the creation of a Chief Information Security Officer to coordinate related policies across state governments.

Telehealth and Telemedicine

Received presentations from service providers of prepaid medicine and telemedicine regarding the delivery of prepaid telemedicine via the Internet. The process provides patients with unlimited telephone and Internet access to doctors for a set monthly fee of \$45, with a \$10 office visit charge. One issue is the authorization by the Legislature of state Medicaid reimbursement for telemedicine services.

Action: Voted to recommend that one or more telemedicine bills, as determined by the committee chairs, be drafted for the November interim meeting. The motion also authorized the creation of a working group to assist the chairs and staff in formulating language.

*Chairs: Rep. Ken Ivory / Sen. David P. Hinkins
Staff: Richard C. North (Policy Analyst) / Samuel C. Johnston (Attorney) / Tracey Fredman (Legislative Assistant)*

Revenue and Taxation

Utah Tax Review Commission Update

Received an update from the Utah Tax Review Commission on the commission's study of earmarks of the sales and use tax. The commission has voted to recommend discontinuing one water-related earmark and will likely have a final report later this year.

Aeronautics Restricted Account Amendments

Action: Adopted as a committee bill, draft legislation "Aeronautics Restricted Account Amendments," which addresses the expenditure of aviation fuel tax revenue to comply with federal requirements.

Letter to Legislative Management Committee Regarding Tax Review Commission Study

Action: Approved a letter to the Legislative Management Committee requesting that the committee request the commission to study state and local taxes on businesses for the purpose of providing recommendations on changes to state law that would:

- ensure greater economic growth in the state;
- enhance Utah's ability to compete with other states; and
- remove barriers to having successful and competitive businesses.

Review of Committee Studies and Reports

Action: Adopted as a committee bill, draft legislation "Revenue and Taxation Interim Committee Report Amendments," which repeals certain reports, requires reports to be delivered electronically, and requires the Governor's Office of Economic Development to provide additional information to the committee.

Sales and Use Tax Exemptions

Received a presentation from a legislator regarding the need to categorize and review sales and use tax exemptions. Currently, most sales and use tax exemptions are outlined in Section 59-12-104 in no particular order. The presenter noted that the Utah State Tax Commission's Annual Report includes an estimation of how much sales and use tax revenue would be collected for the sales that are exempt.

Tax Commission Data Match Process

Action: Directed staff to open a committee bill file that would create a data match system with depository institutions and a tax commission levy process to collect certain amounts owed by delinquent taxpayers.

*Chairs: Rep. Daniel McCoy / Sen. Deldre M. Henderson
Staff: Bryant R. Howe (Assistant Director) / Lelf G. Elder (Policy Analyst) / Andrea Valenti Arthur (Attorney) / Bree Frehner (Legislative Assistant)*

State Water Development Commission

August 18, 2015

Environmental Protection Agency Clean Water Act Rule

Received a report from the Utah Farm Bureau Federation on federal agency actions related to water rights and the

(Continued next column)

INTERIM HIGHLIGHTS • August 2015

federation's efforts to protect those rights in the state. The commission discussed the proposed U.S. Forest Service Groundwater Resources Management Directive and the Environmental Protection Agency's redefinition of waters of the United States under the Clean Water Act.

Action: Adopted as a commission resolution "Concurrent Resolution on Waters of the United States," which expresses disapproval of the expansion of the term "waters of the United States" under the Clean Water Act and expresses support for the Utah Attorney General in seeking to vacate the expansion of the rule.

Gold King Mine Toxic Spill

Received a report from the Attorney General on the short-term and potential long-term impacts on Utah citizens of the Gold King mine toxic spill into the Animas River in Colorado. The commission discussed the Environmental Protection Agency's involvement in, and response to, the toxic spill.

Water Loan and Grant Funds

Received a report from the Department of Agriculture and Food, Natural Resources Conservation Service, Division of Water Resources, Division of Drinking Water, and Division of Water Quality on water loan and grant funds administered by each entity.

*Chairs: Rep. Keith Grover / Sen. Margaret Dayton
Staff: J Brian Allred (Policy Analyst) / RuthAnne Frost (Attorney) / Katie LeFevre (Legislative Assistant)*

Transportation

Report - HOV Lanes

Received an annual report from the Department of Transportation regarding its establishment and operation of high occupancy vehicle lanes.

Unconventional Vehicles

Received a report from two committee members regarding the classification, testing, and registration of unconventional vehicles.

Action: Voted to open a bill file to address the classification, testing, and registration of unconventional vehicles.

Vehicle Towing

Received presentations on state laws and state agency administrative rules governing towing, including background checks and other tow truck driver requirements, signage, maximum fee restrictions, and towing vehicles from private parking lots.

Action: Voted to open a bill file to address towing issues.

*Chairs: Rep. Johnny Anderson / Sen. Alvin B. Jackson
Staff: Art L. Hunsaker (Policy Analyst) / Kurt P. Gasser (Attorney) / Shannon C. Halverson (Attorney) / Joshua M. Weber (Legislative Assistant)*



2015 First Special Session — August 19, 2015

The Legislature passed:

- *H.B.1001 Statute of Limitations Amendments* (M. Noel). This bill clarifies the application of a particular statute of limitations and clarifies that it was effective as a statute of limitations at the time of codification.
- *H.C.R.101 Concurrent Resolution Approving Site for New State Correctional Facilities* (B. Wilson). This concurrent resolution of the Legislature and the Governor approves a site for new state correctional facilities.
- *S.B.1001 Corporate Franchise and Income Tax Amendments* (H. Stephenson). This bill amends provisions related to a credit against or a refund of an overpayment of corporate franchise or income taxes.
- *S.B.1002 Medicaid Inspector General Amendments* (D. Henderson). The bill amend the qualifications necessary to be appointed as the Medicaid inspector general.
- *S.B.1003 Criminal Law Amendments* (J.S. Adams). This bill amends a cross reference regarding a conviction for the possession of certain scheduled controlled substances, and amends the penalty regarding the offense of failure to provide notice regarding damage to an unattended vehicle.

Next Interim Day — October 21, 2015



OFFICE OF LEGISLATIVE RESEARCH
AND GENERAL COUNSEL
HOUSE BUILDING, SUITE 210
PO BOX 145210
SALT LAKE CITY UT 84114-5210

For more information about legislative activities, visit
the Utah State Legislature's website at: le.utah.gov

Staff: Susan Creager Allred, Nathan W. Brady,
Leif G. Elder, Tracey Fredman, and Bree A. Frehner

Photo Credits: Susan Creager Allred and Bree A. Frehner

TAB 7




Administrative Office of the Courts

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

August 12, 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 
RE: Committee Renewal

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

- Jesse Soriano has completed his second term on the committee and is interested in serving a third term.
- Mr. Soriano is the former director of the Department of Community and Culture's Office of Ethnic Affairs. In this position he oversaw the programs and services of the Asian, Black, Hispanic/Latino and Pacific Islander Affairs Offices. The focus of the office was on partnering with other state agencies to ensure access and proper delivery of culturally competent state services to Utah's ethnic community. Prior to this, Mr. Soriano served as the director of the Health Sciences Ethnic Minority Affairs Office at the University of Utah. He also held the position of program administrator for Weber State University's Minority Community Programs Development and as senior specialist for the Educational Equity Center.
- Mr. Soriano's depth of experience and contacts in the community have been especially effective in helping the court's outreach efforts to ethnic minorities. A priority of the committee is organizing community forums with various ethnic communities and in this capacity, Mr. Soriano has been invaluable.
- The chair of the committee, Judge Elizabeth Hruby-Mills, recommends a third term for Mr. Soriano.

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 8

Judicial Council Grant Application Proposal

Code of Judicial Administration 3-411

FEDERAL GRANTS

Contact Person/Phone: Krista Airam Date: 8/7/2015

Judicial District or Location: AOC - Utah Juvenile Court

Grant Title: Program Evaluation Grantor: CCJJ/OJJD

Grant type (check one); ☐ New ☒ Renewal ☐ Revision

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

Issues to be addressed by the Project: The Juvenile Court refers offenders to numerous intervention programs. Program evaluation is essential to ensure the programs serving juvenile justice involved youth are evidence-based and have positive outcomes that reduce recidivism.

Explanation of how the grant funds will contribute toward resolving the issues identified: This grant provides for the continued development of a program evaluation module in the CARE database, improved research resources, and support for continued evaluation of select juvenile court funded programs.

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

Total Funding Sources

		(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)					
		MATCHING STATE DOLLARS					
		General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
State Fiscal Year	Grant Amount						
FY2016 (FED FY12)	\$46,710	\$5,190					\$51,900
FY							\$0
FY							\$0

		(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)					
		MATCHING STATE DOLLARS					
		General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
State Fiscal Year	Grant Amount						
FY							\$0
FY							\$0
FY							\$0

Comments This is an OJJDP/JABG grant. JABG grants require a 10% match.

Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced? Yes ☐ No ☒ If yes, explain: _____

Will the funds to continue this program come from within your existing budget. Yes ☐ No ☐ N/A ☒ X

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

This proposal has been reviewed and approved by the following:

- ☐ The court executives and judges in the affected district(s).
- ☒ The Grant Coordinator and the Budget Director at the Administrative Office of the Courts.
- ☒ The affected Board(s) of Judges.

Approved by the Judicial Council _____ by _____
 Date _____ Court Administrator

Copy forwarded to Legislative Fiscal Analyst _____
 date _____

SECTION 1: COVER SHEET

Juvenile Accountability Block Grant Application


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

 Utah State Capitol Complex
 Senate Building Suite 330
 PO Box 142330
 Salt Lake City, Utah 84114-2330
 Ph: (801) 538-1031
 Fax: (801) 538-1024
For CCJJ use ONLY:
1. Implementing Agency Name & Address
 (Include full 9 digit zip code)

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

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

3. Authorized Official's phone #: 801- 578-3806

Director's cellular number:

Authorized Officials cellular #:

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

E-mail Address: danb@utcourts.gov

4. Will this award (check one):
☒ Enhance an Existing Program ☐ Initiate a New Program

5. Beginning & Ending Dates of Program:

September 1, 2015 to June 30, 2016

Previous grant # (if applicable): 11L07

6. DUNS Number:

096311365

7. CCR Number
8. CCR Expiration Date:
9. Congressional District(s) Served:

 1st, 2nd, 3rd, 4th
10. Federal Tax Identification Number (

87-876000545

11. Title which describes the program to be funded:
 Program Evaluation

12. Budget Summary
Total Project Costs
Federal Grant Funds
Cash Match

Personnel

\$0

\$0

\$0

Consultant/Contract

\$43,800

\$43,800

\$0

 Equipment / Supplies &
 Operating (ESO)

\$1,820

\$0

\$1,820

Travel/Training

\$6,280

\$2,910

\$3,370

Column Totals
\$51,900
\$46,710
\$5,190
13. *Print Name & Title of Official Authorized to Sign

Dan Becker

14. Signature of Official Authorized to Sign
Date:
15. **Print Name of Program Director

Krista Airam

16. Signature of Program Director
Date:
For CCJJ Use Only
**Ronald B. Gordon, Jr.
 Executive Director of CCJJ**
Date:

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

Section 2: PROGRAM AREA CHECKLIST

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

Program Area		
01	Graduated Sanctions	\$
06	Training for Law Enforcement & Court Personnel	\$
15	Court/Probation Programming	\$46,710

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

Problem Statement (problem being addressed)

The need to incorporate research, data, evaluation, and the measurement of outcomes into organizational processes is an essential component of effective organizations. Part of this process includes evaluating the effectiveness of programs to determining whether the targeted outcomes are achieved. In addition, there is a need to understand current research and have the capacity to appropriately measure outcomes and report results in a timely manner. Without these essential tools, it is difficult for organizations to determine whether a course of action or an intervention will result in the desired outcomes. Research, data and evaluation allow organizations to more fully implement evidence based practices and achieve positive outcomes with youth and families.

Project Description (include numbers served)

This project is designed to provide managers and decision makers with the research and information necessary to more fully incorporate evidence based practices in the Juvenile Court and to provide timely data to help inform management decisions. To accomplish this goal, the Juvenile Court will utilize multiple approaches. First, the Juvenile Court research analyst is scheduled to be training during the week of August 18-21, 2015 on the CPC evaluation to better assess developing programs through the continued implement of the Correctional Program Checklist (CPC). Second, the Juvenile Court will continue to develop a module in the Juvenile Court database that will be used to provide timely data and outcome measures that will allow managers access to real time data for decision making. Third, the Juvenile Court will continue to produce an annual report card which provides cross-year analysis of trends. Fourth, the Juvenile Court will increase their capacity to provide effective research support through training and the purchase of resource materials and analysis tools. These tools and approaches will provide managers with more informed information to make data driven decisions based on evidence based practices.

Goals and Objectives

- (a) Complete program assessments by the Research Analyst once trained on the CPC program evaluation.
- (b) Continue to develop a module in the Juvenile Court database that provides timely data and outcome measures
- (c) Produce and publish an annual report card that provides cross-year trend information
- (d) Increase the access of Juvenile Court to effective research support

Programmatic Activities

The Juvenile Court will contract for programming services through the Utah State Courts IT Department to continue to develop a data module in the Juvenile Court database.

In addition, the Juvenile Court Research Analyst will produce and publish a report card that provides cross-year trend information. The Research Analyst and/or juvenile court management will attend national conferences to expand knowledge of evidence-based practices, research, and program evaluation specific to juvenile justice. Resource materials and analysis tools will also be purchased related to data management, statistics, surveys, analysis, etc.

Participating Agencies

This is a continuation of the previous grant and there will be continued collaboration with the IT Department of the Juvenile Court for the programming of the evaluation module in CARE.

Plans for Supplemental and Future Funding of the Project

Given current budget conditions, it is unlikely that the Utah State Courts or Legislature would be able to fund these activities without grant funding. The Juvenile Court is utilizing the grant funds to increase internal capacity. For example, the development of the module in the Juvenile Court database will allow for the measurement of data will be a resource that remains after grant funds are no longer available as will the resource materials purchased using grant funds.

Section 4a: Performance Measurement Data Collection Plan

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

Program Name: Program Evaluation

Program Area: 15. Courts and Probation Programming

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

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

<p>6. Number and percent of program youth who OFFEND (long term)</p> <p>Updated 04/01/2012</p>	<p>The number and percent of participating program youth who were arrested or seen at a juvenile court for a delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for arrests or offenses 6-12 months after exiting the program.</p> <p>A youth may be 'committed' to a juvenile facility anytime that he/she is held overnight.</p> <p>Certain jurisdictions refer to adjudications as 'sentences'.</p> <p>Other sentences may be community based sanctions, such as community service, probation etc.</p> <p>Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them, therefore, the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago, 65 had an arrest or delinquent offense during the reporting period, therefore the 'B' value should be recorded as 65. This logic should follow for 'C' and 'D' and 'E' values. The percent of youth offending measured long-term will be auto calculated in 'F'</p>	<p>A. Total number of program youth who exited the program 6-12 months ago that you are tracking</p> <p>B. Of A, the number of program youth who had an arrest or delinquent offense during the reporting period</p> <p>C. Number of program youth who were committed to a juvenile facility during the reporting period</p> <p>D. Number of program youth who were sentenced to adult prison during the reporting period</p> <p>E. Number of youth who received another sentence during the reporting period</p> <p>F. Percent OFFENDING (B/A)</p>				<p>Not applicable (Not a direct services program)</p>
<p>7. Number and percent of program youth who RE-OFFEND (short term)</p> <p>Updated 04/01/2012</p>	<p>The number and percent of participating program youth who were arrested or seen at a juvenile court for a new delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for new arrests or offenses. Ideally this number should be all</p>	<p>A. Total number of program youth served</p> <p>B. Number of program youth tracked during the reporting period</p> <p>C. Of B, number of program youth who had a new arrest or new delinquent offense during the reporting period</p> <p>D. Number of program youth who were</p>				<p>Not applicable (Not a direct services program)</p>

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

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

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

		the reporting period C. Percent (A/B)				
Non Mandatory Measures						
MEASURE AND ITS #	DEFINITION	REPORTING FORMAT	FREQUENCY OF COLLECTION	RESPONSIBLE FOR COLLECTION	DATA SOURCE	HOW PROCESSED OR RETRIEVED
OUTPUT MEASURES						
10 Number of people trained during the reporting period.	This measure represents the number of people trained during the reporting period. The number is the raw number of people receiving any formal training relevant to the program or their position as program staff. Include any training from any source or medium received during the reporting period as long as receipt of training can be verified. Training does not have to have been completed during the reporting period. Preferred data source is program records.	Number of people trained	Quarterly	Grant Director	Training records or email response	Manually
OUTCOME MEASURES						
13 Percent of people exhibiting an increased knowledge of the program area during the reporting period	This measure represents the number of people who exhibit an increased knowledge of the program area after participating in training. Use of pre and posttests is preferred.	A. Number of people exhibiting an increase in knowledge post-training. B. Number of people trained during the reporting period. C. Percent of people trained who exhibited increased knowledge (A/B)	Quarterly	Grant Director	Feedback from those trained	Manually

Section 4b: Performance Measures Targets

Instructions: Transfer only the applicable measures (those you can realistically collect and are applicable to the project) from the previous section to the chart below. Please add or remove rows as needed. (The annual target will not always match the sum of the four quarters. For example, the number of youth served each quarter will most likely not equal the total number of youth served during the grant year as youth carry over from one quarter to the next.) Use the columns to indicate the target or goal you plan to reach each quarter, aggregating the targets/goals for an annual total in the final column. Use row numbers and the reporting format identified in the OJJDP Performance Measurement Data Collection Tool.

Program Name: Program Evaluation

Program Area: 15. Court/Probation Programing

#	MEASURE	1 ST QUARTER TARGET	2 ND QUARTER TARGET	3 RD QUARTER TARGET	4 TH QUARTER TARGET	ANNUAL TARGET OR GOAL TOTAL
CORE MEASURES						
OUTPUT MEASURES						
10	Number of people trained during the reporting period	0	1	1	1	3
OUTCOME MEASURES						
13	Percent of people exhibiting an increased knowledge of the program area during the reporting period	0	1	1	0	2

Section 5: TARGET POPULATION**A. TARGET POPULATION DESCRIPTION:**

Provide a description of the overall target population.

This is not a direct services program.

Check all that apply to the project's service population:

Justice Related Criteria: ☐ At-Risk Population (no priors) ☐ First Time Offenders ☐ Repeat Offenders
☐ Sex Offenders ☐ Status Offenders ☐ Violent Offenders
☒ Youth population not served directly

Age: ☐ 0-10 ☐ 11-17 ☐ 18 and over
☒ Youth population not served directly

Geographic: ☐ Rural ☐ Suburban ☐ Tribal ☐ Urban ☐ Not Applicable

Populations Served: ☐ Mental Health ☐ Substance Abuse ☐ Truant/Dropout
☒ Youth population not served directly

B. ESTIMATED NUMBERS TO BE SERVED BY PROJECT (use raw numbers, not percentages):

Gender		Ages	
Males	—	—	To —
Females	—	—	To —

OJJDP requires each state to examine the disproportionate confinement of minorities in the juvenile justice system and to develop a plan to address the problem. The following data assists the state in identifying any programs that serve this population.

C. ESTIMATED NUMBER OF YOUTH TO BE SERVED (use raw numbers, not percentages):

Race/Ethnicity	Totals	Male	Female	Age Ranges
American Indian & Alaska Native				
Asian				
Black/African American				
Hispanic Origin (of any race)				
Native Hawaiian & other Pacific Islander				
Two or More Races				
White				
GRAND TOTALS				

D. DESCRIBE SERVICES PROVIDED SPECIFICALLY FOR MINORITIES:

1. Will the project provide targeted services for any of the racial/ethnic groups noted above? If so, which?
2. Demonstrate extensive knowledge of the barriers that clients face. Show how they are appropriately addressed and removed. How will the cultural competency of the staff be ensured? Demonstrates extensive knowledge of specific cultural characteristics of the target population.

State supervision probation programs serve youth from a variety of racial and ethnic groups. The courts are aware that minority families face many barriers as they navigate the juvenile justice system. The most obvious barrier is language. The courts maintain a list of approved interpreters covering 24 different languages. Approved interpreters complete a one-day course, pass an ethics exams and meet other requirements in order to be listed. Certified interpreters complete a two-day course and must pass a rigorous exam in the simultaneous, consecutive, and sight modes of interpretation. Court rule requires the use of a certified interpreter unless one is not available. Probation officers can access the interpreter pool for preliminary inquiry meetings and other court-related meetings. If the probation officer is fluent in the language, the officer may conduct the meeting in the family's native language. The probation order and other court related documents have also been translated into different languages, with Spanish being the primary language. By conducting meetings in the youth and family's native language and by providing translated materials, the court is increasing equal access to the justice system.

The courts also require our program providers to demonstrate an understanding of the unique needs of diverse populations. In our Requests for Proposals we require applicants to identify how they will meet the needs of families who do not speak English or who are identified as ethnic minorities to ensure the programming is delivered in a culturally competent way. The assessment criteria for these grant reviews are weighted appropriately for this category to ensure that services are accessible to all youth and families referred.

Section 6: PROBLEM STATEMENT

Describe the problem this project will address. Provide statistics documenting identified risk and protective factors. Include data from the UBJJ Risk & Protective Factors Tool and the SMART system provided by OJJDP. Data from other official sources (e.g. school district, units of local government, state government, federal government or institution of higher learning) may also be included. Limit of three pages.

The use of evidence based approaches by programs is an essential aspect of reducing recidivism and improving outcomes for youth involved with the Juvenile Court. Research shows that when programs incorporate evidence based practices reductions in recidivism can be realized (Latessa & Gordon 1994, Lipsey & Wilson 1998, Joplin et al 2004). However, many developing programs are unaware of what constitutes an evidence based approach. The program improvement process outlined in this grant will help to address this issue. By bringing all program assessments in-house, programs receive an initial assessment and then are provided with ongoing technical assistance and coaching on evidence based practices. This process allows for a collaborative rather than adversarial relationship between the assessment team and the program. Through this process, reductions in recidivism have been achieved by Juvenile Court programs. In previous years, programs that have received and incorporated feedback from the continuous program evaluation process have shown reductions in recidivism of 8 percent or more (Davis, Tanana, Vanderloo 2012)

In order to ensure that evidence based practices are utilized throughout the Juvenile Court process it is essential for Juvenile Court research staff and Juvenile Court Administrators to acquire a broad knowledge of current research in the field. The need to maintain expertise in current research and best practices to be able to provide ongoing technical assistance to managers and programs. Researchers cannot train managers and programs on principles that they are not familiar with themselves. Participation and training at national conferences allows the Juvenile Court Research Analyst and Juvenile Court Administrators to obtain the knowledge necessary to ensure proper implementation of best practices in the Juvenile Court.

In order to ensure better access to research, data, and evaluations, it is also necessary to develop tools for managers that provide timely and accessible results for making data informed decisions. Without access to quality research and data, it can be difficult to determine organizational direction (Raul & Dwyer 2003). Access to data and outcomes on program and initiatives allows for more effective decision making (Harris 2003). The development of a data and outcome module in the Juvenile Court database will help to address this issue and provide managers with increased access to timely data.

References

Davis, Matt, Mike Tanana, Mindy Vanderloo. 2012. Update on the State Supervision Evaluation and Improvement Project. Utah Criminal Justice Center, University of Utah.

Harris, David. (2003) Reality of Racial Disparity in Criminal Justice: The Significance of Data Collection. Law and Contemporary Problems, Vol. 66, Issue 3 (Summer 2003), pp. 71-98.

Latessa, E.J. & J. Gordon. (1994). Examining the Factors Related to Success or Failure with Felony Probationers: A Study of Intensive Supervision. In C. B. Fields (Ed.), Community-Based Corrections: Innovative Trends and Specialized Strategies. Garland Press.

Lipsey, M.W. and D.B. Wilson. (1998). Effective Intervention for Serious Juvenile Offenders: A Synthesis of Research. In R. Loeber and D. P. Farrington (Eds.), Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions, Thousand Oaks, CA: Sage. Criminology, 28(3), 369-404.

Raul, Alan, & Dwyer, Julie. (2003). Regulatory Daubert: A Proposal to Enhance Judicial Review of Agency Science by Incorporating Daubert Principles into Administrative Law. Law and Contemporary Problems, Vol. 66, Issue 4 (Autumn 2003), pp. 7-44.

Section 7: PROJECT DESIGN AND MANAGEMENT

Explain how your program will work. Cite relevant research to show that the program strategy is effective. Explain each step or phase of the project in the following areas: project activities, client flow, staffing, and collaboration. Include a timeline identifying program activities for the entire grant year.

Is the project an evidence based program? ☒ YES ☐ NO

Name of the evidence based model: _____

Correctional Program Checklist and the principles of evidence-based practices

If yes, select one source from which the program model was cited:

- | | |
|---|---|
| <input type="checkbox"/> Blueprints for Violence Prevention | <input type="checkbox"/> Hamilton Fish Institute |
| <input type="checkbox"/> CASEL (Collaborative for Academic, Social, & Emotional learning) | <input type="checkbox"/> Institute for Medicine |
| <input type="checkbox"/> Centers for Disease Control and Prevention | <input type="checkbox"/> NIDA Preventing Drug Abuse |
| <input type="checkbox"/> Community Guide to Helping America's Youth | <input type="checkbox"/> National Institute of Justice What Works Report |
| <input type="checkbox"/> Department of Education Safe, Disciplined, & Drug-free Schools | <input type="checkbox"/> OJJDP Model Programs Guide |
| <input type="checkbox"/> Drug Strategies, Inc. | <input type="checkbox"/> Promising Practices Network |
| <input type="checkbox"/> Making the Grade | <input type="checkbox"/> SAMSHA Model Programs |
| | <input type="checkbox"/> Surgeon General's Youth Violence Report |
| | <input checked="" type="checkbox"/> Other (e.g., State model program resources) |

If other, please specify: Correctional Program Checklist and the principles of evidence-based practices

Please indicate the name of the evidence-based program implemented: Correctional Program Checklist and the principles of evidence-based practices

The program evaluation portion of this grant project will use the evidence-based Correctional Program Checklist (CPC). The CPC is a tool developed for assessing correctional intervention programs, and is used to ascertain how closely correctional programs meet known principles of effective intervention. Studies conducted by the University of Cincinnati on both adult and juvenile programs were used to develop and validate the indicators on the CPC. These studies found strong correlations with positive outcomes between both domain areas and individual items on the CPC (Holsinger, 1999; Lowenkamp and Latessa, 2003; Lowenkamp, 2003; Lowenkamp & Latessa, 2005a; Lowenkamp and Latessa, 2005b).

The CPC is divided into two basic areas: content and capacity. The capacity area is designed to measure whether a correctional program has the capability to deliver evidence-based interventions and services for offenders. There are three domains in the capacity area including: Leadership and Development, Staff, and Quality Assurance. The content area focuses on the substantive domains of Offender Assessment and Treatment, and the extent to which the program meets the principles of risk, need, responsivity and treatment. There are a total of seventy-seven indicators, worth up to 83 total points that are scored during the assessment. Each area and all domains are scored and rated as either "highly effective" (65% to 100%); "effective" (55% to 64%); "needs improvement" (46% to 54%); or "ineffective" (45% or less). The scores in all five domains are totaled and the same scale is used for the overall assessment score. It should be noted that not all of the five domains are given equal weight, and some items may be considered "not applicable," in which case they are not included in the scoring.

Data are collected through structured interviews with selected program staff and program participants, and observation of groups and services. Staff surveys are also used to gather additional information. Other sources of information include policy and procedure manuals, schedules, treatment materials, manuals, and curricula, a review of selected case files and other relevant program materials. Once the information is gathered and reviewed the program is scored, and a report is generated which highlights the strengths, areas that need improvement, and recommendations for each of the five areas. Program scores are also compared to the national norm.

There are several advantages to the CPC. First, it is applicable to a wide variety of program types such as programs for sexual offending, substance abuse, and anger management. Second, all of the indicators included in the CPC have been found to be correlated with reductions in recidivism. Third, the process provides a measure of program integrity and quality; it provides insight into the "black box" of a program, something that an outcome

study alone does not provide. Fourth, the results can be obtained relatively quickly; usually the process takes a day or two and a report is generated within a few weeks. Fifth, it identifies both the strengths and weaknesses of a program and provides recommendations designed to improve the integrity of the program and to increase effectiveness.

References:

- Andrews, D.A. and Bonta, J. (2006). *The Psychology of Criminal Conduct*. Cincinnati, OH: Anderson Publishing.
- Clawson, Elyse, Brad Bogue, Lore Joplin, *Implementing Evidence-based Practices in Corrections*, Jan. 2005, pgs. 3-4.
- Holsinger, A. M. (1999). *Opening the 'black box': Assessing the relationship between program integrity and recidivism*. Doctoral Dissertation. University of Cincinnati.
- Lowenkamp, C. T. (2003). *A Program Level Analysis of the Relationship Between Correctional Program Integrity and Treatment Effectiveness*. Doctoral Dissertation. University of Cincinnati.
- Lowenkamp, C. T. and E. J. Latessa (2003). *Evaluation of Ohio's Halfway Houses and Community Based Correctional Facilities*. Center for Criminal Justice Research, University of Cincinnati, Cincinnati, OH.
- Lowenkamp, C. T. and E. J. Latessa (2005a). *Evaluation of Ohio's CCA Programs*. Center for Criminal Justice Research, University of Cincinnati, Cincinnati, OH.
- Lowenkamp, C. T. and E. J. Latessa (2005b). *Evaluation of Ohio's Reclaim Funded Programs, Community Correctional Facilities, and DYS Facilities*. Center for Criminal Justice Research, University of Cincinnati, Cincinnati, OH.
- Smith, P., Gendreau, P., & Goggin, C. (2005). *Correctional treatment: Accomplishments and Realities*. In P. Van Voorhis, M. Braswell & D. Lester (Eds.), *Correctional Counseling and Rehabilitation* (Fifth edition). Cincinnati, OH: Anderson Publishing

Section 8: WORK PLAN AND TIMETABLE

Provide a detailed WORK PLAN, using the chart below, giving a month by month description of activity for the time period covered by this application. You must include the following (table will expand to fit):

- Activities necessary to achieve objectives
- Timetable for completion of each activity
- Staff position or consultants to be assigned to each activity
- Location where the activity will occur

Calendar Months	Activities	Assigned Position	Location
September 2015 to July 2016	Continuous Program Evaluation <ul style="list-style-type: none">• Evaluation protocol for programs is implemented using the CPC• Programs are assessed and feedback meetings are held.	Research Analyst	Statewide
September 2015 to July 2016	Increase Access to Effective Research Support <ul style="list-style-type: none">• Attendance to research related conferences to increase knowledge of EBP, program evaluation, and best practices in the field.• Annual subscription to Survey Monkey• Purchase presentation/formatting software as necessary	Grant Director, Juvenile Court Administration, Research Analyst	To be determined
September-October 2015	Juvenile Court Report Card <ul style="list-style-type: none">• Analyze data and draft report• Complete translation of report• Complete publication of report	Research Analyst	Statewide
September 2015 to July 2016	Data Module Programming <ul style="list-style-type: none">• Continue to collaborate with IT on the design of the program evaluation module	IT Department Consultants	Statewide

Section 9: PROJECT GOALS AND OBJECTIVES

Goals and objectives should be directly related to the Problem Statement. **Goals** should describe what you expect your project to achieve when it is completed. Goals need to be both realistic and achievable. **Objectives** identify what your agency will do to reach the project goals. They are the short-term results produced by the project that together will lead to the accomplishment of the goals. **Activities** are the specific actions that will help reach your goals and objectives.

Goal: Improve the Use of Evidence Based Practices by Developing Programs	
Project Objective (a) Evaluate developing programs using the CPC	Project Objective <ul style="list-style-type: none">• A CPC evaluation will be completed on selected programs across the state• Hold feedback meetings

Goal: Increase access to timely data	
Project Objective (a) Program an assessment module	Project Objective <ul style="list-style-type: none">• Continuing programming on the assessment module in CARE.
(b) Complete a report card	Project Objective <ul style="list-style-type: none">• Collect and analyze data• Create a set of reports• Translate reports• Printing of reports
(c) Increase access to effective research and presentation of data	Project Objective <ul style="list-style-type: none">• Attendance at research and/or juvenile justice conferences• Purchase of reference materials• Purchase of analysis tools and presentation/formatting software

Section 10: BUDGET MATRIX AND NARRATIVE

Category	Cash Match	Grant Funds	Total
Personnel	\$0	\$0	\$0
Consultant/Contract	\$0	\$43,800	\$43,800
Equipment / Supplies/ Operating	\$1,820	\$0	\$1,820
Travel & Training	\$3,370	\$2,910	\$6,280
Total	\$5,190	\$46,710	\$51,900

FISCAL OFFICER (IMPLEMENTING AGENCY)

(Name, title, mailing address and zip code, area code and phone, fax, e-mail)

Milton Margaritas
Budget Officer
450 S. State, P.O. Box 140241
SLC, Ut. 84114-0241
801-578-3863 office phone
801-578-3854 Fax
miltonm@email.utcourts.gov

PERSONNEL SALARIES AND FRINGE BENEFITS

This section is for full or part-time salaried employees. Employees who are not on the payroll are classified as consultants. If known, list name of individual. If a person has not been hired, type "vacant" and give the title of the position. "Number of Hours" refers to total hours spent on the grant implementation. **Do not request grant funding for an employee who is already on the payroll unless the original position held by that person will be filled by a new employee.** Salaries may not exceed those normally paid for comparable positions in the community or the unit of government associated with the project. The hourly rate for personnel salaries can be determined on the basis of 8 hours per day, 40 hours per week, 173.33 hours per month, or 2,080 hours per year. Paid vacation and sick leave are allowable expenditures, but *must not exceed the time that is normally allowed by the agency or unit of government* associated with the project. All leave earned must be used or paid during the period of the grant. See Guidelines for additional information regarding overtime restrictions.

Name	Title	# Hours	Hourly Rate	Total Salary
Salary Subtotal				

EMPLOYER'S SHARE OF FRINGE BENEFITS

Fringe benefits are to be based on the employer's share only. Enter the percentage of monthly rate for each fringe benefit, the total wage amount, the number of months, if applicable, and the total amount of the employer's share of benefits. Fringe benefit base wage amounts for part-time employees must be prorated according to the percentage of total time spent with each employer. "FICA", "Pension", "Health Insurance", "Workers Compensation", and "Unemployment Compensation" are matters that should be reviewed by the applicant's fiscal or personnel officer before completing this part of the application.

Fringe Benefits	% or Monthly Rate	Eligible Wage Amount or Number of Months	Total Employer's Share of Fringe Benefits
FICA			
Pension/Medicare			
Health Insurance			
Worker's Comp			
Unemployment Comp			
Other (explain)			
Other (explain)			
Fringe Subtotal			\$

Grant Funds Requested	Match Provided (if applicable)	Personnel Total
\$0	\$0	\$0

BUDGET NARRATIVE/PERSONNEL
Provide a brief description of the duties of personnel charged to this project, including educational background and prior work experience. If administrative personnel not engaged in the day-to-day activities of the project are included in this budget, explain why they are essential to the project's operation.

BUDGET NARRATIVE/ PERSONNEL
Provide a brief description of the duties of personnel charged to this project, including educational background and prior work experience. If administrative personnel not engaged in the day-to-day activities of the project are included in this budget, explain why they are essential to the project's operation.

PERSONNEL	NARRATIVE

CONSULTANTS/CONTRACTS

Persons with specialized skills who are not on the payroll are considered consultants. When a consultant is known, a resume listing the consultant's qualifications and contract must accompany the application. However, if the position is vacant and the project receives funding, this information must be forwarded to UBJJ/CCJJ when a contract with the consultant is signed. All procurement transactions whether negotiated or competitively bid without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. Describe the procedure to be used in acquiring the consultant (i.e., small purchase procedures, competitively sealed bids, non-competitive negotiation, etc.) Consultant fees for individuals may not exceed \$56.25 per hour or \$450 per day, for an 8-hour day, plus expenses, without prior approval from UBJJ/CCJJ. Fee justification must be provided in the budget narrative.

Consultant Name	Services to be Provided	# Hours	Hourly Rate	Total Cost
Utah State Courts-IT Contractor (Software Technology Group)	Computer programming of the program assessment module	Approximately 447 hours	\$98.00	\$43,800

Consultant Expenses

(May include travel, training, food, lodging, and other allowable incidental travel costs.)

Consultant Fee Justification

(Include the basis of selection and method of procurement. Any sole source consultant requires prior approval from CCJJ.)

IT Programming

This is a continuation of the prior program evaluation grant 11L07 and the selection of the consultant/subcontractor has been made by the Utah State Courts IT Department. The IT Department manages all IT programming consultants and subcontractor contracts and follows standard state purchasing requirements in the selection of contractors. The IT Department manages these contracts because they have the expertise necessary to identify the needed skills and abilities to complete programming on the databases they manage, and also to ensure that the work is being completed as required. The programming of the Juvenile Court database requires an experienced JAVA programmer. The expertise required for this type of programming has led to competitive pay that exceeds the state and federal limits. The hourly rate for the JAVA contractor employed on this grant will be above the state and federal limit, however will comply with the signed contracted/consultant fee rate of \$98.00 established by the Utah State Courts IT Department.

Grant Funds Requested	Match Provided (if applicable)	Consultants Total
\$0	\$0	\$43,800

EQUIPMENT / SUPPLIES / OPERATING

Equipment: items to be purchased that are over \$5,000. Supplies: office supplies, cleaning, maintenance, AND OPERATING supplies, training materials, books and subscriptions, research forms, postage stamps, food, and other materials that are expendable with the life of the project. All equipment and supply purchases covered by this grant must be necessary for the project to achieve its goals and objectives. All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide a maximum open and free competition. Purchases between \$1,000 and \$5,000: Quotes should be obtained (by phone, fax or letter) from at least two vendors. Awards must be made to vendor submitting the lowest quote meeting the minimum specifications and required delivery date. Purchases exceeding \$5,000: A competitive sealed bid process must be conducted. Sole source contracts must be approved by CCJJ prior to being awarded.

Item	Cost	Time Period	Total
Rent-Facilities			
Telephone			
Non-consultant Contract Help			
a. Bookkeeping/Audit			
b. Maintenance			
c. Other (Specify)			
Auto Lease/Short-Term Rental			
Equipment Lease/Short-Term Rental			
Photocopying			
Printing: Report Card	\$900		\$900
Grant Management Costs (In-Kind)			
Other (Specify): Research Software and Presentation Software	\$620		\$620
Other (Specify): Access to survey creation tool (Survey Monkey)	\$300		\$300
Other (Specify)			

Procurement Method to be Used (cell will expand)

The report card will be printed using Utah Correctional Industries as required by the governor if feasible given timelines, printing requirements, etc.

Any software for research, formatting, or presentation purposes will be purchased through the IT department with the Utah Juvenile Court adhering to the established purchasing guidelines.

Equipment / Supplies / Operating Justification and Narrative: Justify the purpose and use of each item noted above.

Report Card Printing

While the Utah Juvenile Court provides copies of the report card electronically via its website, paper copies in English and Spanish are also provided at courthouse locations to increase access and transparency. This publication is often placed in Juvenile Court and Juvenile Probation waiting rooms to provide information to patrons of Juvenile Court.

Presentation Software and Research Software

Presentation, formatting, and research software will help with the presentation of data to internal and external partners by Juvenile Court Administrators and the Research Analyst.

Survey Tool

As part of the effort to provide better timely data to managers, a subscription to the Survey Monkey tool will be purchased. This allows for timely feedback from staff and partners on outcomes and initiatives related to the Juvenile Court.

Grant Funds Requested	Match Provided (if applicable)	"Other" Total
\$0	\$1,820	\$1,820

TRAVEL & TRAINING

Grant related *travel charges must not exceed the rates allowed by the State of Utah*. Organizations whose written travel policies are less restrictive than the State of Utah, or that do not have their own written travel policy, must adhere to the State of Utah travel policy. "Per Diem" includes food and lodging. Meals provided gratis must be deducted from the per diem rate allowed. The "Other" category includes parking, telephone, or other allowable incidental travel costs. (This applies to grant funded employees only, not consultants.) The mileage rate may not exceed \$.50/mile.

Vehicle	# Miles	Mileage Rate	Total
Mileage	1000	.38	\$380
Air, Bus, etc.	Destination	Fare	Total
Per Diem	# Days	Per Diem Rate	Total
Program Evaluations	10	10 X \$40	\$400
Conference Registration	# People	Rate	Total
Lodging			
Program Evaluations/Feedback sessions	10 nights	Approximately 10 days @ \$100 per night	\$1,000
Other			Total
National Conference Attendance- Research and/or Evidence Based Programming		Approximately \$1,500 x 3 (transportation costs, hotel, registration, and per diem)	\$4,500

Travel and Training Justification and Narrative

As grant funds decline, Juvenile Court will no longer have the resources to contract with entities such as the University of Utah. Consequently, it is necessary to build internal capacity and expertise in the area of research, analysis, and evidence based programming. The knowledge gained at National Conferences allows for this type of capacity building and also networking for Juvenile Court managers and the Research Analyst.

Additionally, since the CPC evaluations will be conducted by the court's Research Analyst it is anticipated that there will be associated travel costs needed to complete the evaluations. It is anticipated that travel costs will also be incurred by the Research Analyst and Juvenile Court management in order to conduct program evaluation feedback sessions.

Grant Funds Requested	Match Provided (if applicable)	Travel & Training Total
\$2,910	\$3,370	\$6,280

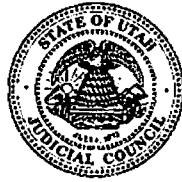
SECTION 12: LETTERS OF PARTICIPATION

Applicants must submit a Letter of Participation from each local agency or organization that is involved with the project, contributing resources, or making referrals (e.g., courts, treatment programs, shelters). Applicants should refer to the appropriate category in the Guidelines to ensure that appropriate letters are included. Failure to submit the appropriate Letters of Participation may remove the application from further funding consideration. List below the agencies providing letters of participation and the number of referrals:

Participating Agency Name and Role	Projected # of Referrals (if applicable)

Attach copies of each letter to all copies of the application.

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: September 15, 2015
Re: Rules for Public Comment

The Policy and Planning Committee recommends the following amendments to rule 4-503 of the Utah Code of Judicial Administration for public comment. If no concerns are raised, the proposed amendments will be published for comment and will be subject to change after the comment period.

CJA 4-503. Mandatory electronic filing. Amend. Requires a lawyer seeking a hardship exemption from efilng in a civil case to file a written request in lieu of a form provided by the AOC, with the District Court Administrator, in lieu of the General Counsel.

The amendments, found at lines 14-16, mirror the changes to the criminal efilng rule recently approved by the Judicial Council.

Encl. CJA 4-503

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 4-503. Mandatory electronic filing.

Intent:

To require that documents in district court civil cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the district court.

Statement of the Rule:

(1) Except as provided in Paragraph (2), pleadings and other papers filed in civil cases in the district court on or after April 1, 2013 shall be electronically filed using the electronic filer's interface.

(2)(A) A self-represented party who is not a lawyer may file pleadings and other papers using any means of delivery permitted by the court.

(2)(B) A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any means of delivery permitted by the court. To request an exemption, the lawyer shall submit at the written request outlining why the exemption is necessary to the District Court Administrator ~~Judicial Council's General Counsel on a form approved by the Judicial Council.~~

(2)(C) Pleadings and other papers in probate cases may be filed using any means of delivery permitted by the court until July 1, 2013, at which time they shall be electronically filed using the electronic filer's interface.

(3) The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the filer's service provider.

**ADDITIONAL COUNCIL
MEETING HANDOUTS**



Online Court Conceptual Design

Access to Justice through Online Dispute Resolution

In an effort to promote access to justice, the judicial council directed the administrative office of the courts to investigate the feasibility of creating a dispute resolution process based on the assumption that resolution would be online rather than through traditional litigation.

The premises to be tested include:

- The online court will result in lower costs to the courts, which will be passed to the parties in the way of reduced filing fees.
- The online court will result in lower costs to the parties by, among other things, reducing the costs of primary and secondary service, reducing the cost to exchange evidence, and eliminating the need to appear at hearings in person.
- The online court will lower costs enough that parties who would otherwise not pursue a claim will do so.
- The online court will lower costs enough that first-party creditors will personally pursue claims rather than sell the debt to a collection agency.
- The online court will be sufficiently simple, quick and inexpensive and with sufficient structured settlement steps to decrease the number of default judgments.
- Built-in negotiation and mediation steps will enable parties to settle claims short of trial.
- The online court can be used with equal effect by one-time filers and those who file numerous cases.

A steering committee was formed, consisting of Kim Allard, Dan Becker, Ron Bowmaster, Justice Deno Himonas, Brent Johnson, Rick Schwermer, Tim Shea, and Ray Wahl.

Principles

Online dispute resolution (ODR) systems are not new, but there are no operational examples in the courts. In the court context, an ODR system would facilitate evaluation, negotiation and judicial decision. A dispute might be resolved at any of the three stages.

- Evaluation. Classify and organize the dispute. Inform the parties of the rights and obligations of each and the options and remedies available.
- Negotiation. In addition to inter-party negotiations, third-party mediators would be available to help parties negotiate a settlement.
- Judicial decision. Judicial review of facts based on a structured process for online pleadings, evidence and testimony.

Fundamental to the concept of the online court is that communication among the parties and other participants takes place in a virtual environment, one without a courtroom. That fact makes all the more important the requirement that the online court be fair and unbiased, and that it be transparent to the parties and public. The role and responsibilities of the participants—be they advisor, mediator, judge or party—must be clear.

The effectiveness of an online court will be increased by:

To establish an online court, the laws governing venue will need to be addressed and, in the justice court, the statutes governing territorial jurisdiction.

The Legislature has established in the justice court a concept that is not found in the district court: territorial jurisdiction.² Territorial jurisdiction means the power of a justice court is limited to the geographic boundaries of the sponsoring county or municipality. Or of the sponsoring counties and municipalities, since several can join together by interlocal agreement. The geographic reach of the several justice courts do not overlap. Because an online court has no location, territorial jurisdiction limits the ability of the justice court to conduct online proceedings.

The objective of venue is to require a plaintiff to file a claim in the court of a jurisdiction in which the defendant resides or in which the events took place. Although territorial jurisdiction does not overlap, venue might. Venue, like territorial jurisdiction, is a concept that depends on geographic boundaries, and an online court has none. But venue is primarily for the convenience of the defendant, rather than a limit on the court's power, and an online court can satisfy that policy of convenience.

Intake, diagnosis and information for the plaintiff. The Online Court Assistance Program (OCAP) can be expanded and repurposed to initiate the online resolution of small claims cases. Currently OCAP uses an online interview to gather the information necessary to establish a court case and prepare documents for filing. OCAP will need to be expanded to record as metadata this and other information about the plaintiff and the plaintiff's claim and the plaintiff's information about the defendant. Once recorded, the online court will use the information to classify and organize the claim and inform the plaintiff, with notice to the defendant, of the rights and obligations of the parties and the options and remedies available.

File the complaint. Currently OCAP prepares a document for filing. In the online court the complaint is electronically filed. The e-filing will not be of a traditional document, but rather the transfer of the information recorded during the online interview with plaintiff into the CORIS case management system. As needed, this dynamic information can be coupled with a static template to create a viewable document.

Serve the complaint. This will be new functionality. For the court to have authority to compel the defendant, the complaint and summons must be served on the defendant. Currently the complaint and summons must be handed to the defendant or to one of a few others who are presumed by law to have forwarded it to the defendant. The person serving the documents cannot be the plaintiff or the plaintiff's lawyer. Frequently the person delivering the documents is a process server, which adds to the expense.

The advisory committee on the rules of civil procedure is considering amendments to Rule 4 to allow, in essence, acceptance by the defendant of a complaint and summons delivered by mail or by electronic means. There will be minimum requirements to assure the court that the defendant has been notified of the lawsuit and of the defendant's responsibilities. But, just as we have discovered that secondary service is a logical consequence of e-filing a document, so is primary service a logical consequence—provided the defendant is adequately protected and the court has a record of the event.

Intake, diagnosis and information for the defendant. Similar to the plaintiff's OCAP interview, the defendant will record information about the defendant and the defendant's information about the claim and any counterclaim. Once recorded, the online court will use the information to classify and organize the claims and defenses and inform the defendant, with notice to the plaintiff, of the rights and obligations of the parties and the options and remedies available. If any of the information previously provided to plaintiff

² The district court, in essence, has territorial jurisdiction over the entire state.



FY 2016 Proposed Additional Carry Forward Plan--September 2015

One-time Spending Plan Proposal

#	Available One-time Funding	Funding Type	Amount	#	Proposed One-time Spending Plan	Amount
1	Additional Carry Forward Identified and Available After Fiscal Year 2015 Closing	Internal Savings	408,000	1	Start CORIS Rewrite Project in FY 2016 -- Authorized by the Judicial Council at the August Council Meeting	208,000
				2	Data Wiring & Installation Costs Associated with Credit Card Machines Authorized Last FY by the Judicial Council	40,000
				3	Courtroom Technology, Remote Services	100,000
				4	Additional Reserve (Will Increase Reserve to \$260,848)	60,000
Total Available One-time Funds			\$ 408,000	Total One-time Expenditures \$ 408,000		

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				\$ 408,000	

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