

JUDICIAL COUNCIL MEETING

AGENDA

Monday, December 14, 2015

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator's Report. Daniel J. Becker
4. 9:20 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. 9:30 a.m. Rules for Final Action. Alison Adams-Perlac
(Tab 3 - Action)
6. 9:45 a.m. Open and Public Meeting Law Orientation. Alison Adams-Perlac
(Information)
7. 10:00 a.m. Overview and Usage of the Courts Website. Jason Ralston
(Information)
10:20 a.m. Break
8. 10:30 a.m. Report of the Supreme Court Task Force to Examine
Legal Limited Licensing. Justice Deno Himonas
(Tab 4 – Action)
9. 11:15 a.m. Justice Court Recertifications. Judge Dennis Fuchs
(Tab 5 – Action) Rick Schwermer
10. 11:25 a.m. Proposed Senior Judge Rule Change
(Rule 3-103 – Administrative Role of Judges). Daniel J. Becker
(Tab 6 – Action)
11. 11:40 a.m. ADR Committee Update. Judge Royal Hansen

(Tab 7 – Information)

Nini Rich

- 12:00 p.m. Lunch
12. 12:30 p.m. Criminal Jury Instruction Committee Update. Judge James Blanch
(Information) Alison Adams-Perlac
13. 12:50 p.m. Judicial Outreach Committee Update. Judge Elizabeth Hruby-Mills
(Tab 8 – Information)
14. 1:10 p.m. Civil Jury Instruction Committee Update. Juli Blanch
(Information) Nancy Sylvester
15. 1:30 p.m. Executive Session
16. 2:00 p.m. Adjourn

Consent Calendar

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

1. Grant Approval Debra Moore
(Tab 9)
2. Rule 1-201 – Membership – Election Tim Shea
(Tab 10)

TAB 1

JUDICIAL COUNCIL MEETING

Minutes

**Monday, November 23, 2015
Flynn Faculty Workshop Room – Room 6500
SJ Quinney Law School
Salt Lake City, Utah**

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. David Mortensen
Hon. Mary Noonan
Hon. Reed Parkin
Hon. Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

EXCUSED:

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Debra Moore
Dawn Marie Rubio
Rick Schwermer
Tim Shea
Alison Adams-Perlac
Nancy Sylvester
Brent Johnson
Alyn Lunceford
Stacey Snyder

GUESTS:

Colin Winchester
Hon. Todd Shaughnessy
Dean Robert Adler
Hon. Noel Hyde
Shane Bahr
Hon. Brendan McCullagh
Derek Olson, Legis. Audit
Jesse Martinson, Legis. Audit
Tyler Jordan Felt
Brad Christopherson, Farmington

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. A special welcome was extended to Mr. Derek Olsen and Mr. Jesse Martinson of the Legislative Auditor's Office.

Motion: Judge Skanchy moved to approve the minutes from the October 26, 2015 Judicial Council meeting. Judge Higbee seconded the motion, and it passed unanimously.

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

Chief Justice Durrant administered the Oath of Office to Judge Mary Noonan.

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

Chief Justice Durrant reported on the following items: 1) he, Mr. Becker, Mr. Wahl, and Mr. Schwermer met with the Governor to discuss the following items: 1) Report on the Representation of Indigent Criminal Defendants in Trial Courts, 2) Pretrial Release Efforts, 3) Justice Reinvestment and the importance of funding treatment, and 4) judicial compensation with regard to funding of the remainder of the recommendations of the Elected Offices and Judicial Compensation Commission. Mr. Becker addressed the courts performance standards over the past five years, as well as, the courts budget requests for the 2016 Legislative Session.

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

Mr. Becker reported on the following items:

GAL Director. Mr. Becker introduced Ms. Stacey Snyder, new GAL Director. He provided background information of her work experience.

Judicial Retirement. Judge James Davis, Court of Appeals, retired effective November 16. Mr. Becker noted that he is one of the original members of the Court of Appeals. He served two terms on the Council, as well as, part of a third term. The Governor's office may try to fill both Court of Appeals vacancies at the same time.

Communication Director. Ms. Nancy Volmer accepted a position outside of the court system, and she will be leaving the first week of December. Mr. Becker acknowledged all she has done, on behalf of the courts.

Supreme Court Task Force to Examine Legal Licensing. The final report was presented to the Supreme Court on November 18. The Supreme Court approved all of the recommendations. The report will be presented to the Judicial Council in December.

Judicial Performance Evaluation Commission. Ms. Slotnik, Director of JPEC, has announced her upcoming retirement, effect March 2016.

Drug Court Conference. The conference was held on October 29-30 with over 380 in attendance.

5. COMMITTEE REPORTS:

Management Committee Report:

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

Liaison Committee Report:

No meeting was held in November. The Liaison Committee is scheduled to meet following the December Council meeting.

Policy and Planning Meeting:

Judge Parkin reported on the following items: 1) no meeting was held in November, 2) a rule for public comment has been included on the consent calendar, and 3) the Policy and Planning Committee is scheduled to meet in December.

Bar Commission Report:

Mr. Lund reported on the following items: 1) the Bar Commission is soliciting proposals for a lobbyist, 2) an extensive report has been prepared by Mr. Bruce Matt who studied the Office of Professional Conduct (OPC) relative to attorney discipline, 3) Ms. Tara Issacson has been awarded the Professionalism of the Year Award, 4) Ms. Anne Burkholder, YWCA, has

been awarded the Community Member of the Year Award, and 5) the Fall Forum was recently held with over 300 in attendance.

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

Mr. Schwermer highlighted the following in his legislative update: 1) bill drafts are being submitted, 2) separate sponsors for the judgeship requests, 3) JRI – panel, 4) warrant summons presentation, 5) guardianship bill, and 6) numbered bills within the first two weeks of December.

Mr. Schwermer mentioned that the Judicial Performance Evaluation Commission (JPEC) is making decisions relative to judges up for retention election in 2016. Judges who failed any part of the minimum performance standards were notified last week to meet with members of the Commission. Concern was expressed with the low survey response rate for judges.

7. JUDICIAL CONDUCT COMMISSION UPDATE: (Colin Winchester)

Chief Justice Durrant welcomed Mr. Winchester to the meeting.

Mr. Winchester highlighted the following on his update: 1) several members of the Judicial Conduct Commission will have their terms expiring between now and June 2016, and 2) in the last fiscal year, the Commission received 70 complaints compared to the average of 80 complaints per year in past years.

Questions were asked of Mr. Winchester, and he provided responses.

Chief Justice Durrant thanked Mr. Winchester for his update.

8. LANGUAGE ACCESS REPORT: (Alison Adams-Perlac)

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

Ms. Adams-Perlac highlighted the following in her report: 1) she acknowledged the work being done, on behalf of the courts, relative to language access by Ms. Rosa Oakes; 2) acknowledged Mr. Ethan Taft, Masters of Statistics student at the University of Utah, who provided the data analysis for the report; 3) English proficiency in Utah, 4) interpreter credentialing types – certified, approved, and registered; 5) interpreter availability; 6) percentage of hours interpreted by language; 7) interpreted hearings by type of court – district, juvenile or justice court; 8) interpreter and travel costs; 9) use of staff interpreters in the Third District; 10) data sources used in preparing the report; 11) remote interpretation program; and 12) reviewed the recommendations of the Language Access Committee.

The recommendations made on behalf of the Language Access Committee included the following: 1) implement a system to capture the video record in hearings involving ASL and deaf interpreters, 2) study the process and cost for extending interpreting from telephonic appearances to video conferences, and 3) study ways to fund the development of a computer program to collect interpreter data and to better track the use of interpreters and the associated costs.

Questions were asked of Ms Adams-Perlac, and she provided responses to questions asked of her.

Chief Justice Durrant thanked Ms. Adams-Perlac for her update.

9. PRE-TRIAL RELEASE PRACTICES REPORT: (Judge Todd Shaughnessy, Alison Adams-Perlac, and Nancy Sylvester)

Chief Justice Durrant welcomed Judge Shaughnessy, Ms. Adams-Perlac, Ms. Sylvester and Judge Brendan McCullagh to the meeting.

Judge Shaughnessy highlighted the following in his report: 1) provide his background on his experience with pretrial release on the district court bench, 2) committee's charge – a)

determine what constitutes “best practices in the field of pretrial release; b) conduct an inventory of current practices and assess both their effectiveness and the extent to which they are consistent with best practices in the field; c) determine how best to improve the information needed by judges when making a release decision, including evaluating evidence-based assessment tools and instruments; d) review the statutory history of release and bail legislation; and, e) evaluate pretrial release alternatives in terms of public protection, the integrity of the court process, the ability to guard against punishment prior to conviction, and cost implications or savings potential; 3) committee membership; 4) surveyed other states on their pretrial release and supervision practices; 5) reviewed national statistics, 5) surveyed Utah’s county jails, noting response rates; 6) reviewed Utah statistics; 7) reference to Utah Code Ann. 77-20-1(2) relative to pretrial release as risk management; and 8) recommendations.

To implement the recommendations and develop better pretrial release and supervision practices, the Committee proposed the following actions be taken: 1) amend the monetary bail statutes, 2) amend the Rules of Criminal Procedure, 3) implement the Board of District Court Judges recommendations, 4) develop pretrial risk assessments, 5) develop pretrial supervision systems, and 6) remove old, unnecessary structures and create new ones.

Discussion took place.

Questions were asked of Judge Shaughnessy, and he provided responses to questions asked of him.

Chief Justice Durrant thanked Judge Shaughnessy, on behalf of the Pretrial Release and Supervision Committee.

Motion: Mr. Lund moved to accept the report with the direction and staffing of the committee to be discussed by the Management Committee. Any rule changes relating to the establishment of a standing committee on pretrial release will be considered at the December Judicial Council meeting. Judge Higbee seconded the motion, and it passed unanimously.

10. COMMENTS FROM THE DEAN OF THE SJ QUINNEY LAW SCHOOL: (Dean Robert Adler)

Chief Justice Durrant welcomed Dean Adler to the meeting.

Dean Adler welcomed everyone to the law school. He highlighted the following relative to the SJ Quinney Law School: 1) one purpose and design aspect of the building is to increase engagement with the courts, the Utah State Bar, and the legal community; 2) Judicial Process and Clinic Program; 3) measures taken to address the drop in enrollment; 4) expansion of certain programs; 5) involvement with access to justice issues; 6) proposal to seek funding to open a legal clinic on campus – Law for You – to serve the university community; and 7) training – providing more clinical training.

Dean Adler requested feedback from members of the judiciary using law students as clerks in their courts.

Chief Justice Durrant thanked Dean Adler for his comments, on behalf, of the SJ Quinney Law School.

11. BOARD OF DISTRICT COURT JUDGES UPDATE: (Judge Noel Hyde and Ms. Debra Moore)

Chief Justice Durrant welcomed Judge Hyde to the meeting.

Judge Hyde highlighted the following in his update on the activities of the Board of District Court Judges update: 1) goals for the coming year, 2) proposed change to Rule 3-108 – Judicial assistance relative to the appointment of senior judges due to retirement, disability or death of a sitting judge; 3) the Board of District Court Judges concern with a potential online

dispute resolution program; 4) preparation of a post-conviction relief bench book; and 5) e-signing protocols currently in place.

The current board goals include: 1) update the weighted caseload formula and include another evaluation, 2) continued focus on uniform standards/recommendations relative to mental health courts, 3) pre-trial release efforts – continued review, and 4) implementation of JRI—focus on determining appropriate remedies relative to district court and how best to implement the recommendations.

Chief Justice Durrant thanked Judge Hyde for his update.

12. DOMESTIC STUDY: PROPOSED CHARGE: (Daniel J. Becker)

Mr. Becker reminded the Council of their request, at the October Council meeting, for preparation of a draft charge of the domestic study item and a determination of whether the item should be considered as a Council study item or should be studied by the Standing Committee on Children and Family Law (SCCFL).

Mr. Becker highlighted the following relative to the proposed Domestic Case Process Improvements study item: 1) recommendation of the study item to be conducted by the Standing Committee on Children and Family Law (SCCFL), 2) the study should be limited to domestic cases and shall not include juvenile delinquency or child welfare proceedings, 3) the findings and recommendations to be presented to the Judicial Council at the July 2017 meeting, 4) proposed membership of a separate subcommittee of the Standing Committee was reviewed, and 5) the proposed charge was reviewed by the Management Committee at the November 10 meeting.

Discussion took place. An amendment to the charge was suggested relative to programs in place in other jurisdictions.

Motion: Judge Higbee moved to approve the Domestic Case Process Improvements Study Item – Committee Charge as amended. Mr. Lund seconded the motion, and it passed unanimously.

13. FARMINGTON/DAVIS COUNTY JUSTICE COURT: (Rick Schwermer)

Mr. Schwermer updated the Council on the Farmington/Davis County Justice Court Interlocal Agreement.

Mr. Brad Christopherson, Farmington City, was in attendance at the meeting.

Mr. Schwermer noted that Davis County has determined that it is not necessary to enter into an interlocal agreement with all participating government entities. They are prepared to move forward with the Davis County Justice Court, as operated in the past, and hear the necessary cases.

At the July 20 Judicial Council meeting, the Council approved the creation of the Farmington Justice Court, allowing them to enter into an interlocal agreement with the interested governing entities and to waive the required notice period allowing them to begin operation on January 1, 2016.

Resulting from the decision made by Davis County to continue with their justice court, Farmington City expressed their intent and request to withdraw their request made and approved at the July 20 Judicial Council meeting to create a new court by entering into an interlocal agreement with the participating government entities.

Motion: Judge Skanchy moved to approve Farmington City's request to withdraw their request approved at the July 20 Judicial Council meeting to enter into an interlocal agreement with the participating government entities. Judge Marx seconded the motion, and it passed unanimously.

14. FOURTH DISTRICT LAW CLERK/BAILIFF ISSUE: (Daniel J. Becker and Shane Bahr)

Chief Justice Durrant welcomed Mr. Bahr to the meeting.

Mr. Becker provided background information on the law clerk/bailiff program which has been in place for 20 years. The bailiffs split their time between bailiff and law clerk duties, by agreement between the courts and sheriff's office.

The sheriff's office has been moving toward discontinuing this program, which is unique to Utah County. Last year, the county changed the classification of the law clerk/bailiff position from a classified position to a contractual position which eliminated the benefits that the law clerk/bailiffs received. This created a problem in the Fourth District in filling law clerk vacancies.

Discussion has taken place to determine what action needs to take place relative to law clerks in the Fourth District. To create a law-clerk program in the Fourth District, it will require \$450,000 in permanent funds.

Mr. Becker reviewed a proposal for incrementally creating law clerk positions for the Fourth District to coincide with the occupancy of the new Provo Courthouse in 2018.

Mr. Bahr commented on discussion that has taken place with Sheriff Tracy relative to the law clerk/bailiff issue.

Discussion took place.

Motion: Judge Higbee moved to approve, in concept, the need to address ongoing funding requirements necessary for establishing a law clerk program in Utah County and to restore the benefits eliminated when the law clerk/bailiff position in Utah County was changed to a contractual position instead of a classified position, in April. Judge Toomey seconded the motion, and it passed unanimously.

15. SENIOR JUDGE CERTIFICATION: (Nancy Sylvester)

Judge James Davis has applied for certification as an active senior judge. He is in compliance with the minimum performance standards.

Motion: Judge Skanchy moved to forward the recommendation, on behalf of the Council, to the Supreme Court to appoint Judge James Davis as an active senior judge. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Skanchy moved to enter into an executive to discuss the character, competence of an individual. Judge Higbee seconded the motion, and it passed unanimously.

16. EXECUTIVE SESSION

An executive session was held at this time.

17. 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

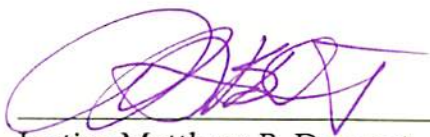
Sworn Statement under Rule 2-103(5)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

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

1. On 11-23-15 (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;
and potential litigation
 - ☐ the deployment of security personnel, devices, or systems.
2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

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

11-23-15
Date


Justice Matthew B. Durrant
Chair, Utah Judicial Council

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

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TAB 2

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Tuesday, December 8th, 2015
Matheson Courthouse
450 South State Street
Salt Lake City, Utah**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant, Chair
Hon. Randall Skanchy
Hon. Thomas Higbee (by phone)
Hon. David Marx
Hon. Kate Toomey

EXCUSED:

GUESTS:

Tyler Felt (by phone)

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Debra Moore
Dawn Marie Rubio
Rick Schwermer
Tim Shea
Heather Mackenzie-Campbell
Alison Adams-Perlac
Brent Johnson
Nancy Sylvester

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 Marx moved to approve the November 10, 2015 Management Committee meeting minutes. Judge Toomey seconded the motion, and it passed unanimously.

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

He reported on the following items:

Revenue Projections. The State's revenue projections were released yesterday. The breakdown of one-time and ongoing funding was provided. It was noted that the majority of funding is projected to go to Education.

Mandatory E-Filing in Juvenile Court. The effective date for mandatory e-filing in juvenile court was December 1. No major issues resulted.

Court Security Director. Ms. Carol Price has submitted her resignation, effective December 31 to pursue other interests. Mr. Wahl will be the contact person in the interim.

3. GRANT APPROVAL: (Debra Moore)

The proposed 2016 VAWA Grant application is a renewal of the current grant. The grant request is in the amount of \$32,208 with a cash match of \$14,291 for a total of \$46,499.

The grant will provide funding for a ½ time Domestic Violence Program Coordinator. Ms. Moore noted that the federal funding of the grant has been reduced 4-5%, therefore, the program coordinator position has been reduced from a ¾ time position to a ½ time position.

Funding of the position will allow the coordinator to do the following: 1) research and disseminate information relative to education programs, 2) survey stakeholders, 3) collect relevant data, 4) draft and obtain approval of best practices and work with the districts to implement them, and 5) serve as a point of contact and meet regularly with stakeholders.

Ms. Moore mentioned that there are other possible funding sources which will be sought by the coordinator, once hired.

Motion: Judge Skanchy moved to approve the proposed grant application as presented and place it on the December Judicial Council consent calendar. Judge seconded the motion, and it passed unanimously.

4. NEPHI CITY JUSTICE COURT FOLLOWUP REVIEW: (Heather Mackenzie-Campbell)

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

Ms. Mackenzie-Campbell highlighted the following in her report on the Fourth Judicial District, Juab County, Nephi City Justice Court – Follow-up Report: 1) the initial audit report was issued January 8, 2015; 2) the current status of the action plan reflected the following: a) 41% of the recommendations have been fully implemented, b) 38% of the recommendations have been partially implemented, c) 14% of the recommendations have not been implemented, and d) 7% of the recommendations have no transactions to verify implementation; and 3) the newly hired clerk has received training.

Discussion took place.

Motion: Judge Skanchy moved to accept the Fourth Judicial District, Juab County, Nephi City Justice Court – Follow-up Report, and request a self evaluation report be completed and submitted in six months with the status of the recommendations currently not being implemented. Judge Toomey seconded the motion, and it passed unanimously.

Ms. Mackenzie-Campbell mentioned that the 2016 Audit Schedule will be presented to the Management Committee at the January meeting for approval.

5. SELF-REPRESENTED LITIGANT E-FILING REQUEST: (Tyler Felt)

Chief Justice Durrant welcomed Mr. Felt to the meeting.

Mr. Felt requested modification to UCJA Rule 4-503 – Mandatory electronic filing as it relates to access and fairness for non-attorney pro se litigants. He mentioned that the current registration practice for e-filers requests a bar number as the identifier, thereby, making it not available to pro se filers.

Chief Justice Durrant thanked Mr. Felt for his time and that his request would be considered by the Management Committee.

Mr. Becker provided background information on what is currently taking place relative to pro se litigants and their court documents. The matter of e-filing documents in OCAP was discussed as well.

Ms. Moore mentioned that testing is currently being done relative to those attorneys who practice in federal court that are not Utah Bar members electronically filing documents and the programming being completed to provide identifiers to allow them to do so. Testing of

identifiers to be used by specific state agencies is also being addressed. Ms. Moore is unaware of the status of this testing.

Discussion took place.

The Management Committee determined that they would like more information on what programming has been completed relative to the separate identifiers for attorneys without Utah Bar numbers that e-file before making a decision relative to pro se litigant e-filing.

Mr. Bowmaster will be invited to report on this matter at the January Management Committee meeting.

6. ASSIGNMENT OF PRE-TRIAL RELEASE RECOMMENDATIONS: (Alison Adams-Perlac)

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

Ms. Adams-Perlac distributed a handout with the proposed committee/group responsibility delegations relating to the implementation of the Pretrial Release and Supervision Practices recommendations.

Ms Adams-Perlac reviewed the proposed committee/group responsibility delegations for each of the 12 recommendations.

Discussion took place.

Motion: Judge Skanchy moved to accept the proposed committee/ group responsibility delegations as recommended. Judge Toomey seconded the motion, and it passed unanimously.

7. RULE 1-201 – MEMBERSHIP – ELECTION: (Tim Shea)

Mr. Shea reported that all Appellate Court judges serve as members on the Board of Appellate Court Judges. Rule 1-201 – Membership – Election currently states that Council members shall not be eligible to serve as voting members of the Boards of Judges.

The proposed rule change would allow Appellate Court judges serving on the Council to vote on matters presented to the Board of Appellate Court Judges.

Motion: Judge Skanchy moved to accept the proposed amendment to Rule 1-201 – Membership – Election allowing Appellate Court judges serving on the Council to vote on matters presented to the Board of Appellate Court Judges and place it on the December Judicial Council consent calendar. Judge Marx seconded the motion, and it passed with Judge Toomey abstaining.

8. ATTORNEY REFERRALS: (Brent Johnson)

Chief Justice Durrant welcomed Mr. Johnson to the meeting.

Mr. Johnson distributed copies of several attorney referral programs being submitted for posting on the court's website. Most of the referrals are offering no-fee or reduced-fee services.

The Bar's Affordable Attorneys for All Committee is in the process of designing a directory of attorneys and available services.

Mr. Johnson is seeking direction on what type of attorney referral programs the courts can or should make available on our website.

Discussion took place.

The Management Committee provided suggestions on referral criteria. Mr. Johnson will develop a set of criteria for attorney referrals for the courts website.

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

Chief Justice Durrant reviewed the proposed Council agenda for the December 14 Council meeting.

Motion: Judge Skanchy moved to approve the Council agenda for the December 14 Council meeting. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Skanchy moved to enter into an executive session to discuss the character and competence of an individual. Judge Toomey seconded the motion, and it passed unanimously.

10. **EXECUTIVE SESSION:**

An executive session was held at this time.

11. **ADJOURN**

The meeting was adjourned.

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: December 9, 2015
Re: Rules Creating Standing Committee on Pretrial Release and Supervision

The Policy and Planning Committee voted to recommend the attached proposals to the Judicial Council for its consideration. The rules create a standing committee on pretrial release and supervision and outline the committee's responsibilities.

Policy and Planning had concerns about whether a senator, a representative, a representative of the counties, and the court's general counsel or designee should be included in the membership of the committee. However, they left them in the proposal so that the Council can discuss these options.

Encl. CJA 1-205
 CJA 3-116

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

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

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

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

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

Applicability:

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

Statement of the Rule:**(1) Standing committees.**

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(A)(xiii) Committee on Pretrial Release and Supervision.

(1)(B) Composition.

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

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

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

37 (1)(B)(iv) The Judicial Branch Education Committee shall consist of one judge from an appellate
38 court, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial
39 Districts 1, 5, 6, 7, or 8, one juvenile court judge, the education liaison of the Board of Justice Court
40 Judges, one state level administrator, the Human Resource Management Director, one court executive,
41 one juvenile court probation representative, two court clerks from different levels of court and different
42 judicial districts, one data processing manager, and one adult educator from higher education. The
43 Human Resource Management Director and the adult educator shall serve as non-voting members. The
44 state level administrator and the Human Resource Management Director shall serve as permanent
45 Committee members.

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

49 (1)(B)(vi) The Committee on Children and Family Law shall consist of one Senator appointed by the
50 President of the Senate, one Representative appointed by the Speaker of the House, the Director of the
51 Department of Human Services or designee, one attorney of the Executive Committee of the Family Law
52 Section of the Utah State Bar, one attorney with experience in abuse, neglect and dependency cases,
53 one attorney with experience representing parents in abuse, neglect and dependency cases, one
54 representative of a child advocacy organization, one mediator, one professional in the area of child
55 development, one representative of the community, the Director of the Office of Guardian ad Litem or
56 designee, one court commissioner, two district court judges, and two juvenile court judges. One of the
57 district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its
58 discretion the committee may appoint non-members to serve on its subcommittees.

59 (1)(B)(vii) The Committee on Judicial Outreach shall consist of one appellate court judge, one district
60 court judge, one juvenile court judge, one justice court judge, one state level administrator, a state level
61 judicial education representative, one court executive, one Utah State Bar representative, one
62 communication representative, one law library representative, one civic community representative, and
63 one state education representative. Chairs of the Judicial Outreach Committee's subcommittees shall
64 also serve as members of the committee.

65 (1)(B)(viii) The Committee on Resources for Self-represented Parties shall consist of two district court
66 judges, one juvenile court judge, one justice court judge, three clerks of court – one from an appellate
67 court, one from an urban district and one from a rural district – one member of the Online Court
68 Assistance Committee, one representative from the Self-Help Center, one representative from the Utah
69 State Bar, two representatives from legal service organizations that serve low-income clients, one private
70 attorney experienced in providing services to self-represented parties, two law school representatives, the
71 state law librarian, and two community representatives.

72 (1)(B)(ix) The Language Access Committee shall consist of one district court judge, one juvenile court
73 judge, one justice court judge, one trial court executive, one court clerk, one interpreter coordinator, one

74 probation officer, one prosecuting attorney, one defense attorney, two certified interpreters, one approved
75 interpreter, one expert in the field of linguistics, and one American Sign Language representative.

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

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

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

85 (1)(B)(xiii) The Committee on Pretrial Release and Supervision shall consist of two district court
86 judges, one juvenile court judge, two justice court judges, one prosecutor, one defense attorney, one
87 county sheriff, one representative of counties, one representative of a county pretrial services agency,
88 one representative of the Utah Insurance Department, one representative of the Utah Commission on
89 Criminal and Juvenile Justice, one commercial surety agent, one state senator, one state representative,
90 and the court's general counsel or designee.

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

98 (1)(D) At least once every six years, the Management Committee shall review the performance of
99 each committee. If the Management Committee determines that committee continues to serve its
100 purpose, the Management Committee shall recommend to the Judicial Council that the committee
101 continue. If the Management Committee determines that modification of a committee is warranted, it may
102 so recommend to the Judicial Council.

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

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

111 recommendations to the Council, upon expiration of the time set for termination, or upon the order of the
112 Council.

113 (3) General provisions.

114 (3)(A) Appointment process.

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

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

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

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

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

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

130 (3)(B) Terms. Except as otherwise provided in this rule, standing committee members shall serve
131 staggered three year terms. Standing committee members shall not serve more than two consecutive
132 terms on a committee unless the Council determines that exceptional circumstances exist which
133 justify service of more than two consecutive terms.

134 (3)(C) Members of standing and ad hoc committees may receive reimbursement for actual and
135 necessary expenses incurred in the execution of their duties as committee members.

136 (3)(D) The Administrative Office shall serve as secretariat to the Council's committees.

Rule 3-116. Pretrial Release and Supervision Committee.

Intent: To study and make recommendations to the Judicial Council concerning pretrial release and supervision practices.

Applicability: This rule shall apply to the judiciary.

Statement of the Rule:

The committee shall study pretrial release and supervision practices, and make regular reports and recommendations concerning those practices to the Judicial Council.

(1) Duties of the committee. The committee shall:

(1)(A) work to implement the recommendations of the Report to the Utah Judicial Council on Pretrial Release and Supervision Practices;

(1)(B) study and make recommendations regarding pretrial release and supervision generally, including the following:

(1)(B)(i) studying current pretrial release and supervision practices, the efficacy of such practices, and making recommendations for changes to those practices as necessary;

(1)(B)(ii) developing and recommending written guidelines to the Judicial Council to be used for setting financial and non-financial conditions of pretrial release;

(1)(B)(iii) assisting and advising counties on implementing a statewide pretrial risk assessment tool and developing procedures for distributing the assessment results to judges;

(1)(B)(iv) assisting and advising counties to develop pretrial supervision programs;

(1)(B)(v) determining what pretrial release and supervision data are necessary to accurately assess pretrial release and supervision practices, and making recommendations on how pretrial release and supervision data collection practices can be improved including which organizations should collect the data and how it should be collected;

(1)(B)(vi) recommending training for judges, lawyers, and other stakeholders on pretrial release and supervision practices;

(1)(B)(vii) recommending, if necessary, appropriate statutory and rule changes; and

(1)(B)(viii) providing ongoing monitoring and assessment of Utah's pretrial release and supervision practices; and

(1)(C) on an annual basis, the committee shall report its progress to the Judicial Council.

TAB 4

Utah State Courts

Supreme Court Task Force to Examine Limited Legal Licensing



Report and Recommendations November 18, 2015

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

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(1) INTRODUCTION AND SUMMARY

(a) INTRODUCTION

Probably most Utah communities are not that different from “Middle City, USA,” a mid-size, mid-West community that was the location of the 2014 Community Needs and Services Study by the American Bar Association.¹ In a random sampling of adults in Middle City, 66% of the respondents had experienced an average of 3.3 “civil justice situations”² in the previous 18 months, almost half of which resulted in “a significant negative consequence.” Yet respondents identified only 9% of the situations as “legal” and another 4% as “criminal.” In other words, many may not have recognized recourse to the courts as an option.

About 16% of the people facing a civil justice situation did nothing; 46% relied on self-help; and 23% relied on the help of family or friends. Only 22% used the assistance of a lawyer or other professional. Somewhat surprisingly, 21% of the situations were described as “properly dealt with within the family or community.” In other words, to a substantial minority, using an outside third party to seek a legal remedy seemed inappropriate.

Forty-six percent relied on self-help. That is, as well as we can estimate, about the percentage of self-represented parties in select types of litigation in the Utah district court, and the imbalance of self-representation between petitioners and respondents is even more stark. Probably the other circumstances, opinions and responses of the residents of Middle City represent those of Utah residents as well.

The cost of legal services is often cited as a major reason that people with need of legal services do not employ lawyers,³ yet in the Community Needs

¹ Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study. Rebecca L. Sandefur, American Bar Association, University of Illinois at Urbana-Champaign, 2014. (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2478040; <http://perma.cc/3K7P-UPD2>).

² Employment, rental housing, owned housing, money, debt, insurance, government benefits, education, relationship breakdown, personal injury, criminal negligence.

³ See, for example, Robert Ambrogi, *Washington State moves around UPL, using legal technicians to help close the justice gap*, ABA JOURNAL (Jan. 1, 2015, 5:50 AM), (http://www.abajournal.com/magazine/article/washington_state_moves

and Services Study “concerns about cost were a factor in 17% of cases,” even though 58% of respondents agreed with the statement that “lawyers are not affordable for people on low incomes.”⁴ The cost of legal services cannot be ignored as a factor in the number of self-represented parties, but a common perception is that an increasing number of people choose to represent themselves and seek help only as needed.

Given our charge and the high concentration of self-represented parties in select casetypes, we have focused primarily on creating a supply of non-lawyer paraprofessionals qualified to provide specified legal services in specified practice areas. In doing so, we have been guided by the ABA Commission on the Future of Legal Services draft resolution⁵ urging “each state’s highest court, and those of each territory and tribe, to be guided by the ABA Model Regulatory Objectives to help (1) assess the court’s existing regulatory framework and (2) identify and implement regulatory innovations related to legal services beyond the traditional regulation of the legal profession” The commission’s regulatory objectives are:

- Protection of the public
- Advancement of the administration of justice and the rule of law
- Access to information about, and advancement of the public’s understanding of, the law, legal issues, and the civil and criminal justice systems
- Transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections
- Delivery of affordable and accessible legal services
- Efficient, competent, and ethical delivery of legal services
- Protection of confidential information

around upl using legal technicians to help close the;
<http://perma.cc/FL75-QKAR>): “[M]ultiple state and federal studies
[show] that 80 to 90 percent of low- and moderate-income Americans
with legal problems are unable to obtain or afford legal representation.
The economics of traditional law practice make it impossible for lawyers to
offer their services at prices these people can afford.”

⁴ Community Needs and Services Study, *Id.* at pages 3, 13 and 15.

⁵

(http://www.americanbar.org/content/dam/aba/images/office_president/draft_regulatory_objectives.pdf; <http://perma.cc/2HWB-9LNY>).

- Independence of professional judgment
- Accessible civil remedies for breach of duties owed and disciplinary sanctions for incompetence, misconduct, and negligence
- Diversity and inclusion among legal services providers and freedom from discrimination in the delivery of legal services and in the justice system

We have also included five other strategies to meet the needs of self-represented parties for assistance with their civil justice situations and to improve access for everyone.

We recognize the value of a lawyer representing a client in litigation, or advising a client about options, or counseling a client on a course of action. We recognize the valuable services that lawyers provide to their clients every day, in and out of court. But the data show that, even after years of effort with pro bono and low bono programs, a large number of people do not have a lawyer to help them. The data also show that the demand is focused on the areas where the law intersects everyday life, creating a “civil justice situation.” The people facing these situations need correct information and advice. They need assistance. Our purpose is to consider and recommend whether there is an alternative source for that assistance.

Given the time available to us and the need for policy decisions before beginning the arduous work of implementation, this report remains a planning blueprint. If our recommendations are approved, we recommend that the supreme court appoint a steering committee to guide the next steps.

(b) TASK FORCE CHARGE

In May, 2015, the supreme court created this task force to:

- examine emerging strategies and programs that authorize individuals to provide specific legal assistance in areas currently restricted to licensed lawyers; and
- recommend whether similar programs should be established in Utah.

Specifically, the court asked us to:

- examine the Limited Licensed Legal Technician Program in the State of Washington—as well as other, similar programs;
- determine the origin, purpose, content, requirements, cost, authorizing entity, administration and evaluation of these programs;

- evaluate whether the programs would materially improve access and affordability for select types of legal assistance;
- evaluate the balance between increasing access and ensuring consumer protection;
- evaluate where the greatest need for legal assistance exists and how these programs might address that need; and
- consider issues that would have to be addressed in the implementation, regulation and administration of a program, such as:
 - role definition;
 - training/certification requirements;
 - scope of services;
 - regulatory authority; and
 - supervision/quality control/complaint process.

We were ably assisted in this inquiry by Dr. Thomas Clarke, Director of Research and Technology for the National Center for State Courts. At our request, Dr. Clarke and the National Center for State Courts prepared a white paper with analysis and recommendations.⁶ Dr. Clarke's experience and opinions were invaluable, and we express our sincere appreciation.

Our research and materials, including this report, are on the court's website at http://www.utcourts.gov/committees/limited_legal/; <http://perma.cc/9GCN-2J3R>.

(c) SUMMARY OF RECOMMENDATIONS

(1) The supreme court should:

- Exercise its constitutional authority to govern the practice of law to create a subset of discrete legal services that can be provided by a licensed paralegal practitioner in three practice areas:
 - temporary separation under Section 30-3-4.5, divorce, paternity, cohabitant abuse and civil stalking, custody and support, and name change;
 - eviction; and
 - debt collection.

⁶ Non-Lawyer Legal Assistance Roles—Efficacy, Design, and Implementation. Thomas Clarke, Director of Research and Technology for the National Center for State Courts. (http://www.utcourts.gov/committees/limited_legal/NonLawyer%20Legal%20Assistance%20Roles.pdf; <http://perma.cc/A92U-NBQJ>)

- Within an approved practice area, authorize a licensed paralegal practitioner to:
 - establish a contractual relationship with a client who is not represented by a lawyer;
 - conduct client interviews to understand the client's objectives and to obtain facts relevant to achieving that objective;
 - complete court-approved forms on the client's behalf; advise which form to use; advise how to complete the form; sign, file and complete service of the form; obtain, explain and file any necessary supporting documents; and advise the client about the anticipated course of proceedings by which the court will resolve the matter;
 - represent a client in mediated negotiations and consider whether to authorize a licensed paralegal practitioner to represent a client in unmediated negotiations;
 - prepare a written settlement agreement in conformity with the mediated agreement; and
 - advise a client about how a court order affects the client's rights and obligations.
- Establish education requirements and regulatory requirements to qualify as a licensed paralegal practitioner.

(2) If the supreme court approves these recommendations, the court should appoint a steering committee to plan, design and implement the program details.

(3) The board of bar commissioners should implement as soon as possible the recommendations of its futures commission to build an online lawyer directory and for increasing the use of discrete task legal services.

(4) The judicial council should:

- work with the committee on resources for self-represented parties to:
 - develop forms appropriate for approved practice areas;
 - improve existing forms; and
 - publish information about the facts and procedures relevant to the forms;
- establish a pilot program of assisted resolution of family law and/or debt collection cases involving self-represented parties;
- continue to plan, design and build an online dispute resolution application; and

- request an appropriation to fund additional work by the self-help center to instruct court staff, public library staff, community and faith-based groups and other volunteers to enable them in turn to assist others, for free, with general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies and to assist in completing court-approved forms.

(2) THE PRACTICE OF LAW IN UTAH

(a) AUTHORITY OF THE SUPREME COURT TO GOVERN THE PRACTICE OF LAW

“The Supreme Court by rule shall govern the practice of law, including admission to practice law and the conduct and discipline of persons admitted to practice law.”⁷ “Admission to practice law” should retain its traditional meaning; that is, lawyers who are licensed by the supreme court after meeting the minimum qualifications established by rule and the procedures of the board of commissioners of the Utah State Bar. Elsewhere in Utah law—the qualifications of a judge of a court of record, for example—the phrase is used as a term of art to mean “lawyers.”

Later in this report we recommend that the supreme court exercise its authority to “govern” the practice of law to establish rules authorizing a paraprofessional who is not a lawyer to do some of the things traditionally reserved for lawyers. The paraprofessional will be engaged in the practice of law by performing specified tasks in specified practice areas, but will not be “admitted” to practice law.⁸ The limited tasks fit well within the traditional definition of the practice of law, even though the paraprofessional is not a lawyer. The supreme court’s exclusive authority to establish this policy is established in the Utah constitution and recognized by statute. Utah Code Section 78A-9-103(1)(a) provides:

Unless otherwise provided by law or court rule, an individual may not practice law or assume to act or hold himself or herself out to the public as an individual qualified to practice law within this state if that individual is not admitted and licensed to practice law within this state.... (emphasis added)

⁷ Utah Constitution Art VIII, Section 4.

⁸ We also recommend separate licensing, conduct, discipline, and administrative regulations for this new paraprofessional.

The respective authority of the supreme court and the legislature over the practice of law has been described as the supreme court governing the authorized practice of law and the legislature governing the unauthorized practice of law. See Board of Commissioners of the Utah State Bar v. Petersen, 937 P.2d 1263, 1270 (Utah 1997). Section 78A-9-103 prohibits practicing law without a license and provides a civil remedy for the board of commissioners of the Utah State Bar.

(b) SUPREME COURT RULES

The practice of law is a defined term, and, with certain exceptions, only lawyers may do it. Initially adopted in 2005 under a different system for organizing the rules governing the practice of law, Rule 14-802 now provides:

[O]nly persons who are active, licensed members of the Bar in good standing may engage in the practice of law in Utah. ... The "practice of law" is the representation of the interests of another person by informing, counseling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person's facts and circumstances.

Special Practice Rules. Rule 14-802(a)(2) and (b).

Rule 14-802(c) then removes from the definition certain services that possibly satisfy the general definition, but which nevertheless are not the practice of law. In other words, sometimes a non-lawyer with specified credentials and sometimes anyone may perform the following services; sometimes for a fee and sometimes only for free; always without the supervision of a lawyer.

- (1) Making legal forms available to the general public, whether by sale or otherwise, or publishing legal self-help information by print or electronic media.
- (2) Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related to another person's facts or circumstances.
- (3) Providing clerical assistance to another to complete a form provided by a municipal, state, or federal court located in the State of Utah when no fee is charged to do so.

(4) When expressly permitted by the court after having found it clearly to be in the best interests of the child or ward, assisting one's minor child or ward in a juvenile court proceeding.

(5) Representing a party in small claims court as permitted by Rule of Small Claims Procedure 13.⁹

(6) Representing without compensation a natural person or representing a legal entity as an employee representative of that entity in an arbitration proceeding, where the amount in controversy does not exceed the jurisdictional limit of the small claims court set by the Utah Legislature.

(7) Representing a party in any mediation proceeding.

(8) Acting as a representative before administrative tribunals or agencies as authorized by tribunal or agency rule or practice.

(9) Serving in a neutral capacity as a mediator, arbitrator or conciliator.

(10) Participating in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements or as otherwise allowed by law.

(11) Lobbying governmental bodies as an agent or representative of others.

(12) Advising or preparing documents for others in the following described circumstances and by the following described persons:

(12)(A) a real estate agent or broker licensed by the state of Utah may complete State-approved forms including sales and associated contracts directly related to the sale of real estate and personal property for their customers.

⁹ Rule 13 provides: "A party in a small claims action may be self-represented, represented by an attorney admitted to practice law in Utah, represented by an employee, or, with the express approval of the court, represented by any other person who is not compensated for the representation."

(12)(B) an abstractor or title insurance agent licensed by the state of Utah may issue real estate title opinions and title reports and prepare deeds for customers.

(12)(C) financial institutions and securities brokers and dealers licensed by Utah may inform customers with respect to their options for titles of securities, bank accounts, annuities and other investments.

(12)(D) insurance companies and agents licensed by the state of Utah may recommend coverage, inform customers with respect to their options for titling of ownership of insurance and annuity contracts, the naming of beneficiaries, and the adjustment of claims under the company's insurance coverage outside of litigation.

(12)(E) health care providers may provide clerical assistance to patients in completing and executing durable powers of attorney for health care and natural death declarations when no fee is charged to do so.

(12)(F) Certified Public Accountants, enrolled IRS agents, public accountants, public bookkeepers, and tax preparers may prepare tax returns.

Special Practice Rules. Rule 14-802(c).

In addition to restricting the practice of law to "active, licensed members of the Bar in good standing" under Rule 14-802, a separate rule, which prohibits practicing law without a license covers much of the same ground.

Pursuant to Rule 14-506(a), no person who is not duly admitted and licensed to practice law in Utah as an attorney at law or as a foreign legal consultant nor any person whose right or license to so practice has terminated either by disbarment, suspension, failure to pay his or her license and other fees or otherwise, shall practice or assume to act or hold himself or herself out to the public as a person qualified to practice law or to carry on the calling of an attorney at law in Utah. Such practice, or assumption to act or holding out, by any such unlicensed or disbarred or suspended person shall not constitute a crime, but this prohibition against the practice of law by any such person shall be enforced by such civil action or proceedings, including writ, contempt or injunctive proceedings, as may be necessary and appropriate,

which action or which proceedings shall be instituted by the Bar after approval by the Board.

Rules of Integration and Management. Rule 14-111.¹⁰

A third rule authorizes paralegals to perform an unspecified range of legal services that would normally be performed by a lawyer, provided the services are for a lawyer or the paralegal is supervised by a lawyer.

A paralegal is a person qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency, or the entity in the capacity of function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that absent such assistance, the attorney would perform. A paralegal includes a paralegal on a contract or free-lance basis who works under the supervision of a lawyer or who produces work directly for a lawyer for which a lawyer is accountable.

Rules of Integration and Management. Rule 14-113(a).

We have restated the laws regulating the practice of law in some detail because our charge is to examine whether and to what extent someone other than a licensed lawyer might practice law.

(3) PROGRAM DESIGN PRINCIPLES

We have tried to identify the gaps in legal services and to find solutions that address those gaps. We have tried to view the need for legal services from the client's perspective: the desire for relevant, competent, accessible and affordable service.

We conclude that the authority of a paraprofessional should be limited along two lines of inquiry: (1) the potential demand for assistance within a practice area, as measured by the high concentration of self-represented parties; and (2) specified authority, as determined by the needs of the client or by what is proper for the paraprofessional's minimum qualifications, whichever limit is reached first.

¹⁰ The supreme court should consider repealing this rule. Given the provisions of Rule 14-802 and Section 78A-9-103, it seems superfluous.

(4) PRACTICE AREAS OF GREATEST DEMAND

There is little point to extending the authority of a paraprofessional into areas in which there is no demand. To detail the first line of inquiry, we look to fiscal year 2015 court records that show the casetypes in which parties largely are not represented by lawyers. Previous years are similar.

Table 1. Self-Represented Parties in Select Casetypes

Casetype	Case Filings	Both Parties Represented	One Party Represented	No Party Represented	Self-Represented Petitioner	Self-Represented Respondent
Paternity	1,043	36%	44%	20%	23%	61%
Contracts	2,608	28%	71%	1%	1%	71%
Protective Order	4,744	23%	35%	42%	48%	71%
Custody & Support	1,281	20%	49%	31%	36%	76%
Divorce/Annulment	13,227	19%	31%	50%	52%	80%
Temporary Separation	85	19%	38%	44%	52%	73%
Civil Stalking	858	13%	18%	69%	79%	77%
Eviction	7,465	4%	83%	13%	13%	96%
Debt Collection	67,510	2%	98%	0%	0%	98%
Guardianship	1,622	1%	43%	56%	57%	3%
Conservatorship	143	1%	84%	15%	15%	2%
Adoption	1,352	1%	84%	14%	14%	4%
Name Change	1,014	0%	17%	83%	83%	1%
Personal Representative	2,107	0%	87%	12%	12%	0%
Total	105,059	6%	81%	12%	13%	87%

Focusing on the three areas in which the concentration of self-represented parties is highest—family law cases, including temporary separation, divorce, paternity, cohabitant abuse and civil stalking, custody and support and name change; eviction; and debt collection—the number of self-represented parties is very high, both in the absolute number of self-represented parties and in the number of self-represented parties as a percent of all parties.

Case Type	Case Filings	Both Parties Represented	One Party Represented	No Party Represented	Self-Represented Petitioner	Self-Represented Respondent
Family Law	23,604	18%	36%	46%	49%	69%
Debt Collection	67,510	2%	98%	0%	0%	98%
Eviction	7,465	4%	83%	13%	13%	96%

The gaps in these areas are substantiated by two 2014 data sets from Utah Legal Services.

Table 2. Utah Legal Services Areas of Client Services

Area	Clients	Area	Clients
Divorce	3506	All others	157
Housing, utilities	2996	Guardianships, Conservatorships	153
Small estates and consumer protection	2106	Food	70
Paternity, support, custody, visitation	1508	Adoption	66
Adult services	1500	Indian and Tribal law	63
Domestic violence, abuse and neglect, child abuse	1467	Education	15
SSI, SSDI	975	Disability	6
Medicaid, Medicare	490	Independence, communication	3
Employment	220	Total	15,301

Table 3. Areas of Client Service by Pro Bono Lawyers Recruited by ULS

Area	Clients	Area	Clients
Bankruptcy/Debtor Relief	250	Contracts	3
Divorce	192	Adoption	2
Paternity/Custody	56	Name Change	2
Domestic Abuse	25	Stalking	2
Advanced Directives	14	Human Trafficking	2
Guardianship/Conservatorship	12	Torts	2
Wills/Estates	10	Support	1
Other	9	State Assistance	1
Collection	7	SSI	1
Housing	5	Total	596

(5) PROCEDURAL AREAS OF PARAPROFESSIONAL COMPETENCE

The process of civil litigation that has evolved over centuries is not simple, and it continues to evolve. Some parts of that process must be reserved for lawyers because only law school teaches the necessary information and skills. Other parts of the process can be negotiated by a paraprofessional. To detail the second line of inquiry, we have tried to identify through the course of litigation the services that a self-represented party might need and whether a paraprofessional might appropriately provide those services.

(a) HOW DO PEOPLE GET ADVICE ABOUT REMEDIES TO THEIR "CIVIL JUSTICE SITUATIONS"?

Paraphrasing Rule 14-802: "Do I need someone to apply the law to my circumstances and inform, counsel, advise, assist, advocate for or draft

documents for me?" Based on the experience of task force members, we know that unlicensed providers are serving some of these needs beyond what is now permitted.

General legal information is available from a variety of sources. In addition to the Utah state courts and government agencies, non-profit organizations such as the Utah State Bar, Utah Legal Services and the Legal Aid Society of Salt Lake City provide information, primarily for self-represented parties. Private attorneys sometimes include on their websites general information about rights and remedies in the area of law in which they practice. Several commercial internet sites do the same. There are several free legal clinics around the state. Schools, libraries, law enforcement agencies and consular officials are resources. Homeless shelters, domestic violence shelters, and community and faith-based organizations assist as well.

Many organizations provide court-approved forms. Some organizations provide them for free; others charge a fee.

Filtering and providing information, opinions and recommendations about relevant laws and procedures are tasks appropriate for a paraprofessional. A paraprofessional should be able to do at least as much as is permitted by Rule 14-802(c)(2): "Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related to another person's facts or circumstances."

A paraprofessional can be educated to conduct initial client interviews, identify needs, advise whether those needs can be met by the paraprofessional or require a lawyer's skills, and otherwise inform clients of options. A paraprofessional can be educated to provide information on navigating the legal system: what are the steps in the litigation process; what forms are needed; where to obtain them; how to file them; etc.

Unless there is an approved form, moving beyond "information, opinions or recommendations" to counsel and advice should be reserved for a licensed lawyer. Just as diagnosis of a symptom's cause is at the core of the physician's role, recognizing that a person's circumstance creates legally enforceable obligations, rights and remedies is at the heart of what lawyers do. Lawyers, also like doctors, should be the only professionals authorized to advise on a course of action, and assist in completing that course of action.

Compare the services of Rule 14-802(b)(1), which only a licensed lawyer may provide,

The "practice of law" is the representation of the interests of another person by informing, counseling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person's facts and circumstances.

with the services of Rule 14-802(c)(2), which anyone provide.

Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related to another person's facts or circumstances.

The difference between "specific advice" and "general ... opinions or recommendations" about rights, remedies, defenses, options or strategies is a fine line to be sure. But it is a line paraprofessionals should be educated to understand and honor.

In the area of "general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies," Utah law would currently allow a paraprofessional to provide much more value to a client than is permitted in most other states without crossing that line.

The permission given by Arizona law, for example, is exactly opposite Utah. As is described in the section on Arizona document preparers, the document preparer is expressly prohibited from giving opinions or recommendations about possible legal rights, remedies, defenses, options, or strategies. In Utah a person is expressly permitted to do just that. A step beyond is the Washington limited license legal technician who can advise a client about his or her particular circumstances.

(b) HOW DO PEOPLE OBTAIN AND PREPARE FORMS?

Court forms have been around for at least decades if not centuries. The offices of court clerks always used to include a forms cabinet with a pigeon hole for each form. Advice on which form to use and how to complete it was often requested and given. The primary difference today is that approved forms are on the internet rather than in the cabinets of court clerks.

Unapproved forms also are available on the internet rather than at the stationer's shop. A paraprofessional will appreciate the difference between approved and unapproved forms. A self-represented party might not. Unapproved forms may or may not be legally sufficient. A person filing an unapproved form may spend a lot of time and money only to have the proceeding dismissed.

If an approved form exists within a practice area, then an authority has decided that a particular collection of information is necessary to achieve a particular objective. The form is designed to elicit that information. The same is true whether the form is a traditional fill-in-the-blank-and-check-the-box form or a web-based interactive interview conducted by software that produces a digital file suitable for saving and electronic filing.

Advising a client about which form to use overlaps a little of the attorney's core role, but choosing one set of forms rather than another is a relatively simple task. Approved district court forms are organized by objective: "I want to:

- garnish a debtor's wages
- change my visitation schedule
- be appointed guardian of Dad
- evict a tenant
- adopt my stepchild
- etc."

If a client comes with an objective in mind and a form has been approved to request that result, selecting the correct form is a task suitable for a paraprofessional. For a contrary approach, see the authority of a California legal document assistant.

Once the form is selected, a paraprofessional can help gather the information needed to complete the form. Sometimes the information is simple; sometimes complex. In either event, a paraprofessional is capable of the task.

Under Rule 14-802, anyone can provide "clerical assistance" to another to complete a court-provided form when no fee is charged to do so. Presumably "clerical assistance" means acting as a scribe. The California legal document assistant is limited to the scrivener's role.

If assistance goes only so far, it is of little value. To increase the value to a client, assistance must include the authority to explain the purpose, relevance and relationship of the entries and to assist with phrasing an entry. Once prepared, a paraprofessional should have the authority to sign, file and complete service of the form on behalf of his or her client. This is similar to the Arizona legal document preparer.

Rule 14-802 allows a person to provide clerical assistance in completing court-approved forms on behalf of another. If a paraprofessional is authorized to provide greater advice and assistance with forms in an approved practice area, the paraprofessional should also be able to obtain

and explain documents necessary to support the form. For example, if a paraprofessional assists a client to complete a financial declaration form as part of establishing child support, the paraprofessional should also be able to help the client obtain his or her tax return, which is a necessary supporting document. Or, under Section 26-2-25, upon entry of a decree of divorce or adoption, a form must be filed with the Office of Vital Records and Statistics. It is not a court form, but it is a necessary part of the court process.

If there is no approved form for a particular objective, then there is no agreed-upon collection of information needed to achieve that objective. That being the case, drafting pleadings and other documents for which there is no form should be reserved for a licensed lawyer. For a contrary approach, see the description of a Louisiana notary public. A Washington limited license legal technician may prepare documents other than forms, but only if the document is reviewed and approved by a lawyer.

In the previous section we identified debt collection cases as an area in which there is a need for legal services. However, there are no approved forms specifically for debt collection cases, and, until there are, the services of a paraprofessional in this practice area will necessarily be limited to other specified tasks and forms that apply more generally but can be used in this practice area.

(c) HOW DO PEOPLE PARTICIPATE IN MEDIATION?

Rule 14-802(c)(7) permits anyone to represent another in mediated negotiations. We believe that a paraprofessional should have at least the same authority as any other person, but we are divided on whether a paraprofessional should be authorized to negotiate without a mediator. Some see no sound reasons for distinguishing between the two circumstances. Others see the third-party neutral as creating a dynamic that levels any power imbalances, enabling a non-lawyer to negotiate on behalf of a client.

Mediators sometimes but not always memorialize settlement agreements. Parties often are not represented in mediated negotiations, and the only person with the wherewithal to memorialize the agreement is the mediator. If a paraprofessional is representing someone in the mediation, that person is in as good a position as the mediator to memorialize the agreement. There should be no risk of overreaching because the mediator can identify any discrepancy between the written and oral agreements and the other party can reject the written agreement as not conforming to the oral agreement.

However, a paraprofessional should be able to prepare a form of order based on the settlement agreement only if there is an approved order form.

(d) HOW DO PEOPLE PARTICIPATE IN HEARINGS?

Traditionally only lawyers and self-represented parties have been permitted to participate in hearings. Unlike forms and general information and opinions, for which a person can look to resources other than lawyers, in a hearing a person must have a lawyer or go it alone. Advocacy, like advice and counsel specific to the client's particular circumstances, is at the heart of what lawyers do. Eliciting testimony, selecting evidence, applying the law to the facts presented and weaving them together in a cogent argument should be reserved for a licensed lawyer.

(e) HOW DO PEOPLE LIVE WITHIN THE RESOLUTION OF THEIR LEGAL ISSUE?

There is no program for explaining to a self-represented party the outcomes, rights and responsibilities encompassed in a court order. An individual might turn to a family member or to a trusted friend or colleague to provide an explanation of a written order. Or a volunteer attorney at a workshop or clinic might explain an order.

The general opinions or recommendations that Rule 14-802(c)(2) permits at the beginning of a consultation should be just as permissible at the end of litigation. In the beginning, a paraprofessional might provide information and opinions to a client about relevant laws and procedures. And, if there is an approved form, the paraprofessional might advise about the forms and the procedures to achieve the client's particular objectives. At the end of the process, a paraprofessional might do the same regarding the order that the court has just entered: advise the client about his or her rights and obligations under that order; how to enforce the order; whether the order can be modified, under what circumstances and how to do it; whether the order must be served on anyone else; and so forth.

(f) HOW DO PEOPLE FIND A LAWYER?

The Utah State Bar's directory of lawyers is essentially a listing of lawyers with contact information. Unless one is looking for a particular lawyer, it is not effective. We urge the Bar to make the improvements we recommend in the section on the online lawyer directory.

Someone in need of a lawyer might get lucky with a Google search with the relevant search terms. Many people will ask family, friends or colleagues for suggestions. Telephone directories are still around.

A major component of a paraprofessional practicing law in limited circumstances is that he or she understands and honors the boundaries of the profession. A paraprofessional should be authorized and encouraged to refer a client to a lawyer if a needed service is beyond the person's professional competence or is not authorized. Finding competent counsel is difficult and stressful; a paraprofessional can help.

(6) CHALLENGES TO ESTABLISHING A PARAPROFESSIONAL PROGRAM

According to a survey conducted by the futures commission of the Utah State Bar, 60% of the responding lawyers either disagreed or strongly disagreed with a proposal to explore limited licenses for certain practice areas (with 41% "strongly" disagreeing).¹¹ One barrier to establishing a paraprofessional program, therefore, may be opposition from lawyers. However, the nature and magnitude of the opposition may depend on program design. A fine-tuned program, which is clear about training, certification and scope of practice, could minimize opposition.

Also, we encourage lawyers, as they consider our analysis and proposal, to embrace their role as public citizens:

A lawyer is ... a public citizen having special responsibility for the quality of justice. As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession.

As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.

A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate

¹¹ Report and Recommendations on the Future of Legal Services in Utah. Employer's survey, page 19. (https://www.utahbar.org/wp-content/uploads/2015/07/2015FuturesCommission_Employers.pdf; <http://perma.cc/KWK9-A444>).

legal assistance and therefore, all lawyers should devote professional time and resources and use civic influence in their behalf to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.

....

The profession has a responsibility to ensure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the Bar.¹²

General opposition is not the only barrier to establishing a paraprofessional program:

Barrier: Lack of rural markets. The American Bar Association task force on the future of legal education identified a paraprofessional program as a method of placing legal services in rural areas.¹³ But, the argument goes, if there is no viable market for lawyers in rural areas, there may be no viable market for paraprofessionals either.

Responses and solutions. Paraprofessional businesses might be able to exist in areas for which there is no viable market for law firms if paraprofessionals have less educational debt, lower overhead and lower income expectations.

The option for a lawyer to practice with a paraprofessional may also make a rural practice more viable for both if the combined practice allocates matters more efficiently according to each professional's specified authority, allowing services to be provided at lower costs.

Ultimately, our role is to recommend whether and under what conditions it is proper for a paraprofessional to engage in the limited practice of law. We are not able to conduct market research on the viability of rural or other markets. Paraprofessionals will have to test what markets are viable and how. As with any form of free enterprise, some business

¹² Preamble: A Lawyer's Responsibilities. Rules of Professional Conduct.

¹³ Report and Recommendations American Bar Association Task Force on the Future of Legal Education, at pages 13 and 33. (http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf; <http://perma.cc/N6XQ-2CX6>).

models will work, and others will not, and market entrants must adapt and innovate accordingly.

Barrier: Nature of clientele and markets. The rates for a successful paraprofessional may price some clients out of the market just as effectively as the rates for a successful lawyer. Some question whether paraprofessionals will be able to charge less than the modest means program¹⁴ already administered by the Utah State Bar. Legal services in two of the recommended practice areas—eviction and debt collection—will be especially difficult because the respondents who need assistance do not have the money to pay for it.

Responses and solutions. As with any service, a paraprofessional likely will start with lower prices and grow to serve more sophisticated clients willing to pay more as the paraprofessional gains experience. Those paraprofessionals might retain their existing clients, or other providers might enter the market to fill any gaps.

Utah enjoys a superb modest means program that charges a \$25 finder's fee and \$50 to \$75 per hour based on the client's income and assets. That service can continue to grow, but the section on practice areas of greatest demand shows that lawyers fill only a fraction of the existing gap in legal services, and a multi-faceted approach is appropriate.

Barrier: Gaps in representation. If a paraprofessional represents a client, but the case develops beyond the scope of his or her competence or license to practice, the client will be disadvantaged while seeking a lawyer or navigating the rest of the case without representation.

Responses and solutions. A paraprofessional does not have to abandon the client. For matters that are too complex based on the paraprofessional's judgment or for matters beyond the scope of the limited license, a paraprofessional can refer the client to a specific lawyer or to several lawyers from which to choose. A paraprofessional who practices with a lawyer can handle matters within his or her competence and authority and call in the lawyer-colleague when appropriate.

Additionally, a licensed paralegal practitioner, as we have recommended it, will necessarily be a paralegal, and will continue to have the authority of a paralegal. If a client needs a service within the licensed paralegal practitioner's competence, but beyond his or her license, the licensed

¹⁴ (<https://www.utahbar.org/modest-means-lawyer-referral-program/>; <http://perma.cc/8RGQ-J3JG>).

paralegal practitioner can provide that service under a lawyer's supervision and license, much as they have for decades.

All of these referral methods ensure reasonable continuity of representation. Plus, if a client can enter the legal services market through a lower-priced paraprofessional, the client might seek the further assistance of a lawyer when the paraprofessional's representation must end, making available to lawyers clients they would not otherwise have.

This is similar to what occurs when a nurse practitioner refers a patient to a physician, when a general physician refers a patient to a specialist, or when an accountant refers a client to a tax attorney. Inevitably there is some delay, and some transitions are smoother than others, but the client is not left to sink or swim.

Barrier: Service quality. The quality of legal services may decline. Practicing law requires a particular legal education, and a JD provides the public with the value of legal competence. A legal education teaches numerous skills and attitudes that are an instrumental part of the practice of law. Among others, these skills include professionalism, communication and listening, research techniques, task organization and management, creative thinking, and inference-based analysis. These skills are taught and reinforced throughout three years of law school.

Responses and solutions. The level of education and other qualification requirements should match the nature of the authorized services. At a minimum, education should include concepts of professionalism, responsibility, civility and ethics similar to those conveyed to lawyers. Paraprofessionals must also be educated to understand the line between authorized and unauthorized services—perhaps with a clear admonition to err on the side of referring a client to a lawyer or to seek an opinion from the appropriate licensing authority in close cases. Paraprofessionals must also acquire the judgment necessary to understand when a task is beyond their competence, even if technically authorized.

Barrier: Administrative costs. A paraprofessional program will have administrative costs for regulating a new class of practitioners.

Responses and solutions. Licensing and other regulations are necessary, and clearly will result in costs to ensure consumer protection and to ensure that paraprofessionals are properly educated and limiting their practice to authorized services. The best way to minimize additional costs is to combine paraprofessional licensing within the existing system for licensing attorneys.

Although parallel licensing should minimize additional costs by building on the existing infrastructure, the income and expense for licensing lawyers must be kept separate from the income and expense for licensing paraprofessionals. This presents a significant chicken-and-egg problem: how to initiate licensing and regulation of a fledgling profession without any current dues-paying members.

Barrier: Oversaturated legal market. By some measures, the legal market is already oversaturated, and the addition of paraprofessionals engaging in the practice of law will stress the market even more.

Responses and solutions. This argument seems belied by the large number of self-represented parties in some types of litigation. To the extent that the legal market is saturated, it is that segment of the market that can afford to pay a lawyer for full representation.

(7) PROGRAM EVALUATION

Dr. Clark's white paper recommends planning the evaluation up front as a way to focus on the characteristics of a paraprofessional program that are intended to add value and on how those characteristics will help achieve the intended goals.¹⁵ The regulatory balance is between increasing access to justice and protecting the public against incompetent assistance.

To achieve that balance we consider the appropriateness, effectiveness and sustainability of the role.

(a) APPROPRIATENESS

Dr. Clarke defines appropriateness as: (1) a discrete set of services that will make a significant difference in access to justice; and (2) the knowledge required to competently perform those services. If a paraprofessional program is to make a difference, the authorized services must fill the gaps in access.

(b) EFFECTIVENESS

Effectiveness is the measure of competence and use. If the paraprofessionals are not sufficiently educated to perform competently, they will not be effective. But competence does not necessarily ensure significant use. If paraprofessionals are competent but their services are not used for other reasons, then access to justice is not improved.

¹⁵ Clarke, *Id.* at pages 4-5.

Possible secondary measures of effectiveness include: reduced burden on courts from self-represented litigants; improvements in procedural justice; improvements in litigant understanding; increased use of courts to address legal problems; and improved outcomes, such as reduced costs, greater satisfaction and more timely resolutions.

To be proven effective a paraprofessional program must achieve competence and use, but to measure the impact of the new role on secondary goals, benchmarks must be realistically chosen. For example, if the realistic alternative for most litigants is no assistance, then that is a better comparison than with a lawyer that the litigant would never have retained in the first place.

(c) SUSTAINABILITY

Sustainability of the role is a function of perceived legitimacy and economic viability. Paraprofessionals may be competent, but they must be perceived to be competent if clients are going to use them. And clients will not take advantage of a paraprofessional, no matter how competent, unless they perceive value for cost.

The new role may not be sustainable for a variety of reasons: key support may come from a few individuals, who then move on; temporary funding subsidies may dwindle or disappear; market-based programs may fail to find a market; regulatory and education strategies may prove to be too costly.

(d) MEASUREMENTS

Program goals: Increase access to legal remedies. Protect consumers.

Participant's role: See the section on recommended authority.

Key stakeholders: A successful program will need participation by:

- Clients/Public
- Lawyers in the specified practice areas
- Bar administration
- Paraprofessionals in the specified practice areas
- Paraprofessional administration
- Higher education
- District court judges
- District court staff
- Self-help center lawyers
- Supreme court

Appropriateness. Determine whether the specified authority of a paraprofessional will make a significant difference in access to legal remedies. Determine whether the education, licensing and regulation required of a paraprofessional are sufficient to enable him or her to perform those tasks competently. Determine whether the education, licensing and regulation required of a paraprofessional are sufficient to protect clients.

Effectiveness. Determine whether paraprofessionals are indeed competently performing their authorized tasks. Determine whether paraprofessionals are being used. Identify and measure any secondary goals of key stakeholders.

Sustainability. Determine whether a market-based solution in which paraprofessional services are paid for by clients is durable. Determine whether the education, licensing and regulation of paraprofessionals in which the cost is paid for by the paraprofessional is durable. Determine whether the key stakeholders, particularly the paraprofessionals and their clients, perceive value.

Measuring a program such as this is very difficult, but these measurements represent the evidence on which evidenced-based practices are based.

(8) CHARACTERISTICS OF LIMITED-LICENSING IN OTHER STATES

Utah is not the first state to venture down this road, but there are only a handful of examples from which to draw experience. We have identified programs in six states in which a person may provide some legal services directly to a client for pay without the supervision of a lawyer. In addition we have identified three states that are, like Utah, considering whether to start a program. California licenses document preparers and is considering whether to license technicians. We have not included the New York City court navigator program because, although innovative, it is a volunteer program. For a summary of the key characteristics of programs of other states, see the section on characteristics of limited-licensing in other states.

(9) PARAPROFESSIONALS IN UTAH

(a) CURRENT UTAH AUTHORITY

When comparing the Utah rules governing paralegals and the practice of law with the statutes and rules of the states with paraprofessional programs of some kind, one is struck by the liberality of the Utah rules. In Utah there are no minimum education or experience requirements for a paralegal. "A paralegal is a person qualified through education, training, or

work experience....” There is no examination, no licensing, no application and approval. Yet a paralegal may do anything a lawyer might do: “the performance ... of ... substantive legal work, which ... requires a sufficient knowledge of legal concepts that ... [an] attorney would [otherwise] perform.” There are conditions on what a paralegal may do, but no limits. The paralegal must produce “work directly for a lawyer for which a lawyer is accountable,” or the paralegal must be under the “ultimate direction and supervision” of a lawyer, and the work must be “specifically delegated.”

The definition of the practice of law excludes a long list of services. Again, there are no regulations governing the qualification or credentialing of non-lawyers who provide these services—except for regulations that govern other professions that provide the services.

Utah, then, has a flexible base on which to build a paraprofessional program that other states may not have.

(b) OTHER STATE MODELS

The American Bar Association Task Force on the Future of Legal Education viewed Washington’s efforts as a positive step toward achieving the goal of increasing access to legal services through a paraprofessional program.¹⁶ Although this may be true, and, while the Washington experience might provide useful lessons for a nascent Utah program, it appears that Washington’s program is not the right fit for Utah.

First, the education and experience requirements of Washington’s program are so arduous that it remains to be seen whether LLLTs can provide services at rates significantly less than those provided by lawyers. Second, some of the restrictions in the Washington program do not dovetail with current Utah law. For example, a Washington LLLT may not represent a client in negotiations. In Utah, anyone may do so, provided the negotiations are mediated.

Similarly, we can learn lessons from the program in other states, but neither are they exactly suitable for Utah. Paraprofessionals in the programs of states other than Washington are essentially document preparers who perhaps can discuss general legal principles but may not apply those principles to the facts of the case and may not give advice. In some states the document preparer cannot even advise which form to use. In most states, they cannot file the documents that they prepare. The authorized

¹⁶ Future of Legal Education, *Id.* at pages 14 and 25.

services are disjointed, requiring a client to employ a lawyer for parts of tasks that can otherwise be performed by a paraprofessional.

(10) RECOMMENDATIONS

The more common example of paraprofessionals in the limited practice of law is the document preparer. An Oregon task force has recommended a program similar to the Washington LLLT program, but the Washington program is the only extant example of a paraprofessional authorized to offer services beyond document preparation.

The liberality of Utah's current rules point to a program of services greater than just document preparation. Establishing a program of document preparers would professionalize the system we currently have, in which unregulated document preparers are currently engaged in the unauthorized practice of law by charging a fee to prepare a court-approved form. Or they avoid the unauthorized practice of law by preparing forms for free, perhaps after selling the blank form to the client, and perhaps without the education and experience to do a good job.

Professionalizing those services would improve the quality of the documents being filed and would provide a better service to the client, but there is no way to know whether unregulated document preparers would spend the time and money to become licensed document preparers. And, if Dr. Clarke is correct in his opinion that smart systems will eventually replace or at least limit the use of document preparers, then we need to take a bolder step.

(a) RECOMMENDED TITLE

Licensed Paralegal Practitioner

(b) RECOMMENDED PRACTICE AREAS

Recognizing that implementing all practice areas simultaneously may be beyond human capacity, and recognizing the differing impact of different civil justice situations on people's lives, we recommend developing the approval, education and licensing for practice areas in the following order:

- (1) temporary separation under Section 30-3-4.5, divorce, paternity, cohabitant abuse and civil stalking, custody and support and name change;
- (2) eviction—a licensed paralegal practitioner should not represent corporate clients; and
- (3) debt collection—a licensed paralegal practitioner should not represent corporate clients.

If experience shows a practice area in which lawyers are not representing parties, the supreme court should consider appointing an appropriate group to examine that area and recommend:

- whether to authorize it as an approved practice area;
- whether any of the then-existing authority of a licensed paralegal practitioner would be inappropriate; and
- an appropriate course of instruction for the practice area.

(c) RECOMMENDED AUTHORITY

The licensed paralegal practitioner's authorized services will necessarily fall somewhere between these two extremes: the first of which anyone may perform under Rule 14-802; and the second only a licensed lawyer.

- Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related to another person's facts or circumstances.
- Informing, counseling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person's facts and circumstances.

There is not much difference between the meaning of opinions and recommendations on the one hand and of counseling and advising on the other. So the distinguishing feature of the "practice of law" appears to be whether the opinions, recommendations, counsel or advice relate to the client's particular circumstances.

We have tried to outline the discrete tasks within an approved practice area that are appropriate for a licensed paralegal practitioner and that the client will see as valuable. And we have tried to avoid requiring a lawyer to complete discrete parts of those tasks. There remain parts of the litigation process, even within an approved practice area, within the sole province of a lawyer—drafting non-form pleadings, discovery, subpoenas, presentation of evidence and advocacy are examples—but a client should be able to rely on a licensed paralegal practitioner to accomplish an entire authorized task without a lawyer's assistance for parts of it.

(i) INTAKE, CLIENT COUNSELING AND LAWYER REFERRAL

All of the jurisdictions prohibit paraprofessionals from practicing beyond their license, but none appear to expressly require referral to a

lawyer. Perhaps it is simply presumed. A major component of a licensed paralegal practitioner practicing law in limited circumstances is that he or she understands and honors the boundaries of the profession. Finding competent counsel is difficult and stressful; a client's licensed paralegal practitioner is in a better position than anyone to help. The obligation to practice within one's competence and license is better expressed as a rule of professional conduct than as a description of authority.

None of the jurisdictions expressly authorize client interviews, although Washington permits a LLLT to "obtain facts." Obviously some type of client interview is necessary in any business relationship, and in an approved practice area the licensed paralegal practitioner should be authorized to interview the client to understand the client's objectives and to obtain the facts relevant to achieving that objective.

Unless there is a court-approved form to achieve the client's objective, the licensed paralegal practitioner's authority in client counseling should be limited to general information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies.

(ii) FORMS

If there is a court-approved form to achieve the client's objective in an approved practice area, a licensed paralegal practitioner should have extensive authority to:

- advise which form to use;
- advise how to complete the form;
- make the entries on behalf of the client;
- sign, file and complete service of the form;
- obtain, explain and file any necessary supporting documents; and
- advise about the anticipated course of the proceedings by which the court will decide the matter.

We did not reach agreement on whether a licensed paralegal practitioner should sign or otherwise acknowledge a form ghost-written but not filed by him or her. Lawyers who draft but do not file documents for a client do not have to acknowledge the document, and this encourages this discrete task. But this program is new, and perhaps the court needs to know when a form has been prepared by a licensed paralegal practitioner. If the supreme court decides that a ghost-written form should be signed or acknowledged by a licensed paralegal practitioner, it should make that an express requirement.

The judicial council should continue its work with the committee on resources for self-represented parties to develop new forms appropriate for

approved practice areas and to improve the forms that we already have. The council and committee should also continue to publish instructions for the forms and information about the facts and procedures relevant to the forms.

Except for a settlement agreement memorializing negotiations in which the licensed paralegal practitioner represented the client, a licensed paralegal practitioner should not be authorized to prepare a pleading or other paper for which there is no court-approved form.

(iii) INTERACTION WITH ANOTHER PARTY

The licensed paralegal practitioner should be authorized to communicate with another party or the party's representative if the communication relates to the matter raised by the form.

The licensed paralegal practitioner should be authorized to represent a client in mediated negotiations. This is co-extensive with a service that is currently defined as outside the practice of law under Rule 14-802.

As noted earlier, we differ on whether a licensed paralegal practitioner should be authorized to represent a client in unmediated negotiations. If the supreme court decides to authorize a licensed paralegal practitioner to do so, it should be permitted only in an approved practice area, but it should include communicating the position of the client to the other party and vice versa, outside of formal negotiation sessions.

In an approved practice area the licensed paralegal practitioner should be authorized to explain to the client the documents of another party. If the paralegal is to represent the client during negotiations, the client needs to understand the other party's case.

In an approved practice area the licensed paralegal practitioner should be authorized to prepare a written settlement agreement in conformity with the negotiated agreement. If an order form exists, a licensed paralegal practitioner should be authorized to complete the form in conformity with the settlement agreement.

(iv) POST-LITIGATION ROLE

In an approved practice area the licensed paralegal practitioner should be authorized to counsel and advise a client about how a court order affects the client's rights and obligations. This would authorize for the litigation's outcome the same authority we recommend for client counseling at the beginning: If there is a form—in this case the court's order—the licensed paralegal practitioner should be authorized to give counsel and advice about the order specific to the client's particular circumstances.

(v) SERVICES AS A PARALEGAL

A licensed paralegal practitioner, as we have recommended qualifying for it, will necessarily be a paralegal, and continues to have the authority of a paralegal. If a client needs a service within the licensed paralegal practitioner's competence, but beyond his or her license, the licensed paralegal practitioner is already authorized to provide that service under a lawyer's supervision and license.

(vi) FUTURE EXPERIENCE

If experience shows additional tasks that would be valuable to a client and appropriate for a licensed paralegal practitioner—or if experience shows that any of the tasks we have proposed are inappropriate—the supreme court should consider appointing an appropriate group to examine the tasks and recommend whether to add to or remove from the authorized list.

(d) RECOMMENDED EDUCATION

Beyond basic paralegal education, Washington requires that its legal technicians complete 15 credit hours (or 112 hours of instruction) of specialized education in order to practice in an approved practice area. The recommended model for Oregon is similar. By comparison, graduation from the University of Utah S.J. Quinney College of Law requires 88 credit hours. Washington also requires that the specialized education be obtained through a law school, and the University of Washington School of Law in Seattle is the only school to offer the curriculum. The courses are available through remote simultaneous participation.

At the other end of the spectrum, Nevada does not have any minimum education requirements for its document preparers, and Louisiana requires only a high school diploma or GED for its notaries public.

We recommend that the Utah licensed paralegal practitioner be authorized to provide a range of services that require independent judgment. The minimum education requirements must be sufficient to qualify those individuals to perform the services competently. We recommend a concentration of specialized classes in each of the approved practice areas, and we recommend delivery through the higher education infrastructure.

Specifically, we recommend that the minimum education of a licensed paralegal practitioner be:

- a Doctor of Jurisprudence degree from an ABA-approved law school; or
- an associate's degree with a paralegal or legal assistant certificate from a program approved by the ABA plus:
 - successful completion of the paralegal certification through the National Association of Legal Assistant's Certified Paralegal/Certified Legal Assistant exam¹⁷;
 - successful completion of a course of instruction for a practice area (content to be determined based on the approved practice area); and
 - experience working as a paralegal under the supervision of a lawyer or through internships, clinics or other means for acquiring practical experience.

Many Utah paralegals already have a bachelor's or associate's degree and a paralegal certificate. Most of them have been working under the supervision of a lawyer for years. Several of those have already successfully completed the NALA CP/CLA exam. For this last group, all that remains is to successfully complete the yet-to-be-created specialized course work in an approved practice area.

We recommend that a JD degree be one of two methods for meeting the education requirements of a licensed paralegal practitioner, but the candidate under either method would be required to meet any licensing requirements.

Since the range of authorized tasks that we recommend depends so heavily of the existence of a form, we recommend that the advanced instruction include intense work with the forms in a practice area, the objective that each form is intended to achieve, and the facts and procedures relevant to that objective.

(e) RECOMMENDED LICENSING AND OTHER REGULATIONS

(i) ADMINISTRATION

Louisiana and Nevada administer their document preparer programs in the executive department through the secretary of state. California administers its document preparer program in the executive department through the county clerks of the several counties. Under the Utah Constitution, governance of the practice of law must be under the authority

¹⁷ <http://www.nala.org/examdesc.aspx>; <http://perma.cc/UET2-221A>.

of the supreme court. Arizona administers its document preparer program directly by the supreme court, but we do not recommend this model.

We recommend that a licensed paralegal practitioner program be administered through the Utah State Bar, as is done for the Washington LLLT program. The revenue from lawyers should not be used to pay the costs of administering a paraprofessional program, and vice-versa.

(ii) MINIMUM REQUIREMENTS

The purpose of regulations should be to protect the public. What protections do we rely on when employing a lawyer? Education; examination; character and fitness review; mentored experience; continuing education; compliance with Rules of Professional Conduct; a complaint and discipline process; and the Lawyer's Fund for Client Protection. In addition, lawyers must comply with two administrative regulations: an application fee; and a licensing fee. The minimum requirements of a licensed paralegal practitioner should not be regulated beyond these without good reason.

Based on the requirements for paraprofessionals in other states and for lawyers in Utah, we recommend that regulations in the following areas be considered.

- Application and fee
- Character and fitness review
- Utah-specific licensing exam in the approved practice areas
- Mentored experience
- Appointment by the supreme court
- Oath of office
- Financial responsibility (bond or professional liability insurance)
- IOLTA account
- Annual licensing fee
- CLE
- Rules of professional conduct
- Complaint and discipline process

The supreme court might also consider establishing the paralegal division as a regulatory board, instead of using the board of bar commissioners for that role.

State and local business regulations would apply to a licensed paralegal practitioner's firm as to any other form of business.

(iii) LEGAL RELATIONSHIP WITH CLIENT

In an approved practice area and within the approved tasks, a licensed paralegal practitioner should have a relationship with his or her client similar to that of a lawyer.

- Fiduciary duties
- Privileged communications
- Standards of care

(11) OTHER STRATEGIES

Although authorizing qualified non-lawyers to engage in the practice of law in limited circumstances draws the most attention, it was not the limit of our charge. We offer five other strategies to help self-represented parties, and we hope that these other strategies are not put on hold while a program of licensed paralegal practitioners is being built.

(a) DISCRETE LEGAL SERVICES

Our focus on discrete services by licensed paralegal practitioners reveals the benefits to clients of discrete services by lawyers. The futures commission of the Utah State Bar recommends increasing “the use of discrete task representation and fixed fee pricing by (1) marketing the availability of “unbundling,” (2) educating lawyers and courts on best practices for implementing these approaches and (3) establishing an “unbundled” section for the Bar with lawyers who are willing to help clients on a fee-per-task, limited scope basis.”¹⁸ We fully endorse these recommendations and urge the Bar to promptly implement them.

Because discrete tasks have an identifiable beginning and end, lawyers can offer a fixed price that is less than the unknown cost of full representation. This is a tremendous benefit to clients who in every other purchase of goods or services in their lives know or have a reasonably accurate estimate of the bottom line.

Offering discrete legal services is the only way a lawyer or licensed paralegal practitioner will reach a party who has decided for reasons other than cost to prosecute or defend a case without representation. Perhaps the party wants more control; perhaps the party believes he or she can perform the tasks more quickly or more professionally or will take greater care because of the personal connection to the litigation. Whatever the reason,

¹⁸ Future of Legal Services in Utah, *Id.* at page 5.

the party does not want full representation, and no seller will succeed by offering something the buyer does not want.

Lawyers are missing a large population of clients because not many lawyers offer discrete services, or those who do have not effectively advertised the services. The bar should do all that it can to support this business model. If the rules regulating discrete legal services are not sufficiently explicit, they should be made so. If the rules interfere with effectively delivering discrete legal services, the barriers should be removed.

(b) ONLINE LAWYER DIRECTORY

The futures commission of the Utah State Bar recommends “a robust online lawyer referral directory that is easily available to the public.” Building on this, the commission recommends “a consumer-focused website which, building on the online directory of lawyers, will become the key clearinghouse for clients in need of legal assistance.”¹⁹

A robust, bar-sponsored directory would help potential clients find lawyers and other legal services—something most lawyers should support—and it would be invaluable to the lawyers of the self-help center, who quickly see the need for full representation or a discrete legal service, but are prohibited from referring clients to a particular lawyer. Rarely does a bar commission find a product that simultaneously serves both its lawyer constituency and its public constituency. The recommended directory is that product.

The bar is examining implementation of the recommendations in the form of a “portal,” but the product to be delivered under that rubric is not well defined. We recommend that the bar begin implementation with a portal to what consumers need most—and what would most benefit lawyers—a portal to legal services. From the perspective of the potential client, this basic but robust referral system should include an online method of filtering and sorting legal services by:

- nature of the “civil justice situation” framed from the client’s perspective;
- location of the client; location of the dispute;
- languages spoken by the provider and other information meant to overcome barriers to access;
- license (lawyer or licensed paralegal practitioner);

¹⁹ Future of Legal Services in Utah, *Id.* at page 5.

- price, including qualification for pro bono and modest means;
- discrete services offered, including information, advice, document preparation, document review, coaching, representation at a hearing; and
- any other criteria that may be relevant to a potential client.

The effort begins with accumulating data that the bar does not now have: the information about individual lawyers, law firms and legal services that the application would use to filter and sort legal services based on the client's answers to the questions just posed. This directory should be the only bar-sanctioned directory, and it should be based on the most current and accurate information available. It should provide to lawyers a simple interface to describe the services they offer, and it should provide to the public a simple interface to shop for those services. We recommend the supreme court do what it can to assist the board of bar commissioners in a campaign to gather this information. We hope lawyers will quickly see an opportunity for advertising their services to clients.

The International Space Station is larger than a six-bedroom house.²⁰ The initial platform, completed in December, 1998, was about the size of a one bedroom apartment.²¹ If the bar's directory expands—to include expert systems, intelligent checklists, business process analysis, document assembly, document translation, electronic filing, and all of the other terms used to describe portals—all well and good, but that also might take almost 20 years to build. The best start is the basic, robust referral system recommended by the futures commission.

The initial platform cannot be built too soon, and it will be put to good use while the rest of the modules are being planned, designed and built. The bar should advertise the directory's availability to the public in general, and several times a day court clerks, libraries and community organizations from around the state and the lawyers of the self-help center will refer people to it. The court website will link to the directory, and the self-help center will include information about it in their work with public libraries,

²⁰ NASA

(https://www.nasa.gov/mission_pages/station/main/onthestation/facts_and_figures.html; <http://perma.cc/D75W-J3UP>).

²¹ Approximately 9,700 cubic feet, the size of the two initial modules, Zarya <https://en.wikipedia.org/wiki/Zarya> and Unity [https://en.wikipedia.org/wiki/Unity \(ISS module\)](https://en.wikipedia.org/wiki/Unity_(ISS_module)).

community groups and other volunteers who in turn work with members of their communities in need of various legal services.

(c) ONLINE DISPUTE RESOLUTION

The judicial council is pursuing online dispute resolution in small claims litigation. Although the conceptual design is of a computer-assisted method of dispute resolution by humans, rather than the intelligent-system method of automated resolution recommended by Dr. Clarke's white paper, it represents a significant opportunity for more convenient and less costly access to the court. If successful, the lessons learned can be applied in other types of litigation, including interlocutory decisions during litigation.

(d) ASSISTED RESOLUTION OF CASES INVOLVING SELF-REPRESENTED PARTIES

The basic features for assisted resolution of litigation involving self-represented parties are: get the parties into the courthouse; provide them with an opportunity to explain their circumstances and their preferred outcomes; and then have the resources in place to reach and finalize an acceptable outcome. Alaska, California, Colorado and Minnesota have experienced good results with their programs.

In cases involving self-represented parties, Alaska conducts a hearing, early in the life of the case, at which attorneys are available to complete documents if a case is resolved. Only 2% of parties failed to appear at the hearings, 80% of new cases fully resolved with only one hearing, and 77% of modifications resolved with only one hearing. Only 5% of resolved cases required a further hearing within the next year.

Colorado and Minnesota have similar programs in which self-represented parties have a conference with a judge early in the case. Both states include an exchange of initial disclosures before the conference.

In Minnesota, an "evaluator" meets with the parties before they meet with the judge to try to mediate a settlement. If the case does not settle, the parties meet with the judge who tries to mediate a settlement or establishes deadlines for moving the case toward a litigated resolution. In Colorado 34% of cases fully resolved with stipulations and another 25% had no further hearings. Cases within the Colorado program resolved about 2 months more quickly than other similar cases.

Rule of Civil Procedure 16 provides the court with sufficient authority to structure a conference in just about any way that makes sense for this purpose. The authority exists; all that is needed is someone to plan, design,

organize and implement a program and to examine whether the program is achieving its goals.

Utah has a program of assisted resolution of family law cases, but the conference and assistance occur toward the end of case, rather than the beginning. The Utah program is currently operating with court commissioners in the Third District Court, and there are plans to implement it in the Fourth District Court.

In the Utah program the case management system screens family law cases for cases in which there has been no activity for 180 days. Our rules permit these cases to be dismissed without prejudice, provided the parties are given an opportunity to show cause why the case should not be dismissed. The court commissioners schedule a special calendar consisting only of cases with self-represented parties. The commissioners also schedule other law and motion matters involving only self-represented parties on this calendar. Volunteer attorneys are available at the hearing, as are volunteer mediators and self-help center lawyers, who provide staff support. All of these people work with the parties to resolve the matter or, if the matter is not settled, to move the case to the next steps in the process.

The Third District Court has a similar program for debt collection cases, in which volunteer lawyers represent a self-represented defendant. In many cases the volunteer lawyers are able to negotiate a settlement or a payment plan with the plaintiff.

If an opportunity for assisted resolution were provided early in the case, instead of after 6 months of inactivity, it would be a substantial improvement. Or experience may show that there remains a purpose to providing an opportunity for assisted resolution rather than dismissal.

We recommend that the judicial council establish a pilot program of assisted resolution of family law and/or debt collection cases involving self-represented parties. The council should consider the features of the Alaska, California, Colorado and Minnesota programs, which include mutual initial disclosures, a conference early in the case with defined objectives, and the resources—mediators, lawyers, judges, commissioners and staff—to reach and finalize an outcome.

As part of the pilot program, the council should address a practical problem with the OCAP application. OCAP allows a party to prepare the appropriate forms for a divorce, but it does not include the capability to complete any particular form. This limitation hampers the self-help center lawyers who staff the calendar and prepare the necessary documents. The judicial council should work with the OCAP board and staff to develop this

thousands of details necessary for the blueprint to become a reality. The committee should include representatives or input from:

- lawyers experienced in the practice areas;
- community organizations;
- the paralegal division;
- higher education administration;
- bar administration and leadership;
- court administration and leadership;
- judges and court commissioners;
- the self-help center;
- the office of professional conduct;
- the committee on rules of professional conduct; and
- others as needed.

(b) QUESTIONS FOR CONSIDERATION

We have identified a handful of questions for a steering committee, but the committee, as it investigates finer and finer details, will encounter many more.

- Should a licensed paralegal practitioner be required to sign or otherwise acknowledge a form prepared but not filed by the licensed paralegal practitioner?
- Should a licensed paralegal practitioner be authorized to represent a client in non-mediated negotiations?
- Should a licensed paralegal practitioner be authorized to accept service on behalf of a client?
- Should guardianship of a minor be an authorized practice area?
- Must a JD degree be from an ABA approved law school to satisfy the education requirement of a licensed paralegal practitioner?²²
- Are there equivalent credentials from other states or nations that should satisfy the education requirement?
- Should any of the education or experience requirements of a licensed paralegal practitioner be waived for current paralegals? Which requirements should be waived? What should be the

²² We recommend that an ABA approved law school be sufficient, but is it necessary? See the section on recommended education.

minimum requirements to qualify for the waiver? For how long should waiver be available?

- What should be the data points and data collection methods for measuring the success of the program?
- What should the content of the advanced course work and examination in a practice area consist of?
- What should the specific rules for the regulation, administration and licensing of the profession consist of?

Bar regulation, administration and licensing may serve as a model from which to start, but we urge the steering committee not to simply copy and paste. Detailed investigation may reveal legitimate differences between the licensing and regulation of licensed paralegal practitioners and of lawyers. Perhaps more important, this is an opportunity to think afresh about the issues and to transfer lessons learned back to the licensing and regulation lawyers.

(13) TASK FORCE MEMBERS AND STAFF

This report would not have been possible without the generous contribution of time, experience and judgment by the following people:

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(14) DRAFT RULES

1 Rule 14-802. Authorization to practice law.

2 (a) Except as set forth in ~~subsection paragraphs (c) of this rule and (d),~~
3 only persons who are active, licensed members of the Bar in good standing
4 may engage in the practice of law in Utah.

5 (b) For purposes of this rule:

6 (b)(1) The "practice of law" is the representation of the interests of
7 another person by informing, counseling, advising, assisting,
8 advocating for or drafting documents for that person through
9 application of the law and associated legal principles to that person's
10 facts and circumstances.

11 (b)(2) The "law" is the collective body of declarations by
12 governmental authorities that establish a person's rights, duties,
13 constraints and freedoms and consists primarily of:

14 (b)(2)(A) constitutional provisions, treaties, statutes,
15 ordinances, rules, regulations and similarly enacted declarations;
16 and

17 (b)(2)(B) decisions, orders and deliberations of adjudicative,
18 legislative and executive bodies of government that have authority
19 to interpret, prescribe and determine a person's rights, duties,
20 constraints and freedoms.

21 (b)(3) "Person" includes the plural as well as the singular and legal
22 entities as well as natural persons.

23 (b)(4) "Licensed paralegal practitioner" means a natural person
24 qualified and licensed under the rules governing the practice of law.

25 (b)(5) "Practice area" means litigation in the district court in:

26 (b)(5)(A) temporary separation under Section 30-3-4.5, divorce,
27 paternity, cohabitant abuse and civil stalking, custody and support
28 and name change;

29 (b)(5)(B) forcible entry and detainer; and

30 (b)(5)(C) debt collection.

31 (c) Whether or not it constitutes the practice of law, the following
32 activity by a non-lawyer, who is not otherwise claiming to be a lawyer or to
33 be able to practice law, is permitted:

34 (c)(1) Making legal forms available to the general public, whether by
35 sale or otherwise, or publishing legal self-help information by print or
36 electronic media.

37 (c)(2) Providing general legal information, opinions or
38 recommendations about possible legal rights, remedies, defenses,
39 procedures, options or strategies, but not specific advice related to
40 another person's facts or circumstances.

41 (c)(3) Providing clerical assistance to another to complete a form
42 provided by a municipal, state, or federal court located in the State of
43 Utah when no fee is charged to do so.

44 (c)(4) When expressly permitted by the court after having found it
45 clearly to be in the best interests of the child or ward, assisting one's
46 minor child or ward in a juvenile court proceeding.

47 (c)(5) Representing a party in small claims court as permitted by
48 Rule of Small Claims Procedure 13.

49 (c)(6) Representing without compensation a natural person or
50 representing a legal entity as an employee representative of that entity
51 in an arbitration proceeding, where the amount in controversy does not
52 exceed the jurisdictional limit of the small claims court set by the Utah
53 Legislature.

54 (c)(7) Representing a party in any mediation proceeding.

55 (c)(8) Acting as a representative before administrative tribunals or
56 agencies as authorized by tribunal or agency rule or practice.

57 (c)(9) Serving in a neutral capacity as a mediator, arbitrator or
58 conciliator.

59 (c)(10) Participating in labor negotiations, arbitrations or
60 conciliations arising under collective bargaining rights or agreements
61 or as otherwise allowed by law.

62 (c)(11) Lobbying governmental bodies as an agent or representative
63 of others.

64 (c)(12) Advising or preparing documents for others in the following
65 described circumstances and by the following described persons:

66 (c)(12)(A) a real estate agent or broker licensed by the state of
67 Utah may complete State-approved forms including sales and
68 associated contracts directly related to the sale of real estate and
69 personal property for their customers.

70 (c)(12)(B) an abstractor or title insurance agent licensed by the
71 state of Utah may issue real estate title opinions and title reports
72 and prepare deeds for customers.

73 (c)(12)(C) financial institutions and securities brokers and
74 dealers licensed by Utah may inform customers with respect to
75 their options for titles of securities, bank accounts, annuities and
76 other investments.

77 (c)(12)(D) insurance companies and agents licensed by the state
78 of Utah may recommend coverage, inform customers with respect
79 to their options for titling of ownership of insurance and annuity
80 contracts, the naming of beneficiaries, and the adjustment of claims
81 under the company's insurance coverage outside of litigation.

82 (c)(12)(E) health care providers may provide clerical assistance
83 to patients in completing and executing durable powers of attorney
84 for health care and natural death declarations when no fee is
85 charged to do so.

86 (c)(12)(F) Certified Public Accountants, enrolled IRS agents,
87 public accountants, public bookkeepers, and tax preparers may
88 prepare tax returns.

89 (d) Within a practice area for which the licensed paralegal practitioner
90 qualifies, a licensed paralegal practitioner may represent the interests of a
91 natural person who is not represented by a lawyer by:

92 (d)(1) establishing a contractual relationship with the client;

93 (d)(2) interviewing the client to understand the client's objectives
94 and obtaining facts relevant to achieving that objective;
95 (d)(3) completing a form approved by the judicial council or board
96 of district court judges;
97 (d)(4) informing, counseling, advising and assisting with which
98 form to use and how to complete the form;
99 (d)(5) signing, filing and completing service of the form;
100 (d)(6) obtaining, explaining and filing any document needed to
101 support the form;
102 (d)(7) reviewing documents of another party and explaining them;
103 (d)(8) informing, counseling and advising about the anticipated
104 course of proceedings by which the court will resolve the matter;
105 (d)(9) informing, counseling, advising, assisting and advocating for
106 the client in mediated negotiations;
107 (d)(10) drafting, signing, filing and completing service of a written
108 settlement agreement in conformity with the negotiated agreement;
109 (d)(11) communicating with another party or the party's
110 representative; and
111 (d)(12) informing, counseling and advising about a court order that
112 affects the client's rights and obligations.

113

(15) CHARACTERISTICS OF LIMITED-LICENSING IN OTHER STATES

(a) ARIZONA

Status. Program in place since July 1, 2003.

Title. Legal document preparer.

Minimum education.

Individual:

- (1) A high school diploma or GED and two years of law-related experience as a court employee or under the supervision of a lawyer or a certified legal document preparer.
- (2) A certificate of completion from a paralegal or legal assistant program approved by the ABA.
- (3) A certificate of completion from a paralegal or legal assistant program that is institutionally accredited and that requires 24 semester units, or the equivalent, in legal specialization courses.
- (4) A certificate of completion from an accredited educational program designed specifically to qualify a person for certification as a legal document preparer.
- (5) A degree from a law school accredited by the ABA or institutionally accredited.

Business:

- (1) Certification as a business entity.
- (2) Designated principal who holds individual certification as a legal document preparer.

Administration and regulation.

Examination on legal terminology, client communication, data gathering, document preparation, ethical issues, and professional and administrative responsibilities. Certification and renewal of certification by the supreme court. Regulatory board. Examination fee. Application fee. Licensing fee. Revenue and expenses administered by the supreme court. Background investigation. 20 CLE hours per 2-year certification cycle. Rules of professional conduct. Complaint and discipline process. Administrative support staff: approximately 3 FTE.

Authority. To or for a person or entity not represented by a lawyer:

- (1) Prepare or provide legal documents.

- (2) Provide general legal information—but not specific advice, opinions, or recommendations—about possible legal rights, remedies, defenses, options, or strategies.
- (3) Provide general factual information about legal rights, procedures, or options.
- (4) Provide forms and documents.
- (5) File, record, and arrange for service of legal forms and documents.
- (6) May not sign any document other than some specified notices.

Source. Arizona Code of Judicial Administration Section 7-208.

(<http://www.azcourts.gov/cld/Legal-Document-Preparers>;
<http://perma.cc/4K9H-C8RC>).

(b) CALIFORNIA

Title. Limited license to practice law or licensing of legal technicians.

Status. The Limited License Working Group was created on March 6, 2013 as a subcommittee of the Board of Trustees' Committee on Regulation, Admissions and Discipline Oversight to explore, research and report the feasibility of creating a limited license to enable certified individuals to provide limited, discrete legal services to consumers in defined subject matter areas. Meetings continue.

Source. Website of the California State Bar

(<http://www.calbar.ca.gov/AboutUs/BoardofTrustees/LimitedLicenseWorkingGroup.aspx>; <http://perma.cc/3YAP-EUD9>).

Title. Legal document assistants.

Status. Program in place.

Minimum education.

- (1) A high school diploma or GED and 2 years of law-related experience under the supervision of a lawyer.
- (2) A baccalaureate degree in any field and 1 year of law-related experience under the supervision of a lawyer.
- (3) A certificate of completion from a paralegal program approved by the ABA.
- (4) A certificate of completion from a paralegal program that is institutionally accredited and that requires 24 semester units, or the equivalent, in legal specialization courses.

Administration and regulation. Register with the county clerk of the county of principal place of business and of any other county in which

services are performed. Registration fees. Bi-annual re-registration. \$25,000 bond for an individual; \$25,000 to \$100,000 bond for a business, depending on the number of assistants. Other statutory regulations. Unable to determine the number of administrative support staff because registration is decentralized.

Authority. For compensation, provide “any” [that is, the following] self-help services to a self-represented individual.

- (1) At the individual's specific direction complete in a ministerial manner legal documents selected by the individual.
- (2) Provide general published factual information about legal procedures, rights, or obligations that have been written or approved by an attorney.
- (3) Make published legal documents available.
- (4) File and serve legal forms and documents at the specific direction of the individual.
- (5) May not provide advice, explanation, opinion, or recommendation about possible legal rights, remedies, defenses, options, selection of forms, or strategies.
- (6) In order to suggest what forms to complete, the legal document assistant must have a detailed guide, approved by an attorney, stating exactly what forms are needed for a particular objective.
- (7) The client must know what he or she wants, and what forms to use. Or the client can decide which forms to use based on the attorney-approved guide.

Source. Business and Professions Code Chapter 5.5.

(<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=bpc&codebody=&hits=20;http://perma.cc/4CAA-QRBW>). See also the website of the California Association of Legal Document Assistants, (<http://calda.org/>; <http://perma.cc/5Y22-L8TC>).

(c) COLORADO

Status. A subcommittee of the Colorado Supreme Court Advisory Committee is examining the Washington state LLLT program. First meeting: June 2015.

Source. Press release: *Colorado Studying New Limited Legal License*. (<http://www.coloradosupremecourt.us/Newsletters/Spring2015/Colorado%20studying%20new%20limited%20legal%20license.htm>; <http://perma.cc/GCY7-HNCH>).

(d) FLORIDA

Status. Program in place.

Title. Association of Legal Document Preparers.

Minimum education.

Not stated.

Administration and regulation.

Not stated.

Authority.

Not stated.

Source. Website of the Florida Association of Legal Document Preparers (<http://www.faldp.org/>; <http://perma.cc/A7RR-6J2S>).

(e) LOUISIANA

Status. Program in place since "time immemorial."

Title. Notary public.

Minimum education. High school diploma, or GED.

Administration and regulation. Pre-assessment test. Examination. Application with the secretary of state. \$35 application fee. \$75 examination fee. Good moral character, integrity, and sober habits. Appointed by governor with the advice and consent of the Senate. Registration with secretary of state. \$10,000 bond renewed every 5 years. May be appointed in the parish of residence and in any parish in which he or she maintains an office. Annual report to the secretary of state with \$25 report fee. Voluntary associations.

Authority.

(1) Draft, prepare and execute affidavits, acknowledgements and authentic acts.

(2) Documents listed on the website of the Professional Civil Law Notaries Association as proper for a notary to prepare, but not negotiate on behalf of a client:

- | | |
|-----------------------|--------------------------|
| • Affidavits | • Bond for Deed |
| • Acknowledgments | • Acts of Adoption |
| • Authentic Acts | • Guarantee Letters |
| • Security Agreements | • Power of Attorney |
| • Mortgages | • Affidavits of Heirship |
| • Acts of Sales | • Small Successions |
| • Donations | • Wills |

- Trusts
- Real Estate Transactions
- Partition of Property
- Incorporations
- LLC Formations
- Operating Agreements
- Partnership Agreements
- Matrimonial Agreements
- Public Inventories
- Contracts
- Bill of Sales
- Quit Claims
- Public Inventories
- Contracts in Authentic Form
- Provisional Custody Agreements

Source. Louisiana R.S. Title 35; (<http://perma.cc/RDN5-KKBN>). See also the website of the Professional Civil Law Notaries Association, (http://www.pclna.org/notary_duties.html; <http://perma.cc/3RH6-YNBY>) and the website of the Louisiana Notary Association, (<http://www.lna.org/>; <http://perma.cc/U9WY-7X7J>).

(f) NEVADA

Status. Program in place since March 1, 2014.

Title. Document preparation services.

Minimum education.

None.

Administration and regulation. Registration with the secretary of state. Applicant information and history, business information, background check and a cash or surety bond in the amount of \$50,000. No application fee. Annual renewal. Active state business license. Complaint and discipline process. Private right of action for double damages. Criminal liability for willful violation of the enabling act. Written disclosure and written contract required. Communication with client is not privileged.

Authority. For compensation and at the direction of a client, provide assistance to the client in a legal matter, including:

- (1) preparing or completing any pleading, application or other document;
- (2) translating an answer to a question posed in a document;
- (3) securing any supporting document, such as a birth certificate, required in connection with the legal matter; or
- (4) submitting a completed document on behalf of the client to a court or administrative agency.

Source. Nevada Revised Statutes Chapter 240A and secretary of state Regulation R136-13. (<http://nvsos.gov/index.aspx?page=1346>; <http://perma.cc/4N7M-ZBM3>).

(g) OREGON

Title. Limited License Legal Technician. (The task force also outlines a voluntary registered paralegal program.)

Status. The task force studying limited licensing issued its report and recommendations in February, 2015.

Recommendation.

The Task Force recommends that the Board of Governors consider the possibility of the Bar's creating a Limited License Legal Technician (LLLT) model as one component of the BOG's overall strategy for increasing access to justice. It further recommends, should the Board decide to proceed with the LLLT concept, that it begin with the suggestions developed by Task Force Subcommittees. The Task Force also suggests that the first area that be licensed be family law, to include guardianships.

Should the Board decide to proceed with this concept, the Task Force recommends a new Board or Task Force be established to develop the detailed framework of the program. For the reasons set out herein, the BOG should review the recently established Washington State Bar Association LLLT program and consider it as a potential model.

Recommended minimum education. Associate degree. 45 quarter credit hours of legal studies in core curriculum requirements (paralegal studies). Instruction in an approved practice area for the number of credit hours determined by the board. Core curriculum exam and practice area exam.

Recommended minimum experience. 4,160 hours or 2 years of substantive law-related experience supervised by a lawyer with 2,080 hours or 1 year of experience in the specialty practice area in which the applicant is requesting licensure. Completed within 3 years of passing core curriculum exam.

Recommended administration and regulation. Regulatory board with administrative support from the state bar association. Examination fee. Application fee. Background check. Character and fitness review. Oath. Annual licensing fee. Financial responsibility (Professional liability insurance). 45 CLE hours every 3 years with a 3-year rotating reporting cycle. One prong of the CLE component would cover the core CLEs and the other prong would be specific to the specialty license. Rules of

professional conduct. Complaint and discipline process. Privileged communications.

Recommended authority in family law.

- (1) Provide approved forms, assist client to choose which forms to use. Assist in completing forms in a ministerial capacity and without giving legal advice.
- (2) Provide generalized explanations of the law without applying it specifically to the client's case or fact pattern.
- (3) Explain options without offering legal opinions.
- (4) Review approved documents completed by the client to determine if they are complete and correct.
- (5) Review and interpret necessary background documents and offer limited explanations necessary to complete approved forms.
- (6) Provide or suggest published information about legal procedures, legal rights and obligations and materials of assistance with children's issues.
- (7) Explain court procedures without applying it specifically to the client's case.
- (8) File documents at the client's request.

The family law subcommittee also discussed whether LLLTs should be permitted to work with both parties, subject to ethics rules applicable to LLLTs.

Discussed but not decided.

- (1) What entity should oversee the program?
- (2) How would the program be implemented initially?
- (3) How would the initial implementation be financed?
- (4) Should legal technicians have to contribute to a client protection fund?
- (5) Should legal technicians have to maintain client trust accounts?
- (6) What entity should provide malpractice insurance?
- (7) What activities and roles should be permitted of legal technicians?
- (8) How should legal technicians with licenses from other states be treated?
- (9) How should legal technicians who have a primary office outside of Oregon be handled?
- (10) What responsibilities should legal technicians have depending on whether they are under the direction and supervision of a lawyer? Is supervision relevant?

Source. Legal Technicians Task Force Final Report to the Board Of Governors
(http://bog11.homestead.com/LegalTechTF/Jan2015/Report_22Jan2015.pdf; <http://perma.cc/4NE3-AJK5>).

(h) WASHINGTON

Title. Limited license legal technician.

Status. Program in place. Initial licenses issued Spring 2015.

Minimum education. Associate degree. 45 credit hours of core curriculum instruction in paralegal studies. Instruction in an approved practice area for the number of credit hours determined by the regulatory board. (Currently 15 credit hours in family law, the only approved practice area.) One credit hour is 7.5 hours of instruction. Core curriculum exam and practice area exam.

Minimum experience. 3,000 hours of substantive law-related work experience supervised by a licensed lawyer. Acquired no more than three years before licensure and no more than three years after passing the examination.

Administration and regulation. Regulatory board with administrative support from the state bar association. Budget approved by the association's board of governors. Examination fee. Application fee. Background check. Character and fitness review. Oath. Annual licensing fee. Financial responsibility (Professional liability insurance). IOLTA account. 10 CLE hours per year. Rules of professional conduct. Complaint and discipline process. Privileged communications.

Authority. Within an approved practice area for which the technician qualifies:

- (1) Obtain relevant facts and explain the relevancy to the client.
- (2) Inform the client of procedures, including deadlines and documents that must be filed, and the anticipated course of the proceeding.
- (3) Inform the client of procedures for filing documents and service of process.
- (4) Provide the client with self-help materials prepared by a lawyer or approved by the board.
- (5) Review documents or exhibits of the opposing party and explain them to the client.
- (6) Select, complete, file and effect service of approved forms, federal forms, forms the content of which is specified by statute, or forms

prepared by a lawyer. Advise the client of the significance of the forms.

- (7) Perform legal research.
- (8) Draft legal letters and documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a lawyer.
- (9) Advise a client about other documents that may be necessary to the client's case, and explain how the additional documents may affect the client's case.
- (10) Assist the client in obtaining necessary documents or records, such as birth, death, or marriage certificates.

Source. Washington Rule APR 28 and implementing regulations.
(<http://www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians>; <http://perma.cc/RJ5W-NQU2>).

(i) OTHER STATES

- (1) Nearly all states have pro bono programs in which lawyers or non-lawyers offer information, advice or representation for qualified individuals.
- (2) The Connecticut Bar Association's Task Force on the Future of Legal Education and Standards of Admission issued a June 2014 report recommending the state modify its practice rules "so that nonlawyers be permitted to offer some basic legal services to the public."
- (3) The Massachusetts Bar Association voted in March 2014 to endorse the recommendations of the ABA Task Force on the Future of Legal Education, including the licensing of people other than those with law degrees.
- (4) Other states have held meetings about limited licensing but have taken no official steps as January 1, 2015.

Source. Robert Ambrogi, Washington. State moves around UPL, using legal technicians to help close the justice gap, ABA JOURNAL (Jan. 1, 2015, 5:50 AM),
(http://www.abajournal.com/magazine/article/washington_state_moves_around_upl_using_legal_technicians_to_help_close_the_justice_gap;
<http://perma.cc/FL75-QKAR>).

TAB 5



Administrative Office of the Courts

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

December 9, 2015

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

MEMORANDUM

TO: Judicial Council

FROM: Richard Schwermer, Assistant State Court Administrator

DATE: December 9, 2015

RE: 2016 RE-CERTIFICATION OF MUNICIPAL JUSTICE COURTS

The Board of Justice Court Judges has reviewed all the 2016 applications for recertification, and makes the following recommendations to the Judicial Council.

Gunnison- Recommend four year waiver of the requirement for a secure cash box as all payments are received by the city treasurer.

Mantua- Recommend four year waiver of the requirement for a 6" riser as the current built-in 4" riser is sufficient.

Providence- Recommend four year waiver of the requirement for separate counsel tables as the current 10 foot long table provides adequate space and separation.

Roy- Recommend waiver of the requirement for a dedicated courtroom. The court has preference in the use of the room, and the configuration is appropriate.

With these waivers these courts and all other applicants, see the attached list, are recommended for recertification.

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

Alpine/Highland
Alta
Aurora
Big Water
Blanding
Bluffdale
Centerville
Clearfield
Clinton
Draper
East Carbon
Enterprise
Ephraim
Escalante
Fairview
Farr West
Fillmore
Fountain Green
Garland
Grantsville
Harrisville
Heber City
Helper
Herriman
Hildale
Holladay/Cottonwood
Hurricane
Hyde Park

Hyrum
Lehi
Levan
Lewiston
Lindon
Logan
Manti
Mapleton
Midvale
Monticello
Moroni
Mt. Pleasant
Murray
Naples
Nephi
Newton/Amalga
Nibley
North Logan
North Ogden
North Salt Lake
Ogden
Orderville
Orem
Panguitch
Parowan
Payson
Plain City
Pleasant Grove
Pleasant View
Provo

Richmond
Riverdale
Riverton
Salina
Salt Lake City
Sandy
Santa Clara
Santaquin/Genola/Goshen
Saratoga Springs
Smithfield
South Jordan
South Ogden
South Salt Lake
South Weber
Spring City
Springville
Stockton-Rush
Sunset
Syracuse
Taylorsville
Tremonton
Uintah
Vernal
Washington City
Washington Terrace
Wellington
Wellsville
West Jordan
West Valley City
Willard
Woods Cross

TAB 6

Rule 3-108. Judicial assistance.

Intent:

To establish the authority, procedure and criteria for judicial assistance.

Applicability:

This rule shall apply to judicial assistance provided by active senior judges and judges of courts of record.

Statement of the Rule:

(1) Criteria for requesting assistance. Judicial assistance shall be provided only for the following reasons:

- (A) to prevent the occurrence of a backlog in the court's calendar;
- (B) to reduce a critical accumulated backlog;
- (C) to handle a particular case involving complex issues and extensive time which would have a substantial impact on the court's calendar;
- (D) to replace a sitting judge who is absent because of assignment as a tax judge, illness or to replace the judges in that location because of disqualification in a particular case;
- (E) to handle essential cases when there is a vacant judicial position;
- (F) to handle high priority cases during vacation periods or during attendance at education programs by the sitting judge, following every effort by that judge to adjust the calendar to minimize the need for assistance and only to handle those matters which cannot be accommodated by the other judges of the court during the absence;
- (G) to provide education and training opportunities to judges of one court level in the disposition of cases in another court level; and
- (H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration.

(2) Criteria for transferring or assigning judges. The transfer or assignment of judges shall be based upon the following priorities:

(A) experience and familiarity with the subject matter, including, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, knowledge of the theory and practice of ad valorem, excise, income, sales and use, and corporate taxation;

(B) active judges before active senior judges with consideration of the following:

(i) active judges from a court of equal jurisdiction in a different geographical division than the court in need, who are physically situated nearest and are most convenient to that court;

(ii) active senior judges from a court of equal jurisdiction to the court in need who are physically situated nearest and are most convenient to that court;

(iii) active judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is most closely related to that court and who are in close proximity to it;

(iv) active judges from a court of equal jurisdiction in a different geographical division than the court in need who are far removed from that court;

(v) active or active senior judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is similar to that court who are not in close proximity;

(C) availability;

(D) expenses and budget.

(3) Assignment of active judges.

(A) when a sitting judge is absent due to retirement, disability or death, a senior judge shall be retained to fill the vacancy commencing on the first day of the vacancy and continuing uninterrupted until the sitting judge is permanently replaced or the presiding judge of that district determines that full time coverage can be decreased or eliminated;

(B) Any active judge of a court of record may serve temporarily as the judge of a court with equal jurisdiction in a different judicial district upon assignment by the presiding judge of the district in which the judge to be assigned normally sits or, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, assignment by the supervising tax judge with the approval of the presiding officer of the Council.

(CB) Any active judge of a court of record may serve temporarily as the judge of a court with different jurisdiction in the same or a different judicial district upon assignment by the presiding officer of the Council or assignment by the state court administrator with the approval of the presiding officer of the Council.

(DE) The assignment shall be made only after consideration of the judge's calendar. The assignment may be for a special or general assignment in a specific court or generally within that level of court and shall be for a specific period of time, or for the duration of a specific case. Full time assignments in excess of 30 days in a calendar year shall require the concurrence of the assigned judge. The state court administrator shall report all assignments to the Council on an annual basis.

(ED) Requests for the assignment of a judge shall be conveyed, through the presiding judge, to the person with authority to make the assignment under paragraphs (A) and (B). A judge who is assigned temporarily to another court shall have the same powers as a judge of that court.

(4) Notice of assignments made under this rule shall be made in writing, a copy of which shall be sent to the state court administrator.

(5) Schedule of trials or court sessions. The state court administrator, under the supervision of the presiding officer of the Council, may schedule trials or court sessions and designate a judge to preside, assign judges within courts and throughout the state, reassign cases to judges, and change the county for trial of any case if no party to the litigation files timely objections to the change.

TAB 7

Utah Court-Annexed Alternative Dispute Resolution Program

ADR Committee Update to the Judicial Council – December 14, 2015

History

In 1994, the Utah State Legislature enacted the Utah Alternative Dispute Resolution Act (ADR Act) which required the Judicial Council to implement a program utilizing Alternative Dispute Resolution in the state courts. The program was implemented by the Judicial Council and Supreme Court rules on January 1, 1995.

Funding

The ADR Act provides for the creation of a restricted account, the Dispute Resolution Fund, to be funded by a portion of court filing fees and appropriated annually to the AOC to implement the purposes of the ADR Act. Additional funds are provided through a Federal Child Access and Visitation Grant and the General Fund.

ADR Programs

Child Welfare Mediation	Statewide (Juvenile Court cases involving abuse or neglect)
Co-Parenting Mediation	Third District (U.C.A. §30-3-38)
Divorce Mediation	Statewide (U.C.A. §30-3-39)
General Civil Referrals	Statewide (Mediation or Arbitration) (UCJA 4-510.05)
Restorative Justice	Statewide (Juvenile Truancy & Victim/Offender Mediation)
Probate Mediation	Third District
Landlord Tenant Mediation	Third District
Law and Motion Mediation	Third District
Small Claims Mediation	Various Justice Courts
Small Claims Appeals	Second and Third Districts

ADR Program Structure and Rationale

The Utah Court ADR programs are structured in various ways. Generally speaking, if the program is mandatory, we have more interest in quality assurance and require more training, oversight and evaluation:

- For **General Civil** case referrals we administer a Court Roster of private mediators and arbitrators who have met specific education, experience and ethical requirements outlined in UCJA 4-510.03. Roster members must re-qualify annually by providing annual reports, staying active as ADR providers, providing pro bono services and attending ADR training. Parties select their own mediator.
- For **Mandatory Divorce Mediation** we have a sub roster of Divorce Mediators who have received additional specialized training and mentoring and are subject to the same annual re-qualification requirements as the basic Court Roster.
- For **Co-parenting Mediations** which are required to be mediated within 15 days of filing, we screen cases, contact parties and assign cases to a closed roster of private providers with specialized experience and training.
- For **Child Welfare Mediation** cases which are court-ordered and subject to very tight statutory timelines, we provide court staff mediators hired and trained specifically for these cases, as well as administrative support and evaluation.
- **Other mediation programs** utilize trained volunteer mediators and are often administered through collaborations with schools, universities and other nonprofit organizations.

ADR Program Statistics and Services – FY 2015

- More than 3,000 cases were mediated through court ADR Programs.
- 4 ADR staff mediators conducted 1,110 Child Welfare mediations statewide. Of those cases mediated, less than 10% proceeded to trial. (Since 1998, the Child Welfare Mediation Program has conducted over 13,000 mediations for the Utah State Juvenile Court.)
- More than 200 *pro bono* mediations were arranged directly by ADR staff
- Over 1,100 *pro bono* mediations were provided through ADR Program collaborations with nonprofit community organizations and educational institutions.
- The Utah Court Roster lists 182 ADR Providers who mediated 4,470 cases and arbitrated 130 cases in 2014. On average, 30 new applications and 175 roster re-qualifications are processed by the ADR Department annually.
- 952 *pro bono* mediations were provided by members of the Utah Court Roster
- The ADR Director investigates complaints involving ADR providers on the court roster according to policies outlined by the ADR Committee of the Utah Judicial Council. Ethics and sanction information is provided on the ADR web site.
- ADR Training and information is provided to court personnel through an Annual 40-hour Basic Mediation Training, New Judge Orientations and specialized training sessions arranged for judges, court staff and supervisors.
- Outreach and education are provided to the Utah State Bar, Utah Legislature, Utah ADR Providers and court clients through reports, seminar and conference presentations and the ADR web site.
- The ADR Committee of the Utah Judicial Council has focused this year on creating a Utah Mediation Best Practice Guide. The final draft is currently out for comment and is expected to be finalized by early 2016.
- In May 2015, the Utah Council on Conflict Resolution (UCCR) presented its Peacekeeper of the Year Award to Michele Mattsson, Chief Appellate Mediator and Nini Rich, ADR Program Director for the Utah State Courts in recognition of their service and commitment to the conflict resolution community in Utah.

UTAH STATE COURT ADR PROGRAM DESCRIPTIONS

Mandatory Divorce Mediation Program: (Statewide)

- ▶ Created by U.C.A. Section 30-3-39 in 2005 to help reduce the time and tensions associated with obtaining a divorce. The law requires that divorcing parties involved in a contested divorce mediate their disputed issues using a court-qualified mediator before the case may proceed through the court.
- ▶ The ADR Office maintains a Divorce Roster of private professional providers that are court-qualified to conduct divorce mediations. Income-eligible parties are provided with pro bono mediators.

Co-Parenting (Visitation) Mediation Program: (Third District)

- ▶ Created by U.C.A. Section 30-3-38 and implemented in 3rd District Court; all motions alleging a violation of court ordered parent-time rights are automatically referred to the Co-Parenting Mediation Program.
- ▶ The program schedules mediations within 15 days of referral using a closed roster of private mediators with specialized skill in co-parenting mediation. Mediation services are provided at low cost on a sliding scale.

Landlord-Tenant Mediation Program: (Salt Lake County)

- ▶ Program uses trained volunteer mediators to provides mediation services to landlords and tenants involved in eviction proceedings.
- ▶ Program is a collaboration between the Salt Lake Community Action Program and Third District Court.

Probate Mediation Program: (Third District)

- ▶ All probate disputes in Third District (Matheson Courthouse) that are not resolved by the law and motion judge are automatically referred by the court to the ADR program at the time the case is referred to a judge for trial.
- ▶ By default, the form of ADR is mediation but parties may agree to substitute non-binding arbitration or binding arbitration.
- ▶ These cases are all conducted by private sector mediators.

Small Claims Mediation Program: (Available at various Justice Court locations)

- ▶ Disputants in small claims case are given the opportunity to mediate their case prior to appearing before the judge.
- ▶ The program utilizes trained volunteer mediators from the community and is a collaboration with Utah Dispute Resolution, Utah Valley University, Brigham Young University and Mountain Mediation Center.

UTAH STATE COURT ADR PROGRAMS (continued)

Law and Motion Mediation Program (Third District):

- ▶ Trained volunteer mediators conduct mediations for disputants with landlord tenant and debt collection issues.
- ▶ Program located at the West Jordan Courthouse.

Child Welfare Mediation Program (Statewide):

- ▶ The program's purpose is to build cooperation among families, attorneys, state agencies and the Juvenile Court in order to serve the best interests of children.
- ▶ Mediators assist parties in negotiating petitions, parental service plans and placement of children.
- ▶ The program is offered statewide and consists of five full-time staff mediators, one half-time lead mediator and two caseload coordinators.

Victim-Offender Mediation Program (Restorative Dialogue) (Various Districts):

- ▶ The programs purpose is to give victims an opportunity to meet juvenile offenders and express the impact that the crime had on their lives. It also gives victims a more active role in the justice process in determining restitution and ways for the juvenile offender to help restore the harm.
- ▶ Specially trained volunteer mediators from the local community provide mediation services.

Truancy Mediation Program (Various Districts):

- ▶ The program is an intervention to divert truancy cases from entering the juvenile court system.
- ▶ Individual schools opt in to the program.
- ▶ Trained volunteer mediators provide mediation services.

General Civil Cases (Statewide)

- ▶ Governed by UCJA 4-510.05. Exceptions found in UCJA 4-410.06
- ▶ Parties select their own mediator/arbitrator
- ▶ Court maintains a roster of court-qualified ADR providers at the following web site: http://www.utcourts.gov/mediation/roster/list_med.asp

Information on Utah State Court Mediation Programs can be found at www.utcourts.gov/mediation

Utah Court-Annexed
Alternative Dispute Resolution (ADR)
Resources

ADR Program Coordinators

ADR Director

Nini Rich 801 578-3982 ninir@utcourts.gov

Divorce Mediation Program Coordinator

Bart MacKay 435 986-5754 1 800 620-6318 bartm@utcourts.gov

Co-Parenting Mediation Program Coordinator

Kathleen Bowman 801 238-7858 kathlerb@utcourts.gov

Child Welfare Mediation Program Coordinator

Bev Klungervik 801 238-7812 bevkl@utcourts.gov

Victim Offender/Truancy Mediation Program Coordinator

Bart MacKay 435 986-5754 bartm@utcourts.gov

On-line Resources

ADR Main Page: www.utcourts.gov/mediation/

Utah Court Roster: www.utcourts.gov/mediation/roster/

List of and Links to All Court Mediation Programs:

www.utcourts.gov/mediation/docs/ADR_flowchart.pdf

Governing Rules and Statutes

Utah Alternative Dispute Resolution (ADR) Act – U.C.A. Section 78B-6-201 *et seq*

Utah Uniform Mediation Act – U.C.A. Section 78B-10-101 *et seq*

Utah Rules of Court-Annexed Alternative Dispute Resolution (URCADR)

Utah Code of Judicial Administration Rules 4-510.01 – 4-510.06

U.C.A. Section 30-3-39 (Divorce Mediation)

U.C.A. Section 30-3-38 (Co-Parenting Mediation [Visitation])

Utah State Court-Annexed
ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

Juvenile Court



Child Welfare Mediation*

DCFS cases or private petitions regarding custody, visitation or termination of parental rights

mediations must be ordered by a Juvenile Court Judge

Truancy Mediation *

A collaborative program with individual schools across the state in an effort to help youth and families improve attendance and avoid a referral to the Juvenile Court for habitual truancy.

Participation is voluntary
Check with individual school to see if the program is offered

Restorative Justice *
Victim/Offender Mediation

A process which allows juvenile offenders and their victims to discuss the harm caused by the offending behavior and identify ways to repair the harm.

District Court



Mandatory Divorce Mediation ♦

New, contested divorces
(Answer filed after May 2, 2005)
Statewide - mediator must be on Court's Divorce Mediation Roster
(website link to Roster below)

Co-Parenting Mediation

Alleged parent-time violations of an existing Parent-Time Court Order
(3rd District)
Assigned Mediators - Sliding scale fees

Civil Actions ♦

(statewide)
All civil cases with the exception of new, contested divorces or 3rd District Co-Parenting cases (see above). For information, see UCJA 4-510.05
For exceptions, see UCJA 4-510.06

Landlord/Tenant Mediation *

(3rd District)

Small Claims Mediation *

(Available at various Justice Courts
- contact court clerk for information)

Probate Mediation Program ♦

(3rd District)

Appellate Court



Appellate Mediation*

Cases currently on appeal with the Utah Appellate Courts.

Cases are mediated by Court of Appeals staff mediator.

*

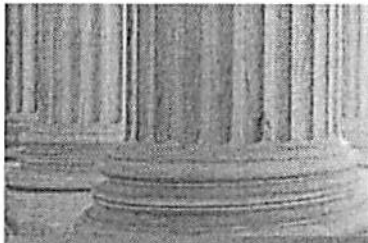
mediation in these programs provided at no cost to parties by trained mediators

♦

mediation in these programs conducted by private providers selected by parties. Court-qualified roster of providers listed on website (below)

Information on Utah State Court Mediation Programs: <http://www.utcourts.gov/mediation/>
A current list of court-qualified mediators and arbitrators can be found at:
<http://www.utcourts.gov/mediation/roster/index.asp>

TAB 8



Utah State Courts

FY 2015-2016

Strategic Communication Plan

Compiled by
Nancy Volmer, Public Information Office
August 2015

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**Utah State Courts
Strategic Communication Plan
2015-2016**

I. NARRATIVE

Introduction

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

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

2015-2016 Plan

Each year when preparing the Strategic Communication Plan, the Standing Committee on Judicial Outreach asks committee members and the various subcommittees for goals to incorporate into the plan for the coming year. This year, the standing committee also held a one-half day strategic planning session in order to take a step back and look at all projects and programs to determine if they are still meeting the plan's goals and to determine missing components.

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

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

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

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

II. CHALLENGES AND STRENGTHS

A. Challenges

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

B. Strengths

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

III. TARGET AUDIENCES

A. The Public

1. Court users
2. Underserved populations
3. Ethnic Minorities

B. Attorneys

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

C. Employees

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

D. Media

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

E. Education

1. Teachers and students
2. Community members

F. Government Officials

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

IV. GOALS

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

V. KEY MESSAGES

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

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

The mission statement is the overriding message.

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

The core message is as follows:

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

The court's vision is as follows:

Ensuring Justice for All.

VI. STRATEGIES

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

VII. TACTICS

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

- Maintain Media Guide to the Utah State Courts.
 - Plan training for video photographers on protocols and decorum when filming in a courtroom.
 - Explore creating an online media training program.
- B. Foster an understanding of the court's role as an open, fair, and independent branch of government through judicial outreach efforts.
1. Standing Committee on Judicial Outreach-Judge Elizabeth Hruby-Mills, chair
 - Perform duties as staff liaison to the committee.
 - Recruit new members to committee and subcommittees when terms expire.
 2. Community Relations Subcommittee-Judge Shauna Graves-Robertson, chair
 - Maintain existing tools for judges to use in presentations. Create additional resources to encourage judicial participation in outreach. Incorporate new high school curriculum requirement into lesson plans.
 - Implement Law Day Programming to include Judge for a Day, newspaper insert, Hinckley Institute of Politics panel, Law Day Declaration, Law Day luncheon attendance, support the Bar's newspaper insert with an ad placement, and Salt Lake County Bar's Art and the Law contest coordination to recruit judges.
 - Continue oversight of court tours and speaker requests. Coordinate and host tours at the Matheson Courthouse.
 - Participate in teacher training programs, including the Hinckley Institute of Politics' Huntsman Seminar.
 - Plan community forums with ethnic communities. Host forums in Ogden with the Hispanic population, the Indian Walk-In Center in Salt Lake, and a Logan forum.
 3. Divorce Education for Children Subcommittee-Judge Laura Scott, chair
 - Continue holding classes twice a month in 3rd District and once a month in the 1st, 2nd, and 4th districts.
 - Implement new class time in Logan. Determine costs associated with holding the class at the Logan Courthouse from 5:30 to 7 p.m.
 - Act as a central clearing house to coordinate and track class information for all districts.
 - Generate interest and attendance at the classes through advertising, media, and other publicity efforts.
 - Research expanding curriculum to a younger and older age group. Determine age groups as well as cost to develop and implement

curriculum.

- Explore expanding the program to St. George and holding classes at the Farmington Courthouse.
- Consider changing program name to be friendlier to children.
- Consider implications of LGBTQ marriages on program curriculum and possible adaptations.

4. Public Materials

- Write, produce, and distribute the 2016 Annual Report to the Community.
- Update publications that assist the public to better understand the court system.
- Ensure staff incorporate the court's look in all public materials.
- Support districts with PIO-produced collateral materials.

C. Use communication tools effectively and maintain avenues of communication to relay the Utah State Court's key messages to target audiences.

1. Social Media

- Implement proactive uses of social media to promote judicial programs and communicate with stake holders.
- Maintain the court's Facebook, Twitter, and YouTube pages.

2. Website Updates

- Maintain the media and school sections of the website to be useful and current.
- Post media advisories and news releases to the website in a timely manner.
- Keep judge's biographies current on the website.

3. Court Image and Messaging

- Monitor the court's communication channels and messaging and incorporate new integrated marketing and communication components as necessary.
- Incorporate the court's central message in all forms of communication.
- Continue efforts to implement a consistent look in the public materials.
- Keep the Graphic Standards Manual on producing court public materials current.

D. Maintain avenues of internal communication to recognize employee contributions and accomplishments, advance PIO services, and support new judges.

1. Internal Communication

- Produce employee newsletter—*Court News*—monthly.
 - Update email-based newsletter format.
2. Public Information Office-General
 - Maintain the Utah State Court's Crisis Communication Plan and contacts.
 - Maintain Court Media Guidelines and communicate to employees at New Employee Orientations.
 - Update board of judges, TCE's, and clerks of court regularly.
 3. Support New Judges and Employees
 - Request biography and photo for website posting.
 - Produce invitations for oath of office ceremonies.
 - Present at the new judge orientations on working with the media.

IX. BUDGET

The Strategic Communication Plan will be administered within the approved Public Information Office budget of \$25,000. Additional funds will be solicited from supporters to produce the Law Day newspaper insert. The Divorce Education for Children Program is funded by \$50,000 from the Children's Legal Defense Fund.

X. EVALUATION

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

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

XI. CONCLUSION

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

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

APPENDICES

2012 Survey Results

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

Highlights from the survey follow:

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

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

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

2012 Survey Recommendations

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

Communication Messaging and Methods

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

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

Court Performance Reporting

Goal: Raise awareness of court performance measurements.

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

Diversity Outreach

Goal: Improve communication with minority communities.

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

Employees as Ambassadors

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

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

Juror Experience

Goal: Improve the juror experience.

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

RULE 3-404. PUBLIC INFORMATION PROGRAM

Intent:

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

Applicability: This rule shall apply to the judiciary.

Statement of the Rule:

(1) A public information program is established within and administered by the Administrative Office. The goal of the public information program is to establish strategies that promote the judiciary's missions, goals, and activities in a manner that reflects a positive image of the courts.

(2) The public information program shall include: (a) the development and maintenance of internal communication within the judiciary; (b) the development and maintenance of external communications and relations; (c) the development of technical resources and expertise and the identification of methods for providing technical advice in specific cases; (d) the development and maintenance of public education programs; and (e) the publication of a report on the operations of the courts, including financial and statistical data, recommendations for legislative or administrative action, and a general review of the activities of the judiciary.

RULE 3-114. JUDICIAL OUTREACH

Intent:

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

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

Statement of the Rule:

(1) The Committee on Judicial Outreach shall:

(1)(A) create and promote model outreach programs;

(1)(B) promote local outreach programs;

(1)(C) develop policies and rules that encourage judicial participation in outreach programs;

(1)(D) work with educators to incorporate civic education into school curriculums;

(1)(E) work with the Utah State Bar to develop joint outreach programs; and

(1)(F) communicate judicial outreach efforts.

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

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

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

TAB 9

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

FEDERAL GRANTS

Contact Person/Phone: Debra Moore Date: 12/1/2015

Judicial District or Location: Administrative Office of the Courts

Grant Title: 2018 VAWA Grantor: Office of Crime Victims

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: Improve education in domestic violence issues, identify and promote best practices, improve communication with domestic violence community.

Explanation of how the grant funds will contribute toward resolving the issues identified: 1/2 time coordinator will research and disseminate information relative to education programs, will survey stakeholders, collect relevant data, draft and obtain approval of best practices and work with districts to implement them. Coordinator will serve as point of contact and meet regularly with stakeholders.

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				
CASH MATCH		Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort
State Fiscal Year	Grant Amount						Total Funds
FY 2016	\$32,208	\$0					\$14,291
FY 2017	\$32,208						\$14,291
FY							\$0

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)				
			MATCHING STATE DOLLARS				
IN-KIND MATCH		Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort
State Fiscal Year	Grant Amount						Total Funds
FY 2016		\$0					\$2,850
FY 2017							\$2,850
FY							\$0

Comments "Cash" match consists of personnel time, mainly Education Department, judges and administrative and other staff.

In-kind = equipment and office supplies.

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:

This program was created with VAWA funds appropriated as a court set aside, and without renewed funding this 1/2 time position could not be sustained without additional State funding.

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

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


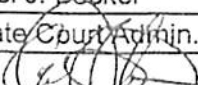
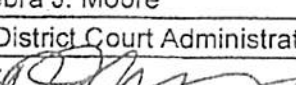
This proposal has been reviewed and approved by the following:

The court executives and judges in the affected district(s). N/A
The Grant Coordinator and the Budget Manager at the Administrative Office of the Courts. Yes
The affected Board(s) of Judges. Yes

Approved by the Judicial Council _____ by _____
Date Court Administrator

Copy forwarded to Legislative Fiscal Analyst _____
date

VAWA COVER SHEET

2016 APPLICATION FOR: VAWA FORMULA GRANT STATE OF UTAH Utah Office for Victims of Crime 350 East 500 South, Suite 200 Salt Lake City, Utah 84111 (801) 238-2360 FAX: (801) 533-4127					1. Subgrantee Agency Information Agency Name: Admin. Off. Of the Courts Address: 450 South State City: Salt Lake City Zip Code + 4: 84114-0241 Phone Number: 801 578 3800		2. Amount Requested Section will auto sum \$64,415.84	
9. Purpose of Award - check only one <input type="checkbox"/> Initiate a new Program <input type="checkbox"/> Enhance/Expand Existing Program <input checked="" type="checkbox"/> Continuation Grant			10. Funding Category - Check one <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Prosecution <input type="checkbox"/> Victim Services <input type="checkbox"/> Discretionary <input checked="" type="checkbox"/> Courts		3. Contact Person (s) Name: Debra Moore Title/Position: Dist. Ct. Admin Phone Number: 801 578 3971 E-Mail: debram@utcourts.gov			
Previous Grant # 14VAWA -			DUNS #: 096311365		E-Mail: debram@utcourts.gov			
11. Crime type Project Focuses on: List # of victims in each type of Crime (Totals & Percent will auto calculate)			12. Implementing Agency Type - Check one <input checked="" type="checkbox"/> Criminal Justice Government <input type="checkbox"/> Non-Criminal Justice Govern <input type="checkbox"/> Private, Non-Profit <input type="checkbox"/> Native American <input type="checkbox"/> Other (list type)		4. Program Period 1/1/2016 Program Begin Date 12/31/2016 Program End Date			
Domestic Violence 88 88% Stalking 5 5% Sexual Assault 7 7% Dating Violence 0 0% TOTAL 100 100%			Other (list type)		5. Congressional District/Counties Served District: 1, 2, 3, 4 Counties: All - Statewide			
13. If Implementing Agency is a Criminal Justice Agency, indicate what type? <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Prosecution <input type="checkbox"/> Probation <input type="checkbox"/> Corrections <input checked="" type="checkbox"/> Courts <input type="checkbox"/> Other (Describe)			<input checked="" type="checkbox"/> State-wide <input type="checkbox"/> Judicial Districts <input type="checkbox"/> County/Counties <input type="checkbox"/> Local (City or Town) <input type="checkbox"/> Indian Tribe <input type="checkbox"/> Other-Describe:		6. Fed Tax ID #: 87-600545 7. Indicate the number of paid staff (FTE=Full Time Equivalent) 7a. # of paid Staff (FTE) 0.50 7a. will auto calculate in FTE form			
15. Subgrant Match Financial Support Match must come from NON-FEDERAL Source(s) Minimum Match: \$21,471.95 25% of total costs (calculate by multiplying VAWA costs by .33) Minimum Match will auto sum			a. LIST the Source(s) of cash match 1) 2) 3)		b. LIST the Source of in-kind match 1) 2) 3)		Total Cash Match \$22,882.39 Total In-kind Match \$5,700.00 Total Value of Match \$28,582.39 Match Section will auto sum	
NOTE: Section 16 will auto calculate and sum following completion of Budget Detail and Match Worksheet								
16. Project Budget Summary			Total Costs		VAWA Costs		Cash Match	
a. Personnel:			\$45,014.95		\$28,974.40		\$14,840.55	
b. Benefits			\$32,831.80		\$25,914.96		\$6,916.84	
c. Contracted fees:			\$1,500.00		\$1,500.00		\$0.00	
d. Equipment:			\$579.48		\$579.48		\$0.00	
e. Travel/training:			\$7,077.00		\$6,792.00		\$285.00	
f. Supplies:			\$1,040.00		\$200.00		\$840.00	
g. Other:			\$4,955.00		\$455.00		\$0.00	
(Sub)Total Costs:			\$92,998.23		\$64,415.84		\$22,882.39	
Enter Indirect Cost Totals								
ADJUSTED GRANT TOTALS			\$92,998.23		\$64,415.84		\$22,882.39	
17. Official Authorized to Sign Name: Daniel J. Becker Position: State Court Admin. Signature:  Date of Signature: 10/15/15			18. Program Director or Manager Name: Debra J. Moore Position: District Court Administrator Signature:  Date of Signature: 10/15/15		For UOVC use only Gary Scheller, UOVC Director Date: UOVC Approval Date			

REQUIRED VAWA QUESTIONS

1. Project's Purpose Area(s): Please indicate the approximate **PERCENT** of effort committed to each area.
(Please add approximate percent for all area(s) that apply, not to exceed 100 percent total)

<input type="text" value="30%"/>	<input type="text" value="Training"/>	<input type="text" value="35%"/>	<input type="text" value="Policies, Protocols, Orders and Services"/>	<input type="text" value="30%"/>	<input type="text" value="% Coordination and Multi-Disciplinary"/>
<input type="text"/>	<input type="text" value="Victim Services"/>	<input type="text"/>	<input type="text" value="Indian Populations"/>	<input type="text"/>	<input type="text" value="% Training Forensic Medical Personnel Examiners"/>
<input type="text"/>	<input type="text" value="Special Unit"/>	<input type="text" value="Percent Indicator"/>	<input type="text" value="5%"/>	<input type="text" value="Data/Communication Systems"/>	<input type="text" value="% Older and Disabled women"/>
		<input type="text" value="100%"/>			
		<input type="text" value="Must equal 100%"/>			
<input type="text"/>	<input type="text" value="Stalking"/>	<input type="text"/>	<input type="text" value="Other:"/>	<input type="text"/>	<input type="text" value="% Immigration"/>

2. Who is directly attending, using or receiving project services or activities? (Check all that apply)

<input type="text"/>	<input type="text" value="Law Enforcement"/>	<input type="text"/>	<input type="text" value="Victims"/>
<input type="text"/>	<input type="text" value="Prosecution"/>	<input checked="" type="checkbox"/>	<input type="text" value="Public Sector Victim Services Providers"/>
<input checked="" type="checkbox"/>	<input type="text" value="Court Personnel (judges, magistrates, clerks, etc.)"/>	<input checked="" type="checkbox"/>	<input type="text" value="Private Non-Profit Vic Service Provider"/>
<input type="text"/>	<input type="text" value="Children/Youth (e.g., children of battered women residing in a shelter)"/>		
<input checked="" type="checkbox"/>	<input type="text" value="The General Public (e.g., public education or awareness designed to enhance services to women)"/>		
<input type="text"/>	<input type="text" value="Other: (Please list)"/>		

3. Type of service or activity provided by the project: (Check all that apply)

A. Victim Services:

<input type="text"/>	<input type="text" value="Direct services for victims designed to meet personal needs through counseling, therapy, safety planning, shelter, education/awareness, etc.."/>
<input type="text"/>	<input type="text" value="Individual case advocacy for specific victims focused on helping them through the criminal and civil justice systems or other systems such as financial aid, housing, employment, health care, etc."/>
<input checked="" type="checkbox"/>	<input type="text" value="Systems change advocacy (not related to individual victims) focused on promoting changes in justice and other systems to benefit all victims in general."/>
<input type="text"/>	<input type="text" value="Other: (Please specify)"/>

B. Expanding Agency Capacity: (complete this section if you checked ENHANCE an EXISTING PROGRAM on COVER SHEET)

<input type="text"/>	<input type="text" value="Increase staffing"/>	<input type="text"/>	<input type="text" value="Purchase equipment/supplies"/>	<input checked="" type="checkbox"/>	<input type="text" value="Enhance staff skills"/>
<input checked="" type="checkbox"/>	<input type="text" value="Develop resource materials (e.g., notice of victims' rights or services, officers' or prosecutors' handbook benchbook, materials translated into another language, etc.)"/>				
<input type="text"/>	<input type="text" value="Other: (Please specify)"/>				

C. Enhance System-wide Capacity in the Community or State:

<input checked="" type="checkbox"/>	<input type="text" value="Needs or resource assessment/planning"/>	<input checked="" type="checkbox"/>	<input type="text" value="Provide technical assistance to other agencies"/>
<input checked="" type="checkbox"/>	<input type="text" value="Enhance coordination/communication on a larger community or system-wide basis within disciplines (e.g., a project to establish a state-wide coalition of sexual assault victim service providers.)"/>		
<input checked="" type="checkbox"/>	<input type="text" value="Enhance coordination/communication on a larger community or system-wide basis across disciplines (e.g., a project to support a multidisciplinary coordinated community response in a city or county.)"/>		
<input type="text"/>	<input type="text" value="Evaluates S.T.O.P. subgrant activities"/>	<input type="text"/>	<input type="text" value="Other:(specify)"/>



4. Indicate which populations are considered under-served in your area: (Check all that apply)

☐ There are NO under-served populations in this geographical area. (If checked, skip to question 7)
(This question is asking only about underserved populations, not if your agency provides services to them)

A. Geographic Location:

☒ Rural area ☐ Tribal area
☒ Under-served urban area ☐ Other: _____

B. Racial/Ethnic Population:

☒ African-American ☒ Asian-American ☒ Hispanic
☒ Pacific Islander ☒ Native American ☐ Other: _____

C. Non-English Speaking:

☒ Spanish-speaking ☐ Other: _____
☒ Speakers of an Asian language

D. Special Needs:

☒ Mentally/emotionally challenged women ☒ Physically/medically challenged women
☒ Older women ☐ Migrant Farm Worker ☒ Lesbians
☒ Immigrants ☒ Women @ risk (incarcerated, prostitutes, substance abuse)
☐ Other: (Please Specify) _____

5. Will this project EMPHASIZE (make specific efforts to reach or serve) an under-served population?

☒ NO - this project will NOT emphasize the following under-served population classifications:
☐ YES - this project will emphasize the following under-served population classifications:

A. Geographic Location:

☐ Rural area ☐ Tribal area
☐ Under-served urban area ☐ Other: _____

B. Racial/Ethnic Population:

☐ African-American ☐ Asian-American ☐ Hispanic
☐ Pacific Islander ☐ Native American ☐ Other: _____

C. Non-English Speaking:

☐ Spanish-speaking ☐ Other: _____
☐ Speakers of an Asian language

D. Special Needs:

- | | |
|--|--|
| <input type="checkbox"/> Mentally/emotionally challenged women | <input type="checkbox"/> Physically/medically challenged women |
| <input type="checkbox"/> Older women | <input type="checkbox"/> Migrant farm workers |
| <input type="checkbox"/> Immigrants | <input type="checkbox"/> Lesbians |
| <input type="checkbox"/> Women @ risk (e.g., incarcerated, prostitutes, substance abusers, etc.) | |
| <input type="checkbox"/> Other: (Please Specify) <input type="text"/> | |

6. Which of the following methods will be used to reach or serve under-served populations? (Check all that apply)

- ☐ Members of the community will be hired or used as staff or volunteers.
- ☐ Staff, volunteers and the use of a language line will assist in communication efforts.
- ☐ Materials in the appropriate language (including Braille and TTY services) will be provided to members of the population.
- ☐ Special outreach efforts will be made to reach members of the population, such as opening satellite offices.
- ☐ Staff or volunteers will receive training to increase cultural competence, such as training in norms and values of the relevant population.
- ☐ Special services tailored to their unique needs and appropriate to their culture will be provided to members of the population.
- ☐ The subgrantee agency or its affiliates will form collaborative partnerships with other agencies that serve or represent the population.
- ☐ The subgrantee agency or its affiliates is an agency that serves or represents the population.
- ☐ Other: (Please specify)

7. Full Faith and Credit Issues:

Does this project address INTRASTATE enforcement of protection orders - enforcement across the localities or tribes WITHIN A STATE?

☒

YES

☐ NO

Does this project address INTERSTATE enforcement of protection orders - enforcement across the localities or tribes of DIFFERENT STATES?

☒

YES

☐ NO**8. Project Evaluation: (Check all that apply)****A. Who is evaluating the effectiveness of the project:**

- | | | |
|---|--|------------------------------|
| <input checked="" type="checkbox"/> Subgrantee agency personnel | <input checked="" type="checkbox"/> State agency awarding subgrant | (* The State agency is UOVC) |
| <input type="checkbox"/> Independent evaluators | | |

B. How is the effectiveness of the project being evaluated:

- ☒ Review of Subgrantee reports, phone contacts, and/or site visits for monitoring purposes.
- ☒ Collection and analysis of statistical systems data (e.g., arrest reports).
- ☒ Obtaining feedback on immediate impact before participants, attendees, users, or recipients leave the site of the service, training, etc.
- ☒ Obtaining feedback on longer-term impact on victims.
- ☒ Obtaining feedback on longer-term impact on professionals, agencies, coordination among agencies, etc.
- ☐ Other: (Please specify)

PROGRAM BUDGET					
ALL applicants must provide a budget with a detailed justification for all costs. The budget must be complete, reasonable and cost effective in relation to the proposed project. A basis for computation of costs must be included.					
THE BUDGET SECTION INCLUDES:					
(1) The Budget Detail Worksheet					
(2) Match Worksheet					
(3) Program Expenditure Comparison Summary					
(4) Equipment Summary Sheet					
<i>TOTALS FROM EACH SECTION WILL AUTOMATICALLY SUM AND TRANSFER TO THE CONTRACT COVER SHEET.</i>					
BUDGET DETAIL					
Personnel					
(1) List each VAWA funded employee by name; put "NEW" if employee has not yet been hired					
(2) List the total number of hours this employee works at your agency					
(3) Identify the VAWA funded employee's position/title					
(4) Indicate the number of VAWA funded hours the employee will spend on the project					
(These are the number of hours you are requesting VAWA to pay)					
(5) Indicate the hourly rate of reimbursement					
Include only those employees assigned to the program and whose salaries are paid with STOP VAWA Formula grant monies					
NOTE: Each agency will be required to keep detailed documentation of VAWA Personnel & Fringe Benefit expenditures (e. g. time-sheets, check stubs, activity log, etc.)					
DO NOT LIST ANY MATCH AMOUNTS IN THE BUDGET SECTION					
Name (or <u>new</u> if not yet hired)	Total # of Agency Hours this employee will work	Position / Title	# Requested VAWA funded hours	Hourly Rate of Pay	Total Salary
NEW	1560	DV Program Coordinator	1040	\$27.86	\$28,974.40
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
TOTAL VAWA FUNDED HOURS:			1040		
TOTAL PERSONNEL COSTS:					\$28,974.40

FRINGE BENEFITS

Fringe benefits should be based on actual known costs or an established formula. Only personnel listed on the "Budget Detail Worksheet" are eligible for benefits. Additionally, personnel are only eligible for benefits equivalent to the VAWA percentage of time devoted to the project:

- (1) List VAWA funded personnel by name
- (2) Include all applicable benefit categories that VAWA will fund
Abbreviate each category (FIC=FICA / MED=Medicare / INS=Insurance / UNE=Unemployment / RIT=Retirement / OTH=all other)
- (3) List the total salary as shown in 'Budget Detail Worksheet A'
- (4) Indicate the total fringe benefit percentage

PLEASE BE SURE THE PERCENTAGE SIGN IS SHOWING (example: 30%)

NOTE: This table will calculate and sum the total benefit for each position listed.

Name (or new if not yet hired)	List Benefit Type	Total Salary	Benefit %	Total Benefit Cost
NEW	state benefit package	\$28,794.40	90.00%	\$25,914.96
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
TOTAL BENEFIT COST				\$25,914.96
TOTAL PERSONNEL AND BENEFIT				\$54,889.36

Please note: At the end of the Budget Section, you will find justification boxes which will allow you to provide additional information for any changes in financial requests in each funding category.

CONTRACTED FEES

- (1) Specify the type of consultant services or contracts needed
- (2) List the total amount of hours dedicated to the project
- (3) Indicate the rate of reimbursement

The maximum reimbursement amount for contract fees is \$650/work day. All consultant services or contracts must be pre-authorized by UOVC and must be bid through proper channels.

	Type of Consultant Services or Contracts	Total Hours	Rate	Contracted Fees
1	National expert to present at judicial conference	25	\$60.00	\$1,500.00
2				\$0.00
3				\$0.00
4				\$0.00
5				\$0.00
6				\$0.00
TOTAL CONTRACTED FEES:				\$1,500.00

List nonexpendable items that are to be purchased. Nonexpendable equipment is tangible property having a useful life of more than one (1) year and/or acquisition cost of \$1,000 or more per unit.

If equipment is used for other programs, cost must be shared with those programs.

- (1) List the equipment to be purchased
- (2) List the VAWA usage percentage. Use the percentage sign in this area (%)
- (3) Indicate the quantity
- (4) Indicate the unit price

TOTAL EQUIPMENT COST:	\$579.48
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Include: (1) The travel destination and purpose
(2) The anticipated miles to be traveled
(3) The per-mile reimbursement rate (not to exceed \$0.56 for a private car or \$0.38 for an agency vehicle)

TOTAL TRAVEL COST	\$1,822.00
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All applicant's are required to keep accurate documentation (receipts, agendas, etc.)

TOTAL TRAINING COST	\$4,970.00
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Total Travel and Training Costs	\$6,792.00
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SUPPLIES

Generally, supplies include materials that are expendable or consumed during the course of the project.

- (1) List items within this category by major type (e.g. office supplies, telephones, utilities, postage, etc)
 (2) List the quantity of the item (if quantity of item is unknown or difficult to determine, give best estimate.)
 (3) List the unit price.

Large items must be listed separately and clearly identified.

NOTE: Subgrantees must maintain detailed documentation of expenditures (receipts w/date, cost, etc.)

Item	Description (Box, unit)	Quantity	Unit Price	SUPPLIES COST
Office supplies	binders, pens, fas	1	\$200.00	\$200.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
TOTAL SUPPLIES COST				\$200.00

OTHER

Other funds, are monies that are allocated to assist victims of crime for emergency purposes (petty cash) and miscellaneous items.

Each agency may only receive emergency monies through one grant funding source. If you are requesting emergency monies, please check the box indicating that the only program that you receive this funding through is the STOP VAWA Formula Grant.

- (1) List the item and a brief description
 (2) List the quantity of the item
 (3) List the unit price

Item	Description	Quantity	Unit Price	Cost
Dues for Utah State Bar	license	1	\$425.00	\$425.00
Family Law Section	membership	1	\$30.00	\$30.00
				\$0.00
TOTAL OTHER COSTS				\$455.00

TOTAL VAWA GRANT COSTS:

\$64,415.84

Justify all VAWA funded changes requested from your current 15 VAWA _____ grant to your new 16 VAWA _____ request, as it pertains to your agency staff:

- A) Salary and/or fringe benefit increase / decrease
 B) Increase/Decrease in number of requested VAWA funded hours
 C) Change in VAWA funded staff and/or position adjustments
 D) New VAWA funded personnel

When indicating personnel changes, identify the change by specifying (A, B, C, D - as listed)

VAWA PERSONNEL NAME	TYPE OF CHANGE	EXPLANATION
	A, B, C, or D	
Domestic Violence Program Coord.	A	Based on comparable positions; substantial increases in cost of state benefits
Domestic Violence Program Coord.	B	Reduction in hours to bring within available funds
Domestic Violence Program Coord.	C	See B

NOTE: (WHY IS THIS NOT SUPPLANTING?) Grant funds may not be used to replace state or local funds that would, in the absence of federal aid be available or forthcoming for programs to combat violence against women. Instead, grant funds must be used to increase the total amount of funds used to combat violence against women.

No state or local funds will be used for this position. Without grant funding, the program would not exist.

If changes involve other issues, please list them and clearly specify the change requested.

JUSTIFICATION FOR ANY OTHER VAWA FUNDED CHANGES

CHANGE REQUESTED	EXPLANATION

VAWA funded programs, with some exceptions*, are required to provide 25% of the total program costs with non-VAWA and non-Federal funds. The program match must be complete, reasonable and cost effective in relation to the proposed program. There is a new ***EXCEPTION** to this requirement - Agencies who meet both of the following requirements, may be excluded from providing match. These requirements include: 1) The organization is recognized by the IRS under section 501(c)(3) of title 26 AND 2) The agency is funded in the VICTIM SERVICES category.

An **In-kind Match** is a match associated with donating (ex: computer received through donation).

A **Cash Match** is a match associated with an exchange of money (ex: computer purchased for the program)

TOTALS FOR EACH SECTION WILL AUTO SUM AND TRANSFER TO THE CONTRACT COVER SHEET

MATCH WORKSHEET

A. Personnel Match - Cash Match: The personnel match section details costs with non-VAWA and non-federally funded agency employees who provide services to the VAWA project.

List Source(s) of Match (ex: United Way, City, County, etc):

- 1) List source of match;
- 2) List each employee by name and position
- 3) Indicate the number of hours used in calculating the cash match for this project; and
- 4) Indicate the hourly rate of reimbursement.
- 5) Indicate the Goal/Objective or other assignment for the individual(s) whose salary/benefits are used as match. This information must appear on the grant as well, in order to justify the match.

NOTE: If personnel services are donated to the project, involving no cash exchange for services, the amounts should be listed under the Volunteer section of the Match worksheets as an in-kind match.

NAME	POSITION	# HOURS	Hourly Rate	TOTAL SALARY	Assignment GOAL/OBJECTIVE
Debra Moore	District Court Admin.	75	\$56.19	\$4,214.25	Supv. POC
Rick Schwermer	Asst. Court Admin.	10	56.19	\$561.90	Work on program
Patrick Ogden	Court Services	40	\$23.11	\$924.40	Data analysis
Educ. Department	Various	50	28.45	\$1,422.50	Education and training
Other court staff	Various	250	30.87	\$7,717.50	Education and training
TOTAL VAWA HOURS BEING MATCHED		425			

TOTAL SALARY CASH MATCH VALUE:

\$14,840.55

Fringe Benefits Match - Cash Match: Fringe benefits should be based on actual known costs or on an established formula. Fringe benefits include the personnel listed in Match Personnel Section "A" and are equivalent to the VAWA percentage of time each devotes to the project.

- 1) Indicate personnel name and position;
- 2) The total salary (not to exceed amounts in section A);
- 3) The match fringe benefit percentage. Be sure to include the percentage sign (ex: 30%)

NAME	POSITION	TOTAL SALARY	BENEFIT %	TOTAL BENEFIT
Debra Moore	Dist. Ct. Admin.	\$4,214.25	59.00%	\$2,486.41
Rick Schwermer	Asst. Ct. Admin.	\$561.90	52.00%	\$292.19
Patrick Ogden	Court Services	\$927.40	52.00%	\$482.25
Various		\$7,717.50	40.00%	\$3,087.00
various		\$1,422.50	40.00%	\$569.00

TOTAL VAWA SALARY : \$14,843.55

TOTAL FRINGE BENEFIT CASH MATCH
VALUE:

\$6,916.84

TOTAL PERSONNEL/BENEFIT	Cash Match Value:	\$21,757.39
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C. Volunteers - In-Kind Match:

A volunteer is one who provides direct services for your program without receiving compensation.

1) List each volunteer by position and name (if possible);

(If there is more than one volunteer under the same position title, indicate approximate number of volunteers next to the position)

2) Briefly describe the volunteer(s) duties;

3) Indicate the number of hours the volunteer(s) will spend on this program;

4) List the hourly rate at which the volunteer position is valued

5) Indicate the Goal/Objective or other assignment for the individual(s) whose salary/benefits are used as match. This information must appear on the grant as well, in order to justify the match.

NAME/POSITION	DUTIES	# Hours	Hourly Rate	Value of Contributed Amount	Assignment or GOAL/OBJECTIVE
Volunteer presenters	Present educ. Progs.	20	\$60.00	\$1,200.00	Education and training
				\$0.00	
				\$0.00	
				\$0.00	
TOTAL VOLUNTEER				In-Kind Value:	\$1,200.00

D. Contracted Fees - Cash Match:

List Source(s) of Match (ex: United Way, City, County, etc):

1) List source of match;

2) Specify the name of, or the type of consultant services;

3) List the total amount of match hours dedicated to the project; and

4) Indicate the hourly rate of match.

5) Indicate the Goal/Objective or other assignment for the individual(s) whose salary/benefits are used as match. This information must appear on the grant as well, in order to justify the match.

Type of Consultant Services or Contracts	# HOURS	RATE	Value of Contributed Amount	Assignment or GOAL/OBJECTIVE
			\$0.00	
			\$0.00	
			\$0.00	
TOTAL CONTRACTED			Cash Match Value:	\$0.00

D. Contracted Fees - In-Kind Match:

List Source(s) of Match (ex: United Way, City, County, etc):

Type of Consultant Services or Contracts	# HOURS	RATE	Value of Contributed Amount	Assignment or GOAL/OBJECTIVE
			\$0.00	
			\$0.00	
			\$0.00	
TOTAL CONTRACTED			In-Kind Match Value:	\$0.00

E. Equipment - Cash Match

List Source(s) of Match (ex: United Way, City, County, etc):

1) List source of match;

2) List the non-expendable equipment items that have been donated for program use;

Non-expendable equipment: Tangible property having useful life of 1 year or more with acquisition costs of \$1,000/unit

3) List the VAWA use percentage (%) sign. NOTE: If equipment is used for other programs, indicate shared amount with those programs (60% VAWA use / 40% Other)

4) Indicate the number of pieces of equipment (example - 12 cell phones)

5) Indicate the unit price

E. Equipment - Cash Match (continued)

ITEM	VAWA % USE	QUANTITY	UNIT PRICE	Value of Contributed Amount
				\$0.00
				\$0.00
				\$0.00
TOTAL EQUIPMENT			Cash Match Value:	\$0.00

E. Equipment - In-Kind Match

List Source(s) of Match (ex: United Way, City, County, etc):

ITEM	VAWA % USE	QUANTITY	UNIT PRICE	Value of Contributed Amount
				\$0.00
				\$0.00
				\$0.00
TOTAL EQUIPMENT			In-Kind Match Value:	\$0.00

F. TRAVEL MATCH - Cash Match:

List Source(s) of Match (ex: United Way, City, County, etc): GENERAL FUND

1) Source of match;

2) The travel destination;

3) The number of miles to be traveled (round-trip); and

4) The per-mile rate (Not to exceed \$0.56/mile private car or \$0.38/mile on agency vehicles)

List Source(s) of Match (ex: United Way, City, County, etc):

TRAVEL DESTINATION	PURPOSE	TOTAL MILES roundtrip	Enter PER-MILE RATE (\$0.56 or \$0.38)	Value of Contributed Amount
POC	Tech. asst.	750	\$0.38	\$285.00
				\$0.00
				\$0.00
				\$0.00
TOTAL TRAVEL			Cash Match Value:	\$285.00

F. TRAVEL MATCH - In-Kind Match:

List Source(s) of Match (ex: United Way, City, County, etc):

TRAVEL DESTINATION	PURPOSE	TOTAL MILES	Enter PER-MILE RATE (\$0.56 or \$0.38)	Value of Contributed Amount
				\$0.00
				\$0.00
				\$0.00
				\$0.00
TOTAL TRAVEL			In-Kind Match:	\$0.00

G. TRAINING MATCH - Cash Match:

List Source(s) of Match (ex: United Way, City, County, etc):

To complete this section, enter the information in each box, as requested, working across the line

Name of Training	Registration (per person)	Per Diem	Hotel Fees (per Person / Per Day)	# of Days	Total Expenses per Person	Number Attending	Value of Contributed Amount
					\$0.00		\$0.00
					\$0.00		\$0.00
					\$0.00		\$0.00
TOTAL TRAINING						Cash Match:	\$0.00

G. TRAINING MATCH - In-Kind Match:

List Source(s) of Match (ex: United Way, City, County, etc):

To complete this section, enter the information in each box, as requested, working across the line

Name of Training	Registration (per person)	Per Diem	Hotel Fees (per Person / Per Day)	# of Days	Total Expenses Per Person	Number Attending	Value of Contributed Amount
					\$0.00		\$0.00
					\$0.00		\$0.00
					\$0.00		\$0.00
TOTAL TRAINING						In-Kind Match:	\$0.00
TOTAL TRAVEL/TRAINING						Cash Match Value:	\$285.00
TOTAL TRAVEL/TRAINING						In-Kind Match Value:	\$0.00

H. SUPPLIES MATCH - Cash Match:

- 1) List source of match;
- 2) List items within this category by major type (ex: office supplies, phones, utilities, postage, etc)
Generally, supplies include materials that are expendable/consumed during the course of the project
- 3) List the quantity of the item;
- 4) List the unit price.

List Source(s) of Match: (ex: United Way, County, etc): GENERAL FUND

QUANTITY	ITEM DESCRIPTION	UNIT PRICE	Value of Contributed Amount
1	Telephone	\$840.00	\$840.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
TOTAL SUPPLIES			CASH MATCH: \$840.00

H. SUPPLIES MATCH - In-Kind Match:

QUANTITY	ITEM DESCRIPTION	UNIT PRICE	Value of Contributed Amount
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
TOTAL SUPPLIES			IN-KIND MATCH: \$0.00

I. OTHER MATCH - Cash Match: Other funds are those match monies that are allocated to assist victims of crime for emergency purposes (ex: petty cash) and miscellaneous items.

- 1) List source of match;
- 2) List the items;
- 3) List the quantity of the items; and
- 4) List the unit price

List Source(s) of Match: (ex: United Way, County, etc):

QUANTITY	ITEM DESCRIPTION	UNIT PRICE	Value of Contributed Amount
			\$0.00
			\$0.00
TOTAL OTHERS		CASH MATCH:	\$0.00

I. OTHER MATCH - In-Kind Match

QUANTITY	ITEM DESCRIPTION	UNIT PRICE	Value of Contributed Amount
1	Office Space	\$4,500.00	\$4,500.00
			\$0.00
TOTAL OTHERS		IN-KIND MATCH:	\$4,500.00

TOTAL CASH MATCH:

22,882.39

TOTAL IN-KIND MATCH:

\$5,700.00

TOTAL CASH & IN-KIND MATCH:

\$28,582.39

Indirect Costs Figuring and Applying the Appropriate Rate

Every agency is entitled to request Indirect Cost. Please indicate by checking the appropriate box, which option your agency will be choosing.

- ☐ Our agency will be using the 10% De Minimis rate
- ☐ Our agency will be using our Federally Negotiated Rate at %
- ☐ No Indirect Costs will be requested

If your agency will be including indirect costs in this grant, please review this material very carefully.

What are Indirect Costs: "...[these are] costs incurred solely as a result of incurring another cost that would not have been incurred if the other cost had not been incurred."

OR more simply stated:

These are costs that are directly associated to another cost

EXAMPLE: (Fringe benefits are directly associated with payroll costs)

1) If your agency has negotiated a rate through a Federal Cognizant Agency and you have a current, Federally negotiated rate - you will figure your indirect costs at that assigned rate.

2) If your agency does not have a current Federally negotiated indirect cost rate, your agency will be applying the De Minimis Rate.

What is the De Minimis Rate: This rate allows subrecipients, who have NEVER had a Federally approved indirect cost rate agreement, to request Indirect Costs associated with expending Federal grant monies.

How is the De Minimis Rate Calculated: There are several ways in which indirect costs can be calculated. However, for the VAWA grant, the Federal directive is to charge 10% of the Modified Total Direct Costs (MTDC) associated with the grant.

This rate must remain consistent for ALL Federal awards held by an individual agency and must be consistently used for all Federal awards until (if) a rate is negotiated.

SAMPLE BUDGET CALCULATION FORM

FIGURING AGENCY BUDGET USING THE DE MINIMIS RATE @ 10%

Grant Expense (Type)	Amount Requested	Description of expense	Rate %	Reflects 10% of amount requested	Reflects Amount requested less 10%
a. Personnel:	53,850.00	STAFF Salary	De Minimis Rate 10%	5,385.00	48,465.00
b. Fringe benefits:	11,847.00	only) of STAFF Salary		1,184.70	10,662.30
c. Equipment:	0.00	not eligible - do not include		0.00	0.00
d. Travel/training;	825.00	\$10,000 if training is VAWA eligible		82.50	742.50
e. Supplies:	275.00	General Office Supplies		27.50	247.50
f. Other:	1,500.00	Victim Emergency Assistance		150.00	1,350.00
g. Contracts / Consultants	150.00	Contracted amounts Consultant Fees		15.00	135.00
GRANT SUBTOTAL	68,447.00			GRANT SUBTOTAL	61,602.30
DE MINIMS INDIRECT COST RATE (MTDC) - 10% of the grant total, less equipment, contract rate eval)	6,844.70			DE MINIMS INDIRECT COST RATE (MTDC) - 10% of the grant total, less equipment, contract rate eval)	6,844.70
REVISED GRANT TOTAL	75,291.70			REVISED GRANT TOTAL	68,447.00

PLEASE NOTE: If your agency will be requesting indirect costs, these costs must be calculated in such a manner as to bring your grant total to the SAME amount your agency was allocated in 2015.

ALLOWABLE COSTS ASSOCIATED WITH INDIRECT COSTS

Allowable Cost - A cost is allowable IF it meets the following general criteria:

- 1) **REASONABLE** - a cost is reasonable if it does not exceed that which would be incurred by a prudent person
 - a. The cost is recognized as ordinary and necessary for the operation of the organization
 - b. The cost is allowable under grant guidelines
 - c. The cost is incurred specifically for this grant
 - d. The cost benefits both the award and the project
- 2) **CONFORMS** to VAWA limitations
- 3) **CONSISTENT** with both Federal and your Agency's policies and procedures
- 4) **ACCORDANCE** with generally accepted accounting principles
- 5) **NOT** to be used to meet cost-sharing or **MATCHING** requirements on any Federally financed project
- 6) Must be adequately **DOCUMENTED**

THREE (3) MAJOR CATEGORIES OF INDIRECT COSTS

- 1) Depreciation and Use Allowance - "... a portion of the costs of the organization's buildings and interest on debt associated with certain buildings may be eligible"
- 2) Operation and Maintenance - "... expenses incurred for the administration, operation, maintenance, preservation and protection of the organization's physical plant may be eligible"
- 3) General and Administrative - "... expenses incurred for the overall general executive, and administration of the organization and other expenses of a general nature that do not relate solely to any major function of the organization may be eligible"

Special Requirements - Unallowable Direct Costs include -

- 1) Fundraising
- 2) Maintenance of membership rolls
- 3) Providing information to members, legislative or administrative bodies, or the public
- 4) Meetings and conferences
- 5) Administration of group benefits
- 6) Lobbying

REQUIRED CERTIFICATIONS For NON-PROFITS**§200.415 Required certifications.**

Required certifications include:

(a) To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreements must include a certification, signed by an official who is authorized to legally bind the non-Federal entity, which reads as follows:

"By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."

(b) Certification of cost allocation plan or indirect (F&A) cost rate proposal. Each cost allocation plan or indirect (F&A) cost rate proposal must comply with the following:

(1) A proposal to establish a cost allocation plan or an indirect (F&A) cost rate, whether submitted to a Federal cognizant agency for indirect costs or maintained on file by the non-Federal entity, must be certified by the non-Federal entity using the Certificate of Cost Allocation Plan or Certificate of Indirect Costs as set forth in Appendices III through VII, and Appendix IX. The certificate must be signed on behalf of the non-Federal entity by an individual at a level no lower than vice president or chief financial officer of the non-Federal entity that submits the proposal.

(2) Unless the non-Federal entity has elected the option under §200.414 Indirect (F&A) costs, paragraph (f), the Federal Government may either disallow all indirect (F&A) costs or unilaterally establish such a plan or rate when the non-Federal entity fails to submit a certified proposal for establishing such a plan or rate in accordance with the requirements. Such a plan or rate may be based upon audited historical data or such other data that have been furnished to the cognizant agency for indirect costs and for which it can be demonstrated that all unallowable costs have been excluded. When a cost allocation plan or indirect cost rate is unilaterally established by the Federal Government because the non-Federal entity failed to submit a certified proposal, the plan or rate established will be set to ensure that potentially unallowable costs will not be reimbursed.

(c) Certifications by non-profit organizations as appropriate that they did not meet the definition of a major nonprofit organization as defined in §200.414 Indirect (F&A) costs, paragraph (a).

(d) See also §200.450 Lobbying for another required certification.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75886, Dec. 19, 2014]

Certification of Cost Allocation Plan**FOR STATE and LOCAL GOVERNMENTS****CERTIFICATE OF COST ALLOCATION PLAN**

This is to certify that I have reviewed the cost allocation plan submitted herewith and to the best of my knowledge and belief:

(1) All costs included in this proposal [identify date] to establish cost allocations or billings for [identify period covered by plan] are allowable in accordance with the requirements of this Part and the Federal award(s) to which they apply. Unallowable costs have been adjusted for in allocating costs as indicated in the cost allocation plan.

(2) All costs included in this proposal are properly allocable to Federal awards on the basis of a beneficial or causal relationship between the expenses incurred and the Federal awards to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently.

I declare that the foregoing is true and correct.

Governmental Unit: _____

Signature: _____

Title: _____

Date of Execution: _____

**Certification of Indirect (F&A) Costs
NON-PROFIT ORGANIZATIONS**

(1) Required Certification. No proposal to establish indirect (F&A) cost rates must be acceptable unless such costs have been certified by the non-profit organization using the Certificate of Indirect (F&A) Costs set forth in section j. of this appendix. The certificate must be signed on behalf of the organization by an individual at a level no lower than vice president or chief financial officer for the organization.

(2) Each indirect cost rate proposal must be accompanied by a certification in the following form:

Certificate of Indirect (F&A) Costs

This is to certify that to the best of my knowledge and belief:

(1) I have reviewed the indirect (F&A) cost proposal submitted herewith;

(2) All costs included in this proposal [identify date] to establish billing or final indirect (F&A) costs rate for [identify period covered by rate] are allowable in accordance with the requirements of the Federal awards to which they apply and with Subpart E —Cost Principles of Part 200.

(3) This proposal does not include any costs which are unallowable under Subpart E— Cost Principles of Part 200 such as (without limitation): public relations costs, contributions and donations, entertainment costs, fines and penalties, lobbying costs, and defense of fraud proceedings; and

(4) All costs included in this proposal are properly allocable to Federal awards on the basis of a beneficial or causal relationship between the expenses incurred and the Federal awards to which they are allocated in accordance with applicable requirements.

I declare that the foregoing is true and correct:

Nonprofit Organization: _____

Signature: _____

Name of Official: _____

Title: _____

Date of Execution: _____

§200.450 Lobbying.

(a) The cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements, or loans is an unallowable cost. Lobbying with respect to certain grants, contracts, cooperative agreements, and loans is governed by relevant statutes, including among others, the provisions of 31 U.S.C. 1352, as well as the common rule, "New Restrictions on Lobbying" published at 55 FR 6736 (February 26, 1990), including definitions, and the Office of Management and Budget "Government wide Guidance for New Restrictions on Lobbying" and notices published at 54 FR 52306 (December 20, 1989), 55 FR 24540 (June 15, 1990), 57 FR 1772 (January 15, 1992), and 61 FR 1412 (January 19, 1996).

(b) Executive lobbying costs. Costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the executive branch of the Federal Government to give consideration or to act regarding a Federal award or a regulatory matter are unallowable. Improper influence means any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a Federal award or regulatory matter on any basis other than the merits of the matter.

(c) In addition to the above, the following restrictions are applicable to nonprofit organizations:

(1) Costs associated with the following activities are unallowable:

(i) Attempts to influence the outcomes of any Federal, state, or local election, referendum, initiative, or similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity;

(ii) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections in the United States;

(iii) Any attempt to influence:

(A) The introduction of Federal or state legislation;

(B) The enactment or modification of any pending Federal or state legislation through communication with any member or employee of the Congress or state legislature (including efforts to influence state or local officials to engage in similar lobbying activity);

(C) The enactment or modification of any pending Federal or state legislation by preparing, distributing, or using publicity or propaganda, or by urging members of the general public, or any segment thereof, to contribute to or participate in any mass demonstration, march, rally, fund raising drive, lobbying campaign or letter writing or telephone campaign; or

(D) Any government official or employee in connection with a decision to sign or veto enrolled legislation;

(iv) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.
(2) The following activities are excepted from the coverage of paragraph (c)(1) of this section:
(i) Technical and factual presentations on topics directly related to the performance of a grant, contract, or other agreement (through hearing testimony, statements, or letters to the Congress or a state legislature, or subdivision, member, or cognizant staff member thereof), in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the non-Federal entity's member of congress, legislative body or a subdivision, or a cognizant staff member thereof, provided such information is readily obtainable and can be readily put in deliverable form, and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearings;
(ii) Any lobbying made unallowable by paragraph (c)(1)(iii) of this section to influence state legislation in order to directly reduce the cost, or to avoid material impairment of the non-Federal entity's authority to perform the grant, contract, or other agreement; or
(iii) Any activity specifically authorized by statute to be undertaken with funds from the Federal award.
(iv) Any activity excepted from the definitions of "lobbying" or "influencing legislation" by the Internal Revenue Code provisions that require nonprofit organizations to limit their participation in direct and "grass roots" lobbying activities in order to retain their charitable deduction status and avoid punitive excise taxes, I.R.C. §§501(c)(3), 501(h), 4911(a), including:
(A) Nonpartisan analysis, study, or research reports;
(B) Examinations and discussions of broad social, economic, and similar problems; and
(C) Information provided upon request by a legislator for technical advice and assistance, as defined by I.R.C. §4911(d)(2) and 26 CFR 56.4911-2(c)(1)-(c)(3).
(v) When a non-Federal entity seeks reimbursement for indirect (F&A) costs, total lobbying costs must be separately identified in the indirect (F&A) cost rate proposal, and thereafter treated as other unallowable activity costs in accordance with the procedures of §200.413 Direct costs.
(vi) The non-Federal entity must submit as part of its annual indirect (F&A) cost rate proposal a certification that the requirements and standards of this section have been complied with. (See also §200.415 Required certifications.)

(vii)(A) Time logs, calendars, or similar records are not required to be created for purposes of complying with the record keeping requirements in §200.302 Financial management with respect to lobbying costs during any particular calendar month when:

(1) The employee engages in lobbying (as defined in paragraphs (c)(1) and (c)(2) of this section) 25 percent or less of the employee's compensated hours of employment during that calendar month; and

(2) Within the preceding five-year period, the non-Federal entity has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs.

(B) When conditions in paragraph (c)(2)(vii)(A)(1) and (2) of this section are met, non-Federal entities are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when conditions in paragraphs (c)(2)(vii)(A)(1) and (2) of this section are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.

(viii) The Federal awarding agency must establish procedures for resolving in advance, in consultation with OMB, any significant questions or disagreements concerning the interpretation or application of this section. Any such advance resolutions must be binding in any subsequent settlements, audits, or investigations with respect to that grant or contract for purposes of interpretation of this part, provided, however, that this must not be construed to prevent a contractor or non-Federal entity from contesting the lawfulness of such a determination.

§200.414 Indirect (F&A) costs.

(a) *Facilities and Administration Classification.* For major IHEs and major nonprofit organizations, indirect (F&A) costs must be classified within two broad categories: "Facilities" and "Administration." "Facilities" is defined as depreciation on buildings, equipment and capital improvement, interest on debt associated with certain buildings, equipment and capital improvements, and operations and maintenance expenses. "Administration" is defined as general administration and general expenses such as the director's office, accounting, personnel and all other types of expenditures not listed specifically under one of the subcategories of "Facilities" (including cross allocations from other pools, where applicable). For nonprofit organizations, library expenses are included in the "Administration" category; for institutions of higher education, they are included in the "Facilities" category. Major IHEs are defined as those required to use the Standard Format for Submission as noted in Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) paragraph C. 11. Major nonprofit organizations are those which receive more than \$10 million dollars in direct Federal funding.

(b) *Diversity of nonprofit organizations.* Because of the diverse characteristics and accounting practices of nonprofit organizations, it is not possible to specify the types of cost which may be classified as indirect (F&A) cost in all situations. Identification with a Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs of Federal awards. However, typical examples of indirect (F&A) cost for many nonprofit organizations may include depreciation on buildings and equipment, the costs of operating and maintaining facilities, and general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.

(c) *Federal Agency Acceptance of Negotiated Indirect Cost Rates.* (See also §200.306 Cost sharing or matching.)

(1) The negotiated rates must be accepted by all Federal awarding agencies. A Federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute or regulation, or when approved by a Federal awarding agency head or delegate based on documented justification as described in paragraph (c)(3) of this section.

(2) The Federal awarding agency head or delegate must notify OMB of any approved deviations.

(3) The Federal awarding agency must implement, and make publicly available, the policies, procedures and general decision making criteria that their programs will follow to seek and justify deviations from negotiated rates.

(4) As required under §200.203 Notices of funding opportunities, the Federal awarding agency must include in the notice of funding opportunity the policies relating to indirect cost rate reimbursement, matching, or cost share as approved under paragraph (e)(1) of this section. As appropriate, the Federal agency should incorporate discussion of these policies into Federal awarding agency outreach activities with non-Federal entities prior to the posting of a notice of funding opportunity.

(d) Pass-through entities are subject to the requirements in §200.331 Requirements for pass-through entities, paragraph (a)(4).

(e) Requirements for development and submission of indirect (F&A) cost rate proposals and cost allocation plans are contained in Appendices III-VII and Appendix IX as follows:

(1) Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs);

(2) Appendix IV to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations;

(3) Appendix V to Part 200—State/Local Government wide Central Service Cost Allocation Plans;

(4) Appendix VI to Part 200—Public Assistance Cost Allocation Plans;

(5) Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals; and

(6) Appendix IX to Part 200—Hospital Cost Principles.

(f) In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that has never received a negotiated indirect cost rate, except for those non-Federal entities described in Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals, paragraph D.1.b, may elect to charge a **de Minimis rate of 10% of modified total direct costs (MTDC)** which may be used indefinitely. As described in §200.403 Factors affecting allowability of costs, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

(g) Any non-Federal entity that has a current federally negotiated indirect cost rate may apply for a one-time extension of the rates in that agreement for a period of up to four years. This extension will be subject to the review and approval of the cognizant agency for indirect costs. If an extension is granted the non-Federal entity may not request a rate review until the extension period ends. At the end of the 4-year extension, the non-Federal entity must re-apply to negotiate a rate. Subsequent one-time extensions (up to four years) are permitted if a renegotiation is completed between each extension request.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75886, Dec. 19, 2014]

If you are asking for continued funding, a comparison between your current grant award and the new grant request is needed. Please fill out the Program Expenditure Comparison Section and explain the difference in the program expenses incurred during calendar 2015 and those anticipated in 2016.

PROGRAM EXPENDITURE COMPARISON SUMMARY

If you were funded during the 2015 grant year, (14VAWA ____), provide the following federal grant award figures. If you were not funded during the 2015 cycle, leave this section blank.

This year's funding will automatically appear in the column after you complete the Budget Detail Worksheet of the grant application.

- (1) Enter last year's funding amounts;
- (2) Complete the VAWA funded personnel section; and
- (3) Justify the differences in expenses incurred during calendar year 2015 and those anticipated in 2016

INCLUDE ONLY VAWA FEDERAL FUNDS

Last Year's Project: 2015		This Year's Request: 2016	
Number of grant months	12	Number of grant months	12
Funding Category		Funding Category	
	Amounts		Amounts Difference
Personnel	\$40,326.00	Personnel	\$28,974.40 -\$11,351.60
Benefits	\$18,146.70	Benefits	\$25,914.96 \$7,768.26
Contracted Fees	\$3,080.00	Contracted Fees	\$1,500.00 -\$1,580.00
Equipment	\$500.00	Equipment	\$579.48 \$79.48
Travel/Training	\$6,263.00	Travel/Training	\$6,792.00 \$529.00
Supplies	\$100.00	Supplies	\$200.00 \$100.00
Other	\$455.00	Other	\$455.00 \$0.00
Total Costs		Total Costs	
\$68,870.70		\$64,415.84 -\$4,454.86	

Last year's Personnel 2015 VAWA Funded Costs. NOTE: The total columns calculate automatically							
VAWA funded Employee	Agency Hours	VAWA funded hrs	Hourly Rate	TOTAL Salary	Benefit Percent%	Total VAWA Funded Benefit	TOTAL VAWA (Salary & Benefit)
Valerie Paul	0.00	1560	\$25.85	\$40,326.00	45.00%	\$18,146.70	\$58,472.70
				\$0.00		\$0.00	\$0.00
				\$0.00		\$0.00	\$0.00
				\$0.00		\$0.00	\$0.00
				\$0.00		\$0.00	\$0.00
	TOTAL VAWA FUNDED SALARY & BENEFIT:					\$58,472.70	
	Note: This total should equal the 2015 Personnel Amount						

Justify (in detail) the differences in expenses incurred during 2015 and those anticipated during 2016. Be sure to include reasons for the increases and clarify any possible supplanting issues.

SPACE IS LIMITED TO THE AREA BELOW.

The funds available in this grant have decreased over the last several years, including from 2015 to 2016. At the same time, various costs -- in particular the cost of state benefits -- have increased over the same period of time. Per diem travel allowances and the mileage reimbursement rate have also increased. In order to bring the program funded by the grant into line with the available funding, some items have been pared back. Most significantly, the number of hours to be worked by the Domestic Violence Program Coordinator have been reduced from 1560 to 1040 (3/4 time to 1/2 time). Contracted fees for out of state presenters and travel have been cut. No grant funds have been or will be used to provide or support any programs or services outside the scope of the grant program.

VAWA FUNDED EQUIPMENT SUMMARY

This section requires all subgrantees, requesting funding, to list all VAWA purchased equipment received within the last 3 years. It includes purchased equipment that has been fully or partially funded through VAWA. If you have not been funded by VAWA within the last 3 years, leave this section blank. **DO NOT INCLUDE MATCH AMOUNTS.** (1) List all equipment paid fully or partially by VAWA. (2) Specify the program year the equipment was purchased (example: 2014); (3) Include the total amount that VAWA paid; (4) List the Total Cost of the Equipment. **ALL APPLICANTS ARE REQUIRED TO SIGN THIS SUMMARY DOCUMENT, REGARDLESS OF ANY REQUEST FOR EQUIPMENT**

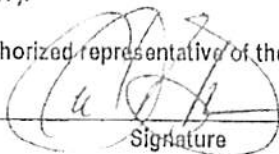
	TYPE OF EQUIPMENT	PROGRAM YEAR PURCHASED	COST FUNDED by VAWA	TOTAL COST of EQUIPMENT
1	Laptop	2015	\$857	\$857
2				
3				
4				
5				
6				

EQUIPMENT INVENTORY REQUIREMENTS

Subgrantees are required to maintain, as part of the financial records of the grant, the following types of equipment management records for all equipment acquired in whole or part with grantor agency funds. At a minimum, management records must meet the following requirements:

- 1 Records must contain copies of purchase orders and invoices.
- 2 The records must include an inventory control listing for nonexpendable equipment, which must be kept current, and the records must contain:
 - a. Item description;
 - b. Source of equipment;
 - c. Manufacturer's serial number and, if applicable, control number;
 - d. Grantor agency funded cost equity at time of acquisition;
 - e. Acquisition date and cost;
 - f. Location, use and condition of property; and
 - g. Ultimate disposition data including sale price or the method used to determine current fair market value.
- 3 A physical inventory of all equipment costing more than \$300 per item shall be taken and the results reconciled with the equipment record to verify the existence, current utilization and continued need for the equipment. The result of the inventory must be forwarded to the state for review and concurrence, and shall become part of the official grant file.
- 4 A control system shall be in effect to ensure adequate safeguards to prevent loss, damage or theft to nonexpendable equipment. Any loss, damage or theft of nonexpendable equipment shall be investigated, fully documented and made part of the official grant file.
- 5 Adequate maintenance procedures shall be established to keep the nonexpendable equipment in good condition.
- 6 Proper sales procedures which would provide for competition to the maximum extent practical and result in the highest possible return shall be established for unneeded nonexpendable equipment.
- 7 Records for nonexpendable equipment which has been acquired in whole or in part with federal grant funds must be retained for three years after final disposition of the nonexpendable equipment.
- 8 A copy of your agency's equipment inventory requirements shall be submitted to UOVC with the final Quarterly Progress Report (due January 30, 2017).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.


Signature

10/15/2015
Date

A. STATEMENT OF PROBLEM, NEED AND TARGET POPULATION

The purpose of this section is to develop a clear, concise picture of the problem.

PAY SPECIAL ATTENTION AS YOU EXPLAIN THE PURPOSE AND THE FOCUS OF THE GRANT

- 1) Describe the geographical area to be serviced by the program
- 2) Discuss the nature and scope of the problem in your program service area. If the problem is the result of many factors, these factors should be analyzed and discussed. Provide statistical information such as violent crime rates, gaps in victim services, etc.
- 3) Clearly list and explain what the **CORE VICTIM NEEDS** are in the designated location
- 4) List and describe barriers that might be encountered that prohibit or make it difficult to provide victim services and to ensure victim safety
- 5) Indicate the group(s) of victim(s) your program will provide services to (example: non-reporting victims) underserved populations, rape victims, etc) **PLEASE LIMIT YOUR RESPONSE TO SPACE PROVIDED**

Using four (4) sentences, **CLEARLY EXPLAIN** the **PURPOSE** and the **FOCUS** of this grant:

This grant is intended to fund the continuation of a court point of contact position. This position provides technical assistance in domestic violence, stalking, and sexual assault to court staff, judges and external agencies. This grant will also allow for increased training, increased monitoring of ongoing trends in domestic violence research and collaboration between various court departments and other agencies in the state.

- 1) Describe the geographical area to be served by the program. Include: # of square miles, size of city and county, density, poverty level, ethnic breakdown, age breakdown, # of children, senior population, schools/universities, industries, etc.

The program serves the state of Utah and its 8 judicial districts. Utah covers 84,999 square miles, divided into 29 counties of various sizes. The 2013 population is estimated at 2,900,872, with a density of 33.6 people per square mile. The population is 49.7% female, 91.6% White, 1.3% African American, 1.5% American Indian or Alaska Native, 0.3% Asian, 1.0% Pacific Islander and 13.4% Hispanic or Latino. 12.1% of all individuals live below the poverty level. On average, there are 3.09 persons per household, with 8.8% of the population under the age of 5, 30.9% under the age of 18 and 9.8% over 65 years of age. (U.S. Census, available at <http://quickfacts.census.gov/qfd/states/49000.html>). There are several universities in the state, with the largest being Utah State University, the University of Utah, Utah Valley University and Brigham Young University. Utah's industries are varied and include tourism, agriculture, mining, biomedical and information technology. (Utah.gov)

Discuss the nature and scope of the problem in your program service area. Use a logical argument, statistics and evidence which establish the need for services. If the problem is the result of many factors, these factors should be analyzed and discussed. Address any lack of services, limitations of existing programs and safety issues. (Materials used must be **CURRENT** and **REFERENCES** provided)

Domestic violence is a serious problem in the state of Utah, with nearly 43% of all homicides from 2000-2013 involving domestic violence. No More Secrets Report 2014. The courts handle a significant number of domestic violence cases every year. In the first half of calendar year 2014 alone, justice courts heard 2,973 cases flagged for domestic violence, while the district courts heard 1,761 criminal domestic violence cases. During the same period, district courts issued 75 civil stalking injunctions, 14 criminal stalking injunctions, 17 dating violence orders, 800 protective orders, 308 temporary civil stalking injunctions, 40 temporary dating violence orders and 1,895 temporary protective orders. Court Services. In addition to orders that issue, it is likely that hundreds, if not thousands, of potential parties affected by domestic violence interacted with the courts without filing any paperwork. The justice system is often confusing to laypeople, especially those in crisis situations. The role of the court and the length of the processes can often be frustrating or discouraging, leading to decreased desire or ability to access the court system and the protections it can provide. Because of geographic distribution and employee turnover, it is often difficult to ensure that practices and training are consistent throughout the state and that all employees have the same level of comfort with domestic violence cases. It is also difficult to ensure that all changes and new information from external agencies are shared consistently with court staff that would benefit from notifications and would be in a position to pass them along to parties who come to court. Safety is also a concern for those who go to court, especially if they are not aware of the potential protections available to them.

Complete the following table. First *list* the CORE/BASIC needs of victims in your service location, stating the need in a general way. Second, discuss, in depth, each aspect of the need and why they must be addressed.

IDENTIFIED CORE/BASIC VICTIM NEED	WHY IT IS IMPORTANT TO ADDRESS THIS NEED
Safety	When victims access the justice system and the courts specifically, they must feel safe and protected while pursuing their rights. The courts must ensure that the courthouse is a safe place and orders are issued and enforced appropriately when violations are noted
Information	Victims must have at least a basic understanding of what resources are available to them. This includes being linked to advocates and attorneys when they are in court, as well as information about what will happen as part of the court process.
Consistency	Victims and offenders need consistency and predictability when accessing the court system to allow them to feel comfortable and understand that the court takes the issue of domestic violence very seriously. Consistency has been shown to lead to improved outcomes for all parties.
Access	Regardless of where they live, their minority status, or financial resources, victims must be able to access the protections of the justice system. The courts and other agencies must identify and address the barriers that may prevent victims from accessing the justice system.
Appropriate outcomes and accountability for offenders	Judges have considerable discretion when making decisions about outcomes for parties. To facilitate appropriate sentencing and judgments, judges must have access to up-to-date information on resources and research on best practices and current laws. This will lead to more consistent sentencing and increased safety for victims.

List and describe the barriers to victim service and safety within your agency and within your community:

One barrier to victim safety and security in the courts can be a lack of understanding of what services are available and what protection the courts can provide. Often victims avoid the justice system because of fears that they will be penalized somehow or that they will be unable to obtain the relief they want. This leads to decreased access, to victims not receiving all the protection they might be entitled to, or lack of enforcement of the protections they have already received. Courts do not generally advertise their services and must rely on other agencies and individuals to encourage parties to access the justice system. These other agencies and individuals may share frustrations, misconceptions or lack of knowledge about the courts' role and may not feel that the courts do enough for victims. The courts must work to maintain and improve relationships to disseminate knowledge that would help encourage parties to access the courts and better understand its workings. Other barriers to victim safety and security include a lack of resources in some parts of the state. Some courts, especially those in rural areas, have limited access to supportive agencies (probation, victim advocates, etc.), which puts victims at greater risk. Those courts need alternative resources to resolve cases and refer victims adequately. Finally, underrepresented populations (minorities, speakers of other languages, LGBT community) may feel uneasy or have additional barriers when accessing the courts. Courts must increase cultural competency and may need to make changes to procedures in order to be able to meet the needs of these populations.

5) Indicate the group(s) of victim(s) your program will target to provide services to:

Agencies who interact with the courts, receive training and provide services to victims will benefit from this program, as will victims of crime served by those agencies.

B. PRIORITY AREAS

Each sub-grantee will be required to respond to and report on these three (3) identified priority areas. Please indicate the assigned quantitative number associated with each.

1. REFER VICTIMS TO THE UTAH OFFICE FOR VICTIMS OF CRIME FOR ASSISTANCE WITH REPARATION BENEFITS

1) Indicate the number of victims that will be referred to UOVC	NA
1) Indicate the VAWA funded employee responsible for this project	NA (no direct victim services)

2. REPORTING TO AGENCY'S GOVERNING BODY

Each VAWA funded agency is responsible for reporting twice yearly to the agency's governing body.

The information which will be reported on will include:

- 1) The crime categories under which crime victims were served
- 2) Types of services provided and 3) Program accomplishments
- 3) Program accomplishments

Each agency will need to indicate the date of the report, the name of the VAWA funded employee making the report and the information provided. Each report should be accompanied by an agenda documenting the report. Reporting will be documented through quarterly reports.

- | | |
|---|-----------------------------|
| 2) Indicate the VAWA funded employee responsible for this project | Domestic Viol. Prog. Coord. |
|---|-----------------------------|

3. OVW PRIORITY AREA - COLLABORATION WITH ALLIED PROFESSIONS

In this section describe your agency's collaborative efforts to coordinate the response of law enforcement, prosecutors, courts, victim services and other agencies to end violence against women.

MEANINGFUL COLLABORATION WITH ALLIED PROFESSIONS MUST ADDRESSED WITHIN YOUR GRANT AS PER THE FEDERAL GOVERNMENT:

States...should seek to carry out these strategies by **forging lasting partnerships between the victim advocacy organization and the criminal justice system**, and by encouraging communities to look beyond traditional resources. States...should also **look to new partners**, including community-based organizations, to **respond vigorously** to sexual assault, domestic violence, dating violence and stalking crimes." (OVW Fiscal Year 2013 STOP Violence Against Women Formula Grant Program, p. 14)

Please be aware, this section is not optional. Carefully follow and address accurately each aspect as follows:

- 1) Clearly state what the purpose/focus of the collaborative project will be
- 2) Explain why your agency has chosen this project
- 3) List the collaborative partners
- 4) Indicate the role or function each partner will fill
- 5) Indicate the system or target population that is the focus of the project
- 6) Indicate the potential the project has to effect change

Clearly state what the purpose and/or focus of the collaborative project will be:

Because of retirements, approximately 50% of the judges currently on the bench in the district, appellate and juvenile courts have been serving for 5 years or less. The turnover rate for court staff also reflects retirement of "baby boomers" and is fairly high. As such, it is imperative that a training curriculum be developed to identify what areas need to be addressed in a curriculum for domestic violence. The collaborative project will pull together a group to work with judges to create a strong curriculum and provide training.

2) Explain why your agency has chosen this project:

The current turnover in judges is expected to continue over the next year. This turnover creates a unique opportunity to make the best use of an educational curriculum in domestic violence. Such a curriculum will serve as a foundation for educating a new generation of judges well into the future. It will provide judges and judicial educators with information about what a comprehensive grounding in domestic violence cases includes and with a means to assess and address any gaps that judges may have in their knowledge and skills. Ultimately, high quality training of judges in domestic violence, according to a well-thought out curriculum that was developed in collaboration with others involved in domestic violence cases and issues will greatly benefit victims and the community.

List the collaborative partners and the role or function each partner will fill:

3) COLLABORATIVE PARTNER	4) THE ROLE or FUNCTION THIS PARTNER WILL PLAY
Utah Prosecution Council (letter requested; will provide upon receipt)	UPC provides educational programs to prosecutors on a statewide and regional basis. UPC also maintains subject matter expertise in domestic violence, trauma, and lethality assessments. UPC will provide that expertise to the development of the curriculum.
Utah Legal Services Corp. and Legal Aid Society of Salt Lake (letters attached)	ULS and LASSL are non-profit advocacy organizations that handle a high volume of domestic violence cases. They add their perspective to the collaborative process.
Domestic Violence Treatment Specialist	A treatment specialist with expertise in evidence-based practices will be invited to address the need for a curriculum to include information on treatment resources that may be available both to address the needs of victims and to provide effective interventions with perpetrators.

ah Office on Domestic and Sexual Violence	ODSV will bring a system-wide perspective to the development of a comprehensive curriculum.
Member of Criminal Defense Bar	A criminal defense attorney and/or an attorney who represents respondents in protective order cases will help ensure that the curriculum is balanced and includes information on protecting the rights of the accused and on resources for successful rehabilitation of offenders.
5) Indicate the system or target population that the project will focus on:	
Justice Court Judges, District Court Judges, Court Commissioners and court personnel.	
6) Indicate the potential that the project has to affect changes for victims or for the system:	
<p>The project has the potential to greatly enhance the court's ability to effectively manage domestic violence cases, which will benefit victims and all participants in the civil and criminal justice system who encounter domestic violence issues. Judges, Commissioners, and court personnel will have a deeper and more comprehensive understanding of issues involved in domestic violence cases, such as the resources and remedies for those issues, common victim and perpetrator behavior, compliance with court orders, victim and witness safety, cultural differences, and considerations of procedural fairness. This will lead to better outcomes for all parties and for the community.</p>	

***ATTACH A MINIMUM OF THREE (3) LETTERS FROM YOUR IDENTIFIED COLLABORATIVE PARTNERS**

Each letter must:

- 1) Be written on the collaborative agency's letterhead
- 2) Have an original signature (Please submit the original letter, not a copy)
- 3) Have a current date

EACH LETTER FROM A COLLABORATIVE PARTNER MUST:

- 1) Clearly identify the collaborative project - and the project partners
- 2) Clearly indicates that they are willing to participate and that they understand what their participation requires
- 3) Indicates that they know when and where collaborative meetings will be held and that they agree to meet regularly
- 4) Indicates that they are willing to accept and complete assignments
- 5) Indicates that as a collaborative partner, they can and will be expected to provide input on the project
- 6) Indicates that, as an agency, they fully understand and support the project



LEGAL AID SOCIETY OF SALT LAKE

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

October 15, 2015

Utah Office for Victims of Crime
350 East 500 South, Suite 200
Salt Lake City, Utah

Dear Review Committee Member:

I am writing in support of a VAWA grant award to the Administrative Office of the Courts and to indicate my willingness to serve as their collaborative partner. The AOC proposes to continue a dedicated point of contact position to address systems-wide domestic violence issues in the courts. The collaborative project that we will focus on is working with a committee of judges to create an intimate partner violence-related training plan for judges and court staff throughout the state.

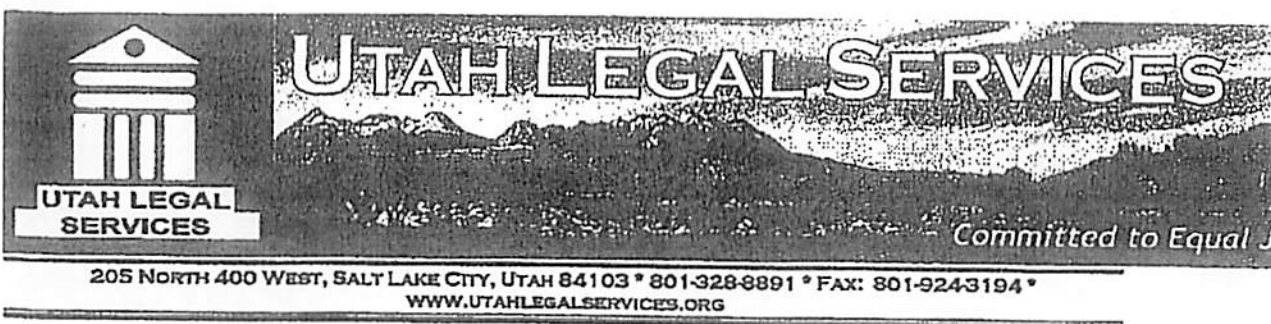
At this point, over 50% of the judges currently on the bench have served for less than 5 years. Newer judges bring their considerable expertise and experience to the bench, but it is crucial that all judges and court personnel who might interact with families affected by intimate partner violence receive appropriate training to improve outcomes throughout the state. The courts handled 4,642 civil cohabitant abuse cases and 11,451 criminal cases (stalking, sexual assault, domestic violence, etc) in 2013. One ongoing challenge is to improve uniformity and consistency in the court response to domestic violence. Appropriate training is invaluable in increasing consistency.

As a collaborative partner, we agree to meet with representatives from the AOC regularly and provide regular feedback on the project. We agree to lend our expertise and provide training to ensure the successful completion of this goal. Additionally, we agree to work together to strengthen the criminal justice system response to all forms of intimate partner violence, including sexual assault and stalking.

Legal Aid can attest that victims of domestic violence and individuals accused of domestic violence are often confused by the court system, as well as their rights and responsibilities. I know of the need for increased training in order to ensure that those who interact with the courts receive appropriate service. I look forward to the upcoming collaboration with the AOC to enhance the quality of service provided to victims of sexual assault, domestic violence, dating violence, stalking and human trafficking in the pursuit of justice.

Sincerely,

Stewart P. Ralphs
Executive Director



Utah Office for Victims of Crime
350 East 500 South, Suite 200
Salt Lake City, Utah

October 15, 2015

Dear Review Committee Member:

I am writing in support of a VAWA grant award to the Administrative Office of the Courts and to indicate my willingness to serve as their collaborative partner. The AOC proposes to continue a dedicated point of contact position to address statewide domestic violence issues in the courts. The collaborative project that we will focus on is working with a committee of judges to create an intimate partner violence-related training plan for judges and court staff throughout the state.

At this point, over 50% of the judges currently on the bench have served for less than 5 years. Newer judges bring their considerable expertise and experience to the bench, but it is crucial that all judges and court personnel who might interact with families affected by intimate partner violence receive appropriate training to improve outcomes throughout the state. The courts handled 4,642 civil cohabitant abuse cases and 11,451 criminal cases (stalking, sexual assault, domestic violence, etc) in 2013. One ongoing challenge is to improve uniformity and consistency in the court response to domestic violence. Appropriate training is invaluable in increasing consistency.

As a collaborative partner, we agree to meet with representatives from the AOC regularly and provide regular feedback on the project. We agree to lend our expertise and provide training to ensure the successful completion of this goal. Additionally, we agree to work together to strengthen the criminal justice system response to all forms of intimate partner violence, including sexual assault and stalking.

I know from our representation of hundreds of victims of domestic violence statewide that they often are confused by the court system and don't know their rights. I understand and strongly support the need for increased training to ensure that those who interact with the courts receive appropriate service regardless of where in the state they live.

I look forward to the upcoming collaboration with the AOC to enhance the quality of service provided to victims of sexual assault, domestic violence, dating violence, stalking and human trafficking in the pursuit of justice.

Sincerely,

Anne Milne
Executive Director
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amilne@utahlegalservices.org

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GOAL I:

Describe below, using a broad statement, one the the identified problems this goal will address.

Enhance and maintain collaboration between the courts and other agencies to improve outcomes in cases involving domestic violence by: regular contact between the program coordinator and agencies; monitoring trends to provide up-to-date information, and providing technical assistance as needed.

Identify the Statutory Program Purpose: 3, 7, 14, 20

Identify the VAWA funded person and their position title responsible for this goal:

New, Domestic Violence
Program Coordinator

C. PROGRAM PLAN and EVALUATION

This section should describe in detail the required three (3) goals and their (3) objectives,

The Goals and Objectives should reflect the identified problems listed in:

A. The 'Required Questions'

B. The 'Statement of Problem and Need'

Specify the VAWA funded employee as well as the title of their position (as it relates to VAWA) responsible for the Goal

Identify the VAWA Statutory Program Purpose(s) for each Goal

Identify and Define in *measurable terms*, the *statistical, quantifying number* associated with each objective

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal

Clearly describe the activities or methods to be used to solve the identified problem

Develop a time-line that addresses each activity/method listed

You will also be required to detail how the goals and objectives will be implemented

Each **GOAL** will:

(1) Provide a **broad statement** of the program's goals. (Example: To reduce trauma experienced by domestic violence victims as they participate in the criminal justice system).

(2) **Identify the VAWA funded person/position** responsible for this goal

(3) Identify the **Statutory Program Purpose #** that the Goal addresses

Each **OBJECTIVE** will:

(1) **Clearly identify and define, in measurable terms**, the objectives of the program.

{Example: Assist 250 domestic violence victims in obtaining protective orders.}

(2) **Describe what activities/methods** will be used to solve the problem(s) identified in the objective.

{Example: If the objective is to assist DV victims in obtaining protective orders, then one appropriate activity/method could be, explaining to the victim what a protective order can do to ensure safety.}

(3) Indicate how the program will **monitor and evaluate each objective**.

(4) **Create a time-line** indicating when each critical activity/method element will be achieved

(5) Each goal will have an **implementing strategy** which will outline the specific strategies, approaches and innovations that will be used to implement the project.

An implementing strategy is required for each goal.

GOAL I OBJECTIVE A:

Identify how many this Quantitative number will serve and and define clearly what is being measured: 10

Total Statistical Number to be reported on: 10

Identify what is being measured: meetings or trainings

Indicate in the boxes below, the quantitative number, to be reported in each quarter, that the objective will serve:

1

1st Quarter

4

2nd Quarter

4

3rd Quarter

1

4th Quarter

Objective A:

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal.

Promote collaborations by attending twenty coalition meetings, conferences or other community meetings to communicate new practices in the courts, speak to victim service providers, learn about concerns and resolve issues as they arise.

ACTIVITIES/METHODS	The Objective will be MONITORED and EVALUATED in the following ways:	TIME LINE (The development, assessment and forward movement)
Identify contact person for all coalitions in the state; Identify conferences, meetings and other trainings where contact can be made with direct service providers; contact responsible parties by email, phone or mail; register for conferences; travel to and attend coalition meetings or conferences; respond to request for assistance or provide answers to questions.	Track number of meetings or conferences attended, expenses incurred, miles traveled, follow-up calls or emails received. Include related information in quarterly reports.	Report on meetings at end of each quarter of the calendar year.

Identify how many this Quantitative number will serve and and define clearly what is being measured: 10	Total Statistical Number to be reported on: 10	Identify what is being measured: Requests for assistance
---	--	--

Indicate in the boxes below, the quantitative number, to be reported in each quarter, that the objective will serve:

1	1st Quarter	4	2nd Quarter	4	3rd Quarter	1	4th Quarter
---	-------------	---	-------------	---	-------------	---	-------------

Objective B:

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal.

Maintain and enhance subject matter expertise in legal and administrative issues related to domestic violence and utilize that expertise to provide technical assistance in response to ten requests received by phone, email, mail or in-person at events.

ACTIVITIES/METHODS	The Objective will be MONITORED and EVALUATED in the following ways:	TIME LINE (The development, assessment and forward movement)
Register for and attend conferences and continuing legal education presentations (CLEs) related to domestic violence. This may include topics like immigration law, gun control, domestic violence treatment and licensing, family law and other issues that may arise in an domestic violence case. Receive requests for assistance from court personnel, external agencies and individuals related to court processes or laws related to domestic violence. Provide responses and technical assistance to requesters by phone, email, or in person.	Track attendance at CLEs and conferences; track requests received and assistance given through weekly work plan emails to supervisor.	Report on meetings and requests for assistance at the end of each quarter of the calendar year.

GOAL I OBJECTIVE C:

Identify how many this Quantitative number will serve and and define clearly what is being measured: 5

Total Statistical Number to be reported on: 5

Identify what is being measured: Trend reports

Indicate in the boxes below, the quantitative number, to be reported in each quarter, that the objective will serve:

1

1st Quarter

1

2nd Quarter

1

3rd Quarter

2

4th Quarter

Objective C:

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal.

Provide information related to systems-related trends to internal stakeholders and to external stakeholders upon request by monitoring trends and statistics and presenting four quarterly and one yearly reports on updates. These reports will provide needed information to all interested court personnel on what is occurring in domestic violence cases.

ACTIVITIES/METHODS

The Objective will be MONITORED and EVALUATED in the following ways:

TIME LINE (The development, assessment and forward movement)

Track statistics related to domestic violence cases each quarter and annually. Track changes in the law or advances in other states or nationally that may change how domestic violence is handled in Utah. Conduct data analysis on sample of cases to ascertain changes in protocol, if necessary. Compile reports summarizing important updates. Provide reports to supervisor. Provide reports on request to external agencies.

Track number of hours spent creating and compiling data on reports. Track requests for reports, if any.

Produce quarterly reports at the end of each quarter of the calendar year; produce annual report at end of calendar year.

IMPLEMENTING STRATEGY FOR - GOAL I:

The court domestic violence program aims to improve outcomes for victims of domestic violence by increasing collaboration with between the courts and all direct services agencies and providers. In order to do this, the program coordinator must obtain and maintain up-to-date knowledge on laws, research and policies related to domestic violence. The coordinator will attend local coalition meetings and other meetings that relate to domestic violence and provide the court's perspective on domestic violence issues. The coordinator will also provide technical assistance related to information within the court system and provide information on protective orders, stalking injunctions and criminal domestic violence cases without giving specific advice for particular cases. Victim advocates and service providers can contact the coordinator by phone, email or in-person at meetings.

GOAL II:

Describe below, using a broad statement, one the the identified problems this goal will address.

Strengthen the justice system response to domestic violence through training.

Identify the Statutory Program Purpose: 1, 2, 3, 4, 7, 14, 20

Identify the VAWA funded person and their position title responsible for this goal: The AOC is recruiting the person who will fill the VAWA funded Domestic Violence Program Coordinator position that will be responsible for this goal. Other AOC staff and district and justice court judges and staff will also participate in fulfillment of the cash match.

GOAL II OBJECTIVE A:

Identify how many this Quantitative number will serve and and define clearly what is being measured:

Total Statistical Number to be reported on:

Identify what is being measured:

Indicate in the boxes below, the quantitative number, to be reported in each quarter, that the objective will serve:

1st Quarter

1

2nd Quarter

1

3rd Quarter

4th Quarter

Objective A:

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal.

Hold at least 2 meetings to determine what domestic violence training should be made available to judges and court personnel. This will advance the goal by (1) improving the quality of the training judges and personnel receive, (2) creating a comprehensive series of trainings to reach a high level of expertise, and (3) deepening understanding of all of the issues and factors necessary to manage domestic violence cases and (4) improving the quality of services provided to victims others who interact with the court system. Because the court is a critical piece of the system and can serve a leadership role, addressing these needs will lead to overall system improvement. The current high rate of turnover from retirements makes this objective all the more important to lay a sound foundation to support and

ACTIVITIES/METHODS

The Objective will be MONITORED and EVALUATED in the following ways:

TIME LINE (The development, assessment and forward movement)

Create committee to provide feedback on domestic violence education for court personnel and judges. Meet 2-3 times to determine topics of interest. Determine presenters, location and audience. Schedule presentations and training.

Track attendance at meetings. Provide agenda for meetings. Provide list of potential topics and trainers for group discussion. Send attendees electronic evaluation within 48 hours of their attendance at trainings. Compile results and provide to committee members and Boards of Judges.

July 15, 2016: Provide list of trainers and topics
12/31/2016: Report on training scheduled and/or conducted

GOAL II OBJECTIVE B:

Identify how many this Quantitative number will serve and and define clearly what is being measured:

Total Statistical Number to be reported on:

Identify what is being measured:

Indicate in the boxes below, the quantitative number, to be reported in each quarter, that the objective will serve:

1st Quarter

2nd Quarter

3rd Quarter

4th Quarter

Objective B:

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal.

Train 20 judges or court personnel on a domestic violence topic during a standalone training opportunity. A standalone training provides an opportunity for attendees to concentrate on this topic over a longer period of time than is available at conferences that cover multiple topics. Attendees will be able to receive training on several different aspects of managing domestic violence cases to get a broader, more comprehensive view of the topic that will connect issues together and provide a deeper level of insight. By strengthening understand of domestic violence issues in this way, the court will improve management of these cases for the benefit of the overall system of which the court is a critical part.

ACTIVITIES/METHODS	The Objective will be MONITORED and EVALUATED in the following ways:	TIME LINE (The development, assessment and forward movement)
Meet with members of the Education Department to present committee suggestions for training. Obtain trainers Schedule rooms Advertise training Hold training Review feedback	Track attendance at training and obtain evaluations from attendees based on questionnaire distributed within 48 hours of training. Compile results and present them to the committee and Boards of Judges.	7/15/2016 Report on progress. 12/31/2016 Report on training and feedback obtained

GOAL II OBJECTIVE C:

Identify how many this Quantitative number will serve and and define clearly what is being measured:

Total Statistical Number to be reported on:

Identify what is being measured:

Indicate in the boxes below, the quantitative number, to be reported in each quarter, that the objective will serve:

1st Quarter

1

2nd Quarter

1

3rd Quarter

4th Quarter

Objective C:

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal.

Make a yearly proposal to the relevant planning committees that a training for 35 judges or court personnel be delivered through a 1 hour domestic violence-focused training at a court conference. Move forward with training as approved by the relevant committees.

ACTIVITIES/METHODS	The Objective will be MONITORED and EVALUATED in the following ways:	TIME LINE (The development, assessment and forward movement)
Meet with members of the Education Department to present committee suggestions for training. Present suggestions to planning committee about possibility of having training Obtain trainers Schedule rooms Advertise training Hold training Review feedback	Track attendance at training Track assessments and comments at training. Present results to Board of Judges and/or Standing Committee on Judicial Education.	7/15/2016 Report on progress. 12/31/2016 Report on training and feedback obtained

IMPLEMENTING STRATEGY FOR - GOAL II:

The first step in making sure that the training delivered to court personnel and to judges is helpful is to create a committee which, with input from other agencies, will determine the best topics for training. From there, the domestic violence program coordinator will work with the education department to schedule, advertise and deliver training, as well as conduct pre and post assessments to determine efficacy of training. The feedback will be presented to the committee, the Boards of Judges and/or the Standing Committee on Judicial Education allowing for increasingly effective training and educational practices.

GOAL III:

Describe below, using a broad statement, one the the identified problems this goal will address.

Encourage adoption of best practices throughout the state. The VAWA funded person responsible for this goal is the DV Program Coordinator to be hired. Other AOC staff, judges, and court personnel will participate in fulfillment of the grant match.

Identify the Statutory Program Purpose:

Identify the VAWA funded person and their position title responsible for this goal: 3

GOAL III Objective A:

Identify how many this Quantitative number will serve and and define clearly what is being measured: 8	Total Statistical Number to be reported on: 8	Identify what is being measured: Number of updates of resources lists.
--	---	--

Indicate in the boxes below, the quantitative number, to be reported in each quarter, that the objective will serve:

2	1st Quarter	2	2nd Quarter	2	3rd Quarter	2	4th Quarter
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Objective A:

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal.

Encourage referrals to appropriate resources by compiling and providing 8 updates over the course of the year to domestic violence resource lists. Domestic violence victims need readily available information about resources and providing that information at the time they seek help from the court system, access to resources is a best practice.

ACTIVITIES/METHODS	The Objective will be MONITORED and EVALUATED in the following ways:	TIME LINE (The development, assessment and forward movement)
Contact the Department of Licensing. Contact the Department of Child and Family Services. Compile information about licensed treatment providers. Update lists and send them to judges. Post lists on the court intranet pages for self-help resources and domestic violence resources. Compile information about victim advocates and other resources. Update resource lists on court intranet. Each court will determine individually how to disseminate information at the courthouses.	Reports will be compiled bimonthly.	12/31/2016: Report on the updates provided throughout the year.

GOAL III OBJECTIVE B:

Identify how many this Quantitative number will serve and and define clearly what is being measured: 4	Total Statistical Number to be reported on: 4	Identify what is being measured: Courts receiving technical assistance.
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Indicate in the boxes below, the quantitative number, to be reported in each quarter, that the objective will serve:

1	1st Quarter	1	2nd Quarter	1	3rd Quarter	1	4th Quarter
---	-------------	---	-------------	---	-------------	---	-------------

Objective B:

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal.

Request reports from 4 courts regarding their response to recommended practices based on civil and criminal needs assessment

ACTIVITIES/METHODS	The Objective will be MONITORED and EVALUATED in the following ways:	TIME LINE (The development, assessment and forward movement)
Create checklists of recommended practices. Distribute checklists to Clerks of Court, Trial Court Executives, and Presiding Judges for comment. Change checklists based on feedback. Evaluate practices.	Create checklists of recommended practices. Distribute checklists for comment. Change checklists based on feedback. Evaluate practices.	7/15/2016: Report on progress. 12/31/2016: Report on progress

GOAL III OBJECTIVE C:

Identify how many this Quantitative number will serve and and define clearly what is being measured:

Total Statistical Number to be reported on:

Identify what is being measured:

Indicate in the boxes below, the quantitative number, to be reported in each quarter, that the objective will serve:

1st Quarter

2nd Quarter

3rd Quarter

4th Quarter

Objective C:

Clearly state the objective. Indicate how it will solve a piece of the problem identified in the Goal.

ACTIVITIES/METHODS

The Objective will be MONITORED and EVALUATED in the following ways:

TIME LINE (The development, assessment and forward movement)

IMPLEMENTING STRATEGY FOR - GOAL III:

D. STATISTIC REPORTING

List the name(s) of the individual(s) who will be collecting statistics throughout the contract year.
Explain the identified individual's ability to keep statistics for reporting purposes.

Required statistics include:

**Type of crime the project serves*

**Services provided*

**Statistics to answer questions listed on the required VAWA questions and the VAWA Annual Report
(including, but not limited to)*

**Race*

**Age*

**Sex*

**Relation to perpetrator*

**This section should describe what will be measured and the types of data that will be collected.*

**If statistics are not currently being collected, indicate how your agency plans on collecting required statistics*

**If you are asking for continued funding, indicate whether your agency's quarterly progress reports have been
accurate and on-time by checking the appropriate box.*

**Indicate how often data will be collected.*

List the name(s) of the individual(s) who will be
collecting statistics throughout the contract year.

Kim Allard and Court Services staff as assigned

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1) Explain the identified individual's ability to keep statistics for reporting purposes (Include years of schooling, classes taken, experience): Kim Allard

The Director of Court Services, Kim Allard, with the assistance of members of her staff, primarily Patrick Ogden, will gather relevant data and statistics related to cases involving domestic violence. The Court Services Department is experienced in data collection and analysis and will apply their considerable expertise to providing statistics for this grant. The data required by the yearly report is currently collected by the courts. The domestic violence program coordinator will provide statistics related to training and other qualitative measures required by the grant. Her qualifications include training in statistics and research design.

2) Detail what data is being collected, what is being measured, how often are stats recorded, who is responsible for keeping stats, are your records kept confidential?

Statistical data will be collected from case filings and will measure the number of domestic violence cases (stalking, sexual assault, civil protective and dating violence orders, criminal protective orders, criminal domestic violence cases) filed, the disposition of those cases, court location, duration of case and other details related to case resolution. These statistics are collected quarterly and annually. Other data is collected regularly on requests for assistance, attendance at training and other relevant issues.

Always

☐

Most of the time

☒

Rarely

☐

Do you submit your quarterly reports on time?

Daily

☐

Weekly

☐

Quarterly

☒

Annually

☐

How often will data be collected?

E. RECORD OF PROVIDING EFFECTIVE SERVICES

If your program received VAWA funding during 2014 (January 1, 2014 thru December 31, 2014), please provide information on the goals, objectives and quantitative data accomplished with VAWA grant funds.

Please fill in the last two (2) digits of your 2013 VAWA Grant.

VAWA GRANT NUMBER: 13VAWA -01

Goal I:	Train court staff on fundamental knowledge necessary for dealing with domestic violence and stalking cases.				
Record Objective A, exactly as it appears in grant 13VAWA - Report on the achieved results:					
Objective A:	Train court staff on fundamental knowledge necessary for dealing with domestic violence and stalking cases.				
Objective A:	Projected #	20	Actual # Achieved	52	
Record Objective B, exactly as it appears in grant 13VAWA - Report on the achieved results:					
Objective B:	Train 20 judges/commissioners in the basics of domestic violence, stalking, and cultural awareness				
Objective B:	Projected #	20	Actual # Achieved	20	
Record Objective C, exactly as it appears in grant 13VAWA - Report on the achieved results:					
Objective C:	Train 20 court staff on new dating violence order procedures and requirements.				
Objective C:	Projected #	20	Actual # Achieved	24	
Goal II:	Continue collaboration and monitoring of trends between external agencies and the courts to ensure exchange of information.				
Record Objective A, exactly as it appears in grant 13VAWA - Report on the achieved results:					
Objective A:	Continue and expand collaboration between external agencies and the courts by attending 20 local domestic violence coalition meetings or committee meetings for other external agencies.				
Objective A:	Projected #	20	Actual # Achieved	46	
Record Objective B, exactly as it appears in grant 13VAWA - Report on the achieved results:					
Objective B:	Respond to 30 requests for assistance (statistics, training, complaints, etc.) from members of external agencies and court personnel in the fields of domestic violence and stalking.				
Objective B:	Projected #	20	Actual # Achieved	37	
Record Objective C, exactly as it appears in grant 13VAWA - Report on the achieved results:					
Objective C:	Monitor systems-related trends in domestic violence and stalking in Utah courts by providing 5 reports about statistics and changes.				
Objective C:	Projected #	2	Actual # Achieved	5	
Goal III:	Encourage a cohesive response to domestic violence in district and justice court				
Record Objective A, exactly as it appears in grant 13VAWA - Report on the achieved results:					
Objective A:	Distribute best practices guide for civil cases to all 8 judicial districts and facilitate implementation of practices within each court.				
Objective B	Projected #	8	Actual # Achieved	8	
Record Objective B, exactly as it appears in grant 13VAWA - Report on the achieved results:					
Objective B:	Create and distribute best practices guide for criminal cases and facilitate implementation.				
Objective B:	Projected #	8	Actual # Achieved	0	

Record Objective C, exactly as it appears in grant 13VAWA -		Report on the achieved results:	
Objective C:	Spend 150 hours updating and providing resource lists and materials for parties, judges, internal and external stakeholders.		
Objective C:	Projected #	150	Actual # Achieved
			170
If your program failed to meet goals or objectives in 2014, please provide an explanation below:			
<p>Goal III, Objectives A and B were partially completed and will be finalized in 2016 CY. Civil and criminal needs assessments have both been prepared, presented to a workgroup, presented to the Board of District Court Judges (civil and criminal) and the Board of Justice Court Judges (criminal only), revised based on feedback and comments, and distributed to domestic violence partners for further feedback and comment. They will now be distributed to courts/districts around the state with a request to review their practices and report on the status of the recommendations in their court/district, completing Objectives A & B of Goal III.</p>			

If your program received VAWA funding in 2015 (January 1, 2015 thru September 30, 2015), provide information on the goals, objectives and quantitative data accomplished thus far with VAWA grant funds. Remember to fill in the last 2 digits of your 2015 VAWA Grant.

VAWA GRANT NUMBER: 14 VAWA -

Goal I:	Enhance and maintain collaboration between the courts and other agencies to improve outcomes in cases involving domestic violence by: increasing contact between the program coordinator and agencies; monitoring trends to provide up to date information and providing technical assistance as needed			
Record Objective A, exactly as it appears in grant 14VAWA -		Report on the achieved results:		
Objective A:	Enhance and maintain collaboration between the courts and other agencies to improve outcomes in cases involving domestic violence by: increasing contact between the program coordinator and agencies; monitoring trends to provide up to date information and providing technical assistance as needed			
Objective A:	Projected #	20	Actual # Achieved	25
Record Objective B, exactly as it appears in grant 14VAWA -		Report on the achieved results:		
Objective B:	Maintain and enhance subject matter expertise in legal and administrative issues related to domestic violence and utilize that expertise to provide technical assistance in response to 15 requests			
Objective B:	Projected #	15	Actual # Achieved	20
Record Objective C, exactly as it appears in grant 14VAWA -		Report on the achieved results:		
Objective C:	Provide information related to systems-related trends to internal stakeholders and to external stakeholders upon request by monitoring trends and statistics and presenting 5 quarterly and yearly reports on updates. These reports will provide needed information to all interested court personnel on what is occurring in our			
Objective C:	Projected #	5	Actual # Achieved	3
Goal II:	Strengthen the justice system response to domestic violence through training.			
Record Objective A, exactly as it appears in grant 14VAWA -		Report on the achieved results:		
Objective A:	Hold at least 4 meetings to determine what domestic violence training should be made available to judges and court personnel.			
Objective A:	Projected #	4	Actual # Achieved	12
Record Objective B, exactly as it appears in grant 14VAWA -		Report on the achieved results:		
Objective B:	Train 20 judges or court personnel on a domestic violence topic during a standalone training opportunity.			
Objective B:	Projected #	20	Actual # Achieved	112
Record Objective C, exactly as it appears in grant 14VAWA -		Report on the achieved results:		
Objective C:	Make a yearly proposal to the relevant planning committees that a training for 35 judges or court personnel be delivered through a 1 hour domestic violence-focused training at a court conference.			
Objective C:	Projected #	35	Actual # Achieved	99
Goal III:	Encourage adoption of best practices throughout the state.			
Record Objective A, exactly as it appears in grant 14VAWA -		Report on the achieved results:		
Objective A:	Encourage referrals to appropriate resources by compiling and providing 12 monthly updates to domestic violence resource lists.			
Objective A:	Projected #	12	Actual # Achieved	8
Record Objective B, exactly as it appears in grant 14VAWA -		Report on the achieved results:		
Objective B:	Update and review best practices for civil cases with judges from 8 judicial districts.			
Objective B:	Projected #	8	Actual # Achieved	3

Record Objective C, exactly as it appears in grant 14VAWA -						Report on the achieved results:	
Objective C:		Update and review best practices for criminal cases with judges from 8 judicial districts.					
Objective C:		Projected #	8		Actual # Achieved	2	
If your program may fail to meet targeted goals or objectives in 2015, please explain below.							
<p>Domestic Violence Program Coordinator resigned effective August 28, 2015 and the position has not yet been filled. The hiring process is underway. Depending on when a replacement can start in the position, it may or may not be possible to complete the goals and objectives that were not yet completed at the end of August. However, most of the goals and objectives had been completed before the position became vacant.</p>							

In the following space, detail your agency's collaborative efforts on your 13VAWA _____ grant. Clearly identify your project goals and objectives. Identify your collaborative partners. Explain whether or not you feel your project was successful in affecting change.

Below, detail your agency's current collaborative project, 14VAWA - What are you working on? What are the goals and objectives of your project? Who are your collaborative partners? What changes are happening in relation to your collaborative efforts?

A curriculum planning committee has met twice. After those meetings, the committee decided that it would like the opportunity to tour the DV shelter in downtown Salt Lake City. Arrangements were made for such a tour. Attempts to schedule another meeting to obtain feedback from the tour to inform the discussion of the committee before the DVPC position became vacant were unsuccessful. A third meeting is necessary to continue the process.

Document the effectiveness of your program, as you answer the following three questions: (1) how long your program has been in existence, (2) how has your program grown and (3) what types of services does your program offer to victims:

The court DV program has been in existence for three years. The creation of a DV program coordinator position has enabled the program to be effective in establishing relationships with the various DV coalitions and committee that exist around the state. This has helped determine concerns on both their behalf and the courts about how DV cases are handled and what best practices will be. It has also helped determine and address training needs and numerous trainings and meetings have taken place around the state. The needs assessments that have been prepared have further enhanced the program through the seeking of input, the consultation that has taken place with internal and external groups, the compilation of data, the identification of areas that need attention, and the information that has been provided to the groups to whom the assessments have already been provided. The assessments will enable the program to focus on the most critical needs for improving the management of DV cases by the courts to the overall benefit of the system. This program does not provide direct victim services, although it has addressed concerns raised by victims.

Indicate what you consider to be your agency's most significant accomplishment to date:

☐ If your program is new, check the box: (1) Provide information as to the growth of your agency,
(2) Your agency's ability to assist VAWA victims, and
(3) Indicate how VAWA funding will increase the capacity of your agency in assisting victims.

F. VOCA SUBGRANTEESPlease check if your agency does not receive VOCA funding and leave 'Section F' blank

If your agency receives VOCA funding, provide a brief description of your VOCA program.

Indicate the amount of VOCA funding your agency receives, or will receive, during the 2016 VAWA funding period, then complete the following-
(VAWA funding encompasses 1/1/2016 through 12/31/2016)

Our agency receives / will receive: (Enter the total dollar amount of your agency's 2015-16 VOCA award)

\$

Name of VOCA funded employee	VOCA funded position	# of VOCA funded hours	VOCA hourly rate of pay	VOCA funded benefits	TOTAL VOCA costs (Salary + Benefits)
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Explain how your VOCA program goals and objectives differ from your agency's proposed 2016 VAWA goals and objectives:

VOCA - PROGRAM YEAR 2015-2016		VAWA - PROGRAM YEAR 2016	
GOAL I		GOAL I	
VOCA - GOAL I - OBJECTIVES		VAWA - GOAL I - OBJECTIVES	
OBJ A		OBJ A	
OBJ B		OBJ B	
OBJ C		OBJ C	

VOCA - GOAL II		VAWA - GOAL II	
GOAL II		GOAL II	
VOCA - GOAL II - OBJECTIVES		VAWA - GOAL II - OBJECTIVES	
OBJ A		OBJ A	
OBJ B		OBJ B	
OBJ C		OBJ C	
VOCA - GOAL III		VAWA - GOAL III	
GOAL III		GOAL III	
VOCA - GOAL III - OBJECTIVES		VAWA - GOAL III - OBJECTIVES	
OBJ A		OBJ A	
OBJ B		OBJ B	
OBJ C		OBJ C	
Please complete the following VOCA funding section:			
FY 2015-2016 VOCA Funding Budget Summary			
Personnel:		Contracted Fees:	
Equipment:		Travel:	
Training:		Supplies:	
Other:		TOTAL VOCA COSTS:	\$0.00

G. PROJECT ADMINISTRATION

This section requires that you attach and submit three (3) documents

In this section of the application, you will describe how the project will be structured, organized, and managed.

1) **Attach** an organization chart with the names and titles of staff, advisory and decision-making bodies

2) **Attach** a roster of your governing board if your agency is a non-profit

3) **Attach** a position title and job description for each VAWA funded staff position

4) **Attach** a position title and job description for each VAWA Volunteer staff position

4) In the box below, provide a description of the project director's and staff's abilities and qualifications to manage and implement the VAWA program, both financially and programmatically (Include information such as: years of schooling, specialized training, years of experience, prior grant experience, etc.)

The District Court Administrator, Debra Moore, will manage and implement the program. She has considerable experience in administering previous VAWA grant programs. She has been employed in her position for eight years and worked closely with AOC management staff and other judicial personnel, as well as external stakeholders. She is experienced in managing budgets, including VAWA grant funds, supervising personnel and reviewing employee performance. The Domestic Violence Program Coordinator is currently vacant and in the process of being recruited.

5) In the box below, provide an explanation identifying which staff personnel will manage fiscal controls. Detail how your agency will keep an accounting of funds and resources.

Derek Byrne, AOC Budget Director, and his staff will manage fiscal controls and account for funds through FINET, the finance software for Utah governmental agencies.

H. ADDITIONAL RESOURCES

This section of the application should describe the sources and amounts of non-VAWA funding or resources that will be available from other sources. Applicants are encouraged to leverage other resources, including Federal, State, Local or Private, in support of this project.

- 1) List available resources in **DESCENDING ORDER** (largest contribution to smallest).
- 2) Indicate the contribution amount. If a monetary value cannot be established, put a zero in the 'amount' box and provide an explanation in the resource description section.
- 3) Specify the status of funding by checking the applicable box (Federal, State, Local or Private)
- 4) Describe how each resource will be used. Include the anticipated funding duration. If no other resources are available, check the box below and provide an explanation in the resource description section.

DO NOT LEAVE THIS SECTION BLANK

Mark this box, if **NO OTHER RESOURCES ARE AVAILABLE**

SOURCE DESCRIPTION	AMOUNT	FUNDING DURATION (m/y)	Federal	State	Local	Private
1	General funds					
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
NON-VAWA FUNDING TOTALS:			0.00	0.00	0.00	0.00

Resource Description Section: Describe how these resources will be used in the box below:

I. AGENCY BUDGET

Each agency is required to submit its current fiscal budget

- 1) Attach your agency's current fiscal budget
- 2) Highlight where your program's financial resources are documented

20 Program Purposes for the S.T.O.P. VAWA FORMULA Grant	
Please check all the purpose areas that apply to your proposed project. CHECK THE BOX BY THE CORRESPONDING NUMBER FOR EACH STATUTORY PURPOSE YOUR AGENCY WILL BE ADDRESSING.	
All projects must meet at least one purpose area - but may meet more than one	
X	1. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, stalking, and dating violence, including the use of nonimmigrant status under subparagraphs (U) and (T) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) ;
	2. Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;
X	3. Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence, as well as the appropriate treatment of victims ;
X	4. Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying , and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;
	5. Developing, enlarging, or strengthening victim services and legal assistance programs, including sexual assault, domestic violence, stalking, and dating violence programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault, dating violence, stalking, and domestic violence;
	6. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;
X	7. Supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of state law enforcement agencies, prosecutors, courts, victim services agencies, and other state agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, stalking, and dating
	8. Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;
	9. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence, dating violence , stalking, or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;
	10. Providing assistance to victims of domestic violence and sexual assault in immigration
	11. Maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

	<p>12. Supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities— (A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including <i>the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases</i>; (B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency; (C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and (D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.</p>
	<p>13. Providing funding to law enforcement agencies, victim services providers, and state, tribal, territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote— (A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as "Crystal Judson Victim Advocates," to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel; (B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies such as the model policy promulgated by the International Association of Chiefs of Police ("Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project" July 2003); and (C) the development of such protocols in collaboration with state, tribal, territorial and local victim services providers and domestic violence coalitions. Note: Any law enforcement, state, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program shall, on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of two years, provide a report of the adopted protocol to the Department, including a summary of progress in implementing such protocol. As such, states and territories are responsible for ensuring that each subgrantee receiving funds under this purpose area will receive the required annual training. States are also responsible for ensuring that subgrantees submit their two-year report to the Department. States and territories must notify and provide OVW with a list of subgrantee recipients awarded STOP funds under the Crystal Judson Domestic Violence Protocol Program.</p>
	<p>14. Developing and promoting state, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking.</p>
	<p>15. Developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault.</p>
	<p>16. Developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.</p>
	<p>17. Developing, enlarging or strengthening programs addressing sexual assault against men, women, and youth in correctional or detention settings.</p>
	<p>18. Identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims.</p>
	<p>19. Developing, enlarging, or strengthening programs and projects to provide services and responses to male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in sec 249(c) of title 18, US Code</p>

X	20. Developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a state to be used for this purpose.
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TAB 10

Rule 1-201. Membership - Election.**Intent:**

To establish the manner of election of Council members as authorized by statute.

To establish the procedure for filling a vacancy on the Council as authorized by statute.

Applicability:

This rule shall apply to all elected members of the Council. This rule shall not apply to the Chief Justice of the Supreme Court.

This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah State Bar.

As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of Judges and the Board of Commissioners of the Utah State Bar.

Statement of the Rule:

(1) The composition of the Council, the term of office of elected Council members, and the electorate of elected Council members shall be as prescribed by law. The term of office of all elected Council members shall begin with the October meeting of the Council.

(2) Election of Council members from courts of record shall take place at the annual judicial conference. Election of Council members from courts not of record shall take place at the annual spring training conference of the justice court judges. Election of the representative of the Utah State Bar shall take place at a regularly scheduled meeting of the Board of Commissioners.

(3)(A) If a judicial member of the Council who represents a trial court is unable to complete a term of office, the Board for the court represented by that member shall appoint a judge to serve on the Council until the next judicial conference or the next spring training conference as the case may be. At such conference, the judges shall elect a member to the Council to serve for the unexpired portion of the original term. If a judicial member of the Council who represents an appellate court is unable to complete a term of office, the members of that court shall appoint a judge to serve on the Council until the expiration of the vacated term.

(3)(B) If the representative of the Utah State Bar is unable to complete a term of office, the Board of Commissioners shall elect a member or ex officio member of the Board of Commissioners to serve for the unexpired portion of the original term.

(3)(C) No person shall serve on the Judicial Council for more than two consecutive terms and the remainder of a predecessor's term.

(4) The Boards shall develop procedures for the nomination and election of Council members and shall certify to the Council the names of the members elected. The Boards shall give due regard to geographic representation, security of the election, timely publication of Council vacancies or expired terms, and ease of administration.

(5) When a judicial member of the Council is unable to attend a Council meeting, that member may designate a judge from the same level of court to attend the Council meeting and observe the proceedings. When the representative of the Utah State Bar is unable to attend a Council meeting, that

38 member may designate a member or ex officio member of the Board of Commissioners to attend the
39 Council meeting and observe the proceedings. The designee shall be provided with a copy of the Council
40 agenda and other meeting materials, and may attend the open and closed sessions of the meeting. The
41 designee may participate in the general discussion of agenda items but may not make motions or vote on
42 Council issues.

43 (6) Council members or their designated substitutes may be reimbursed for actual and necessary
44 expenses incurred in the execution of their duties as Council members.

45 (7) Council members shall not be eligible to serve as voting members of the Boards of Judges of a
46 trial court or to serve as members of the standing committees of the Council. The representative of the
47 Utah State Bar may vote at meetings of the Board of Commissioners if permitted to vote under rules
48 governing the conduct of the Board of Commissioners.
49

**ADDITIONAL COUNCIL
MEETING HANDOUTS**

**ADDITIONAL COUNCIL
MEETING HANDOUTS**

**ADDITIONAL COUNCIL
MEETING HANDOUTS**

Civil Jury Instructions Committee

Last	First	Title	Phone	E-mail	Appointed	
Sylvester	Nancy	Staff				
Blanch	Juli		801-521-9000	jblanch@scmlaw.com	2/26/2003	Defendant
Di Paolo	Marianna		801-581-4389	dipaolo@hum.utah.edu	2/26/2003	Linguist
Ferre	Joel		801-366-0100	jferre@utah.gov	7/1/2015	Defendant
Fowler	Tracy		801-257-1900	tfowler@swlaw.com	2/26/2003	Defendant
Harris	Ryan	Judge	801-238-7302	rmharris@utcourts.gov	9/1/2012	Judge
Johnson	Gary		801-531-2000	gary-johnson@rbmn.com	1/10/2011	Defendant
Keundig	Patricia		435-200-4961	patricia@kuendiglaw.com	7/1/2015	Plaintiff
Simmons	Paul		801-533-0400	psimm@dkolaw.com	2/26/2003	Plaintiff
Stone	Andrew	Judge	801-238-7176	ahstone@utcourts.gov	9/1/2012	Judge
Summerill	Peter		801-326-8400	psummerill@gmail.com	11/19/2007	Plaintiff
Von Maack	Christopher		801-359-9000	vonmaack@mgpcclaw.com	10/29/2015	Plaintiff

Introduction to the Model Utah Jury Instructions, Second Edition.

On October 27, 2014, the Civil and Criminal Model Jury Instructions Committees, formerly under the Utah Supreme Court's authority, became standing committees of the Utah Judicial Council. The committees continue to draft new and amended instructions reflecting Utah law. The Judicial Council approves this Second Edition of the Model Utah Jury Instructions (MUJI 2d) for use in jury trials.

An accurate statement of the law is critical to instructing the jury, but accuracy is meaningless if the statement is not understood, or is misunderstood, by jurors. MUJI 2d is intended to be an accurate statement of the law using simple structure and, where possible, words of ordinary meaning. These instructions are a summary statement of Utah law, but they are not the final expression of the law. Thus, in any case before them, the Utah Supreme Court or Court of Appeals may review a model instruction for legal sufficiency.

At times there may be multiple versions of an instruction. Alternative instructions are provided only when 1) the law itself is unclear, 2) there is no controlling statutory or case law, or 3) the statutory law and/or case law are incomplete, internally inconsistent, or inconsistent with each other. The alternative instructions are different statements of the law based on differing authority. The order of the alternatives does not imply preference. When an alternative instruction is provided, the judge should determine which version of the instruction, if any, is appropriate in a particular case.

MUJI 2d is drafted without using gender-specific pronouns whenever reasonably possible. However, sometimes the simplest, most direct statement requires using pronouns. The criminal committee uses pronouns of both genders as its protocol. In the trial of criminal cases, often there will not be time to edit the instructions to fit the circumstances of a particular case, and the criminal instructions are drafted so that they might be read without further concern for pronoun gender. The civil committee uses masculine pronouns as its protocol. In the trial of civil cases there often is more time to edit the instructions. Further, in civil cases, the parties are not limited to individual males and females but include also government and business entities and multiple parties. Judges and lawyers should replace masculine with feminine or impersonal pronouns to fit the circumstances of the case at hand. Judges and lawyers also are encouraged in civil cases to use party names instead of "the plaintiff" or "the defendant." In these and other circumstances judges and lawyers should edit the instructions to fit the circumstances of the case.

Judges should instruct jurors at times during the trial when the instruction will be most helpful. For example, instructions relevant to a particular part of trial may be given just before that part. Additionally, the fact that an instruction has historically been categorized as an opening or closing instruction does not mean there is not a better time during the trial to read it. To protect the integrity of the process or to help the jurors understand their responsibilities, a judge might repeat an instruction during or at the end of trial.

When preparing written instructions, judges and lawyers should include the title of the instruction. This information helps jurors organize their deliberations and decision-making. Judges should provide a copy of the written instructions to each juror. This is permitted under the rules of procedure and is a sound practice because it allows each juror to follow the instructions as they are read and to refer to them during deliberations.

There are areas of the law in which there are no Utah model instructions. When this comes up, the judge must still instruct the jury on the law. The judge's task is to further the jurors' understanding of the law and their responsibilities through accuracy, clarity, and simplicity. To assist in this task, links on this page lead to principles for plain-language drafting and to the pattern instructions of some other jurisdictions.

MUJI 2d is a continual work in progress, with new and amended instructions being published periodically on the state court web site. In order to provide the best instructions possible, both the Civil and Criminal Model Jury Instructions Committees recently adopted the practice of accepting formal comments on each instruction. We encourage lawyers and judges to share their experiences and suggestions with the standing committees. Judges and lawyers who draft a clearer instruction than is contained in these model instructions are also encouraged to share it with the appropriate committee.

Note: Section links that are *grayed out* are reserved for posting future instructions and will not currently have any content.

Civil Model Utah Jury Instructions

0 - Introductionary Instructions.

100 - General Instructions

200 - Negligence

300 - Professional Liability: Medical

400 - Professional Liability: Lawyers

500 - Professional Liability: Design Professionals

600 - Motor Vehicles

700-Reserved.

800-Reserved.

900-Reserved.

1000 - Product Liability

1100 - Premises Liability

1200-Trespass and Nuisance - Reserved.

1300-Civil Rights - Reserved.

1400-Economic Interference - Reserved.

1500-Emotional Distress - Reserved.

1600-Defamation - Reserved.

1700-Assault, Malicious Prosecution, False Arrest and Abuse of Process - Reserved.

1800 - Fraud and Negligent Misrepresentation

1900-Reserved.

2000 - Tort Damages

2100 - Commercial Contracts

2200 - Construction Contracts

2300-Sales Contracts and Secured Transactions - Reserved.

2400-Insurance Litigation - Reserved.

2500-Wills - Reserved.

2600 - Eminent Domain and Condemnation

2700-Liability of Officers, Directors, Partners and Insiders - Reserved.

2800 - Vicarious Liability

<u>Priority</u>	<u>Subject</u>	<u>Sub-C in place?</u>	<u>Sub-C Members</u>	<u>Projected Starting Month</u>	<u>Projected Finalizing Month</u>	<u>Comments Back?</u>
1	Punitive Damages	Yes	Hoffman, Jeremy; Horvat, Steven, Humpherys, L. Rich; McGarry, Shawn; Schultz, Stuart; Slaugh, Leslie; Summerill, Peter	N/A	May-15	Yes: sub-c currently reviewing Full committee review @ February 2016 mtg
2	Defamation	Yes	Dryer, Randy (Chair); Hooie, Greg; Hooie, Roger; Hunt, Jeff; Reymann, David; Stevens, Greg	September-15	January-16	
3	Civil Rights	Yes	Ferguson, Dennis (D); Mejia, John (P); Guymon, Paxton (P); Slavors, Andrew (P); Burnett, Jodi (D); Plane, Margaret (D); Porter, Karra (P); White, Heather (D)	March-16	May-16	
9	Emotional Distress	Yes	Dunn, Mark (D)(Chair); Combe, Steve (D); Katz, Mike (P); Waddoups, George (P)	June-16	October-16	
4	Directors and Officers Liability	Yes	Burbidge, Richard D.; Call, Monica; Gurmankin, Jay (chair)	November-16	January-17	
5	Sales Contracts and Secured Transactions	Yes	Cox, Matt (chair); Boley, Matthew; Maudsley, Ade	February-17	May-17	
6	Assault/FALSE Arrest	Yes	Rice, Mitch (chair); Carter, Alyson; Wnght, Andrew (D); Cultt, David (P)	June-17	September-17	
7	Economic Interference	Yes	Frazier, Ryan (D) (Chair); Shelton, Ricky (D); Stevenson, David (P); Simmons, Paul (P); Kuendig, Patricia (P)	October-17	November-17	
8	Trespass and Nuisance	Yes (more members needed)	Hancock, Cameron; Figueira, Joshua (researcher); Abbott, Nelson (P)	December-17	January-18	
10	Insurance	No (more members needed)	Johnson, Gary (chair); Pritchett, Bruce	February-18	May-18	
11	Wills/Probate	No	Barnack, Matthew (chair)	June-18	October-18	

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6	Assault/False Arrest	Yes	Rice, Mitch (chair); Carter, Alyson; Wright, Andrew (D); Cutt, David (P)	June-17	September-17	
7	Economic Interference	Yes	Frazier, Ryan (D) (Chair); Shelton, Ricky (D); Stevenson, David (P); Simmons, Paul (P); Kuendig, Patricia (P)	October-17	November-17	
8	Trespass and Nuisance	Yes (more members needed)	Hancock, Cameron; Figueira, Joshua (researcher); Abbott, Nelson (P)	December-17	January-18	
10	Insurance	No (more members needed)	Johnson, Gary (chair); Pritchett, Bruce	February-18	May-18	
11	Wills/Probate	No	Barneck, Matthew (chair)	June-18	October-18	

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

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

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

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

Applicability:

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

Statement of the Rule:**(1) Standing committees.**

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B) Composition.

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

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

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

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

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

outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) General provisions.

(3)(A) Appointment process.

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

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

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

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

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

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

(3)(B) Terms. Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) The Administrative Office shall serve as secretariat to the Council's committees.