

**JUDICIAL COUNCIL MEETING**

**AGENDA**

**November 20, 2017**

**Huntsman Cancer Foundation and Corporation**

**500 Huntsman Way**

**Salt Lake City, Utah 84108**

**12:30 p.m. – 4:00 p.m.**

*Chief Justice Matthew B. Durrant Presiding*

- 11:50 a.m. Judicial Council Photo
- 12:00 p.m. Lunch
1. 12:30 p.m. Welcome & Approval of Minutes .....Chief Justice Matthew B. Durrant  
Oath of Office  
(Tab 1 – Action)
2. 12:35 p.m. Chair’s Report .....Chief Justice Matthew B. Durrant
3. 12:40 p.m. Administrator’s Report ..... Richard Schwermer
4. 12:50 p.m. Reports: Management Committee .....Chief Justice Matthew B. Durrant  
Liaison Committee..... Justice Thomas Lee  
Policy and Planning.....Judge Derek Pullan  
Bar Commission ..... Rob Rice, esq.  
(Tab 2 – Information)
5. 1:05 p.m. Judicial Council Committee Membership ..... Richard Schwermer  
(Tab 3 – Action)
6. 1:10 p.m. Code of Judicial Administration Rule 1-201..... Keisa Williams  
(Tab 4 – Action)
7. 1:15 p.m. Education Committee Update ..... Hon. Diana Hagen  
(Information) Tom Langhorne

- |     |           |  |  |
|-----|-----------|--|--|
| 8.  | 1:30 p.m. | Proposal for Naming of Provo Courthouse.....<br>(Tab 5 – Action)                             | Judge Paige Peterson<br>Alyn Lunceford<br>Kacie Bosone |
| 9.  | 1:45 p.m. | Standing Committee on Children and Family Law.....<br>(Action – Sunset)                      | Ray Wahl   |
|     | 2:00 p.m. | Break  |  |
| 10. | 2:10 p.m. | Notice of Intent to Dissolve Newton/Amalga Justice Court.....<br>(Tab 6 – Action)            | Jim Peters   |
| 11. | 2:15 p.m. | Justice Courts Presiding Judge Rule 9-109 .....<br>URCP 63, and URCrP 29<br>(Tab 7 – Action) | Jim Peters<br>Nancy Sylvester                          |
| 12. | 2:25 p.m. | Retention Election Certifications .....<br>(Tab 8 – Action)                                  | Nancy Sylvester  |
| 13. | 2:35 p.m. | Senior Judge Recertification and Commissioner .....<br>Evaluations<br>(Tab 9 – Action)       | Nancy Sylvester  |
| 14. | 2:45 p.m. | Executive session  |  |
| 15. | 3:15 p.m. | Adjourn  |  |

**Consent Calendar**

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

- |    |                                    |  |
|----|------------------------------------|--|
| 1. | Committee Appointments<br>(Tab 10) | Tom Langhorne<br>Education Committee<br>Nancy Sylvester<br>Committee on the Model Utah Civil Jury Instructions<br>Self-Represented Parties Committee |
|----|------------------------------------|--|

2. Rules for Public Comment  
(Tab 11)

Keisa Williams

3. Rules for Final Approval  
(Tab 12)

Dawn Marie Rubio

# Tab 1

# JUDICIAL COUNCIL MEETING

**Minutes**  
**October 3, 2017**  
**Zermatt Resort**  
**784 Resort Drive**  
**Midway, UT 84049**  
**12:30 p.m. – 4:00 p.m.**

**Chief Justice Matthew B. Durrant, Presiding**

**ATTENDEES:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Kate Toomey, Vice Chair  
Hon. Marvin Bagley  
Hon. Ann Boyden  
Hon. Mark DeCaria  
Hon. Paul Farr  
Justice Deno Himonas for Justice Lee  
Hon. David Marx  
Hon. Mary Noonan  
Hon. Reed Parkin  
Hon. Derek Pullan  
Hon. Todd Shaughnessy  
Rob Rice, esq.

**EXCUSED:**

Justice Thomas Lee

**STAFF PRESENT:**

Richard Schwermer  
Ray Wahl  
Jeni Wood  
Heidi Anderson  
Shane Bahr  
Tom Langhorne  
Jim Peters  
Dawn Marie Rubio  
Jacey Skinner  
Keisa Williams

**GUESTS:**

Diana Allison, JPEC Commissioner  
Hon. Suchada Bazzelle  
Hon. James Brady  
Hon. Reuben Renstrom  
Hon. Andrew Stone  
Hon. Doug Thomas  
Jennifer Yim, JPEC

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

Chief Justice Durrant welcomed everyone to the meeting.

Judge Derek Pullan recommended the following changes to the September 11, 2017 minutes: 1) in the Policy & Planning update section, change to “the work of the Policy & Planning meeting was reflected in the minutes;” 2) in the budget items section, change to the “Fourth District court law clerks has been a priority of the Judicial Council.”

**Motion:** Judge Kate Toomey moved to approve the minutes from the September 11, 2017 Judicial Council meeting, as amended. Judge Mark DeCaria seconded the motion, and it passed unanimously.

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

Chief Justice Durrant mentioned Judge Jennifer Valencia is a new judge with the Second District Court and Judge Diana Hagen is a new Court of Appeals judge.

**3. ADMINISTRATOR'S REPORT: (Richard Schwermer)**

Richard Schwermer discussed an audit of the Office of Professional Conduct, which was conducted by the American Bar Association. The newly comprised committee (ABA/OPC) consisting of people from the State Bar as well as the courts and others have met once and will review the ABA report recommendations and forward its assessment of those recommendations to the Supreme Court next spring. There was a press release last week that announced the committee.

Mr. Schwermer introduced Jacey Skinner as the new Deputy State Court Administrator. Mr. Schwermer noted Ms. Skinner will be attending the grand jury panel scheduled for October 12. Ms. Skinner has an expected start date of November.

**4. COMMITTEE REPORTS:**

***Management Committee Report:***

Chief Justice Durrant said he is delighted that Ms. Skinner will join the courts. Ms. Skinner has extensive legal experience and experience working with the Legislature.

***Liaison Committee Report:***

Judge Farr said the committee will meet November 3.

***Policy and Planning Meeting:***

Judge Derek Pullan reported the committee is working on amending the rule on performance evaluations for court commissioners and senior judges. The proposals will be addressed at the next Judicial Council meeting.

***Bar Commission Report:***

Rob Rice said a legislative representative approached the State Bar regarding bail bonds. Mr. Rice said this is of interest to the Bar therefore they are evaluating their participation on this issue. Mr. Rice said John Lund is participating in the ABA/OPC committee.

**5. BOARD OF JUSTICE COURT JUDGES UPDATE: (Hon. Reuben Renstrom and Jim Peters)**

Chief Justice Durrant welcomed Judge Reuben Renstrom and Jim Peters. Judge Renstrom thanked the Council for its approval of the new rule authorizing Presiding Judges at the justice court level. Judge Renstrom said the justice court judges will be making changes to training for new judges. The Board is also recommending that new justice court judges no longer be allowed to count new judge orientation towards the required education.

Judge Renstrom next discussed examples of recent issues with various courts, such as judges not receiving required raises and court personnel reporting to the executive branch rather than the judge.

**6. EDUCATION COMMITTEE UPDATE: (Tom Langhorne)**

The update will be moved to the next meeting.

**7. JUDICIAL PERFORMANCE EVALUATION COMMISSION: (Jennifer Yim and Commissioner Diana Allison)**

Chief Justice Durrant welcomed Jennifer Yim and Commissioner Diana Allison. Jennifer Yim introduced Commissioner Allison and noted Commissioner Alison has taken a lead on courtroom observation. Commissioner Allison said it has been her honor to serve on JPEC over the past four years. She noted that JPEC is improving their website so voters will have easier access to information regarding judicial performance.

Ms. Yim said Curtis Jensen, a past president of the Utah State Bar, has been appointed to JPEC. Ms. Yim next stated the 2018 retention judges and mid-term evaluation judge's surveys are going well so far. JPEC may need the assistance of the Administrative Office of the Courts and Judicial Council in the future to encourage more court employees to complete the surveys. Ms. Yim described the process of how court employees are selected for the surveys. With certain criteria being met, JPEC receives a list of court employees from the TCE's throughout the state. Ray Wahl addressed the user ID that JPEC uses. Mr. Schwermer asked if JPEC has thought of removing the identifiers so judges are not able to determine who submitted the survey. Ms. Yim noted some of the comments received made it easy for a judge to identify who completed the survey. In the past, there were seven sections for comments in the survey and now there are only three, therefore, hopefully reducing the possibility of determining who the author of the survey is.

Additionally, Ms. Yim said she has been conducting outreach throughout the state with attorneys to help them understand the importance of the surveys.

Ms. Yim believes JPEC may have their online CLE prepared soon, which will provide CLE credit to attorneys who complete the surveys and the CLE component. The CLE will also inform attorneys about JPEC. Ms. Yim thanked Chief Justice Durrant for his time and assistance with recording the online CLE introduction.

**8. TECHNOLOGY UPDATE: (Heidi Anderson)**

Chief Justice Durrant welcomed Heidi Anderson. Mr. Schwermer said he spoke with Justice Pearce who was unable to attend the meeting today, but wanted to express his gratitude for Ms. Anderson's work. Ms. Anderson first addressed the accomplishments of the technology department. Recent efforts with e-filing include server migration, a reduction in response time by 50%, and adding justice courts to e-filing. Ms. Anderson said CORIS has had three major releases.

Ms. Anderson discussed her method for organization direction includes structuring the business process, technical design, and then rolling out the product. As for the technology department, the organization development will include improving security; aligning the organization towards SDLC; project/program management; transparency in development; maintenance schedules; and training.

Ms. Anderson next addressed the two-factor identification security feature. The two-factor identification in Google is simple and cost-free. Chief Justice Durrant said this should be done immediately. Chief Justice Durrant thanked Ms. Anderson for her efforts as the new CIO.

**9. BOARD OF DISTRICT COURT JUDGES UPDATE: (Judge Andrew Stone and Shane Bahr)**

Chief Justice Durrant welcomed Judge Andrew Stone and Shane Bahr. Judge Stone welcomed Shane Bahr as the district court administrator. Judge Stone said the Board of District Court Judges will have a large turn-over of members. Judge Stone said this will allow for a new look at existing topics. One of the Board's recent activities is exploring a rule to consolidate probation cases for an offender who has multiple probation cases. Judge Stone said AP&P is enthusiastic with this recommendation. Judge Stone said Judge Taylor will continue this effort even though his term will be expiring on the Board.

Judge Stone said the new probable cause system is now live in the Second District. Judge Stone said Clayson Quigley has been updating the Board each month with the continuing efforts on this program. Judge Stone said domestic violence bench cards have been distributed throughout the state.

Judge Stone mentioned he will take over as Chair of the Board of District Court Judges. The Board will be addressing both long term and short term projects, including bringing a proposed rule to the Judicial Council for the probation case consolidation.

**10. STANDING COMMITTEE ON CHILDREN AND FAMILY LAW UPDATE: (Judge Doug Thomas and Ray Wahl)**

Chief Justice Durrant welcomed Judge Doug Thomas and Ray Wahl. Judge Thomas reviewed the current member list of the committee. Judge Thomas thanked Ray Wahl for staffing this committee for several years and the considerable amount of time Mr. Wahl contributes to the committee. Judge Thomas said the committee sunsets this year. Judge Thomas is requesting the Council approve the committee's continuation. This issue will be put on a future agenda for action. Judge Thomas presented a power point presentation updating the Council on Standing Committee activities and the implementation of recommendations made by the Domestic Case Process Improvement subcommittee and assigned to the Standing Committee for implementation.

**11. COMMISSIONER VACANCY FOURTH DISTRICT: (Judge James Brady and Judge Suchada Bazzelle).**

Chief Justice Durrant welcomed Suchada Bazzelle. The Council discussed various options on how best to serve both courts.

**Motion:** Judge DeCaria moved to approve filling the Fourth District commissioner position with an 80/20 split, giving the district court 80% and the juvenile court 20% of available commissioner time, with a caveat that this can be revisited at a later date. Judge Toomey seconded the motion, and it passed unanimously.



**12. APPROVAL OF 2018 MEETING DATES: (Ray Wahl)**

Mr. Wahl addressed both the Management Committee and Judicial Council 2018 proposed dates. Mr. Wahl noted the January 2018 meeting will coincide with the State of the Judiciary address. Mr. Wahl stated the new Carbon County Courthouse will be complete next September so the October Council meeting will be held in Price.

**Motion:** Judge DeCaria moved to approve the Management Committee and Judicial Council 2018 meeting dates as presented. Judge Toomey seconded the motion, and it passed unanimously.

**13. EXECUTIVE SESSION**

**Motion:** Judge Toomey moved to go into executive session to discuss the character or confidence of an individual. Judge Shaughnessy seconded the motion, and it passed unanimously.

An executive session was held.

**14. RECOGNITION OF OUTGOING COUNCIL MEMBERS: (Chief Justice Durrant)**

Chief Justice Durrant presented Judge Marvin Bagley, Judge Ann Boyden, and Judge Reed Parkin with a Judicial Council plate and thanked them for their service. Each of the judges expressed their gratitude for their experience on the Council.

**15. ADJOURN**

The meeting was adjourned.

# Tab 2

## Policy and Planning Committee

Zermatt Resort  
Basel Room  
784 Resort Drive  
Midway, UT 84049

October 3, 2017  
10:00 - 12:00 p.m.

Draft

### Members Present

Hon. Derek Pullan - Chair  
Hon. Marvin Bagley  
Hon. Ann Boyden  
Hon. Mary Noonan  
Hon. Reed S. Parkin  
Rob Rice

### Members Excused

### Staff

Keisa Williams

### Guests

Shane Bahr

### (1) Approval of minutes.

Judge Pullan welcomed the members to the meeting. Judge Pullan addressed the September 11, 2017 minutes. There being no changes to the minutes, Rob Rice moved to approve the September 11, 2017 minutes. Judge Bagley seconded the motion and it passed unanimously.

### (2) CJA 1-201. Membership -Election.

Keisa Williams noted that the rule was back from public comments, with no comments received. The committee recommended that the rule go before the Judicial Council for final approval as written.

### (3) CJA 3-201. Court Commissioners.

#### CJA 3-111. Performance evaluations of senior judges and court commissioners.

Ms. Williams referred the committee to Nancy Sylvester's detailed memo on the status of this rule. Ms. Williams noted that Ray Wahl's suggestion was that the rule be presented to the presiding judges, senior judges, and TCEs for comment and feedback. Ms. Williams and Ms. Sylvester will present the rule drafts to the presiding judge and senior judge meetings this week and move the item to the next agenda.

#### **(4) CJA 4-202.02. Records Classification.**

Ms. Williams briefly addressed the proposed changes from Brent Johnson. Ms. Williams explained the new automated PC system being implemented state-wide. This proposal would classify probable cause statements as private, rather than public. Court services expressed concerns about exposing individuals to public scrutiny when there was no basis for their arrest (no charges filed). Mr. Johnson noted that individuals could have those records expunged after 30 days.

The committee discussed the draft and how the process currently works. Judge Parkin noted citations are currently listed as private because the document itself has private information on it. Judge Pullan noted the probable cause statements have private information as well. Ms. Williams noted probable cause statements are public by default. Judge Pullan questioned whether the probable cause statements or citations would remain private forever if classified as such by the courts, or would the public still be able to obtain them. Rob Rice said the courts cannot amend what is private under the GRAMA statute. The committee discussed the difference between making the probable cause statement private in Xchange versus amending the rule to classify the document as private. Judge Boyden noted that when a person is arrested, the information is public. Judge Parkin said software can be created to redact information automatically. Ms. Williams said the PC system will roll out fairly quickly.

Judge Pullan moved to not accept the proposed draft at this time. Judge Bagley seconded the motion and it passed unanimously.

#### **(5) CJA 4-703. Outstanding Citations and Warrants.**

Ms. Williams said this rule was addressed at the justice court clerk's conference with Brent Johnson. Justice court clerks indicated that they are not following this rule. Mr. Johnson suggested that the rule be kept, but amended to remove the requirement for prosecutors to appear in court to show cause (OSC) why a citation should not be dismissed. Mr. Johnson suggested that it was sufficient for the court to send an OSC to prosecutors who could simply respond in writing. In addition, Mr. Johnson suggested that the requirement for clerks to prepare OSCs no less than quarterly should be removed or amended to once a year.

Judge Boyden and Judge Parkin said on a regular basis they work with the prosecutors to clear out old cases. Judge Boyden said her clerks pull cases prior to the warrants expiring date. Judge Pullan suggested the rule state a certain timeframe, such as quarterly or annually for a warrant review. Judge Boyden noted felony warrants do not expire. Judge Pullan recommended sending the rule back to Mr. Johnson to work with the clerks to propose a rule that coincides with current practice. Judge Parkin noted when a warrant is issued, the case pending time is stayed. Judge Parkin said there is no value to reviewing the warrants prior to them expiring. Judge Noonan asked Ms. Williams to review the juvenile rules to make sure the court procedures are consistent.

Judge Pullan questioned if there would be a need for an affidavit and probable cause to reissue an expired warrant.

Judge Boyden said when the prosecutor is presented with the expiring warrants, they respond with a probable cause/order to show cause and it is then documented in the case history. Judge Bagley said periodically the clerk adds the expiring warrant to the court calendar and the prosecutor is asked in open court what their intentions are.

The committee decided to remove the rule from the committee queue until Mr. Johnson is able to review and resubmit the rule based on the committee's feedback. Questions and direction for Mr. Johnson include:

- What is the current practice?
- Review with clerks of court to conform to current practice.
- When do citations expire?
- What does "outstanding citation" mean?
- Is the practice consistent with juvenile court rules?
- The format for prosecutors' written responses to an OSC should be formal.
- What criteria is required to find that probable causes exists to revive an expired warrant/citation? What should be included in the probable cause affidavit/Information?
- Is this consistent with Rule 7 of the Rules of Criminal Procedure? If a citation/warrant is expired, are prosecutors required to issue a summons?
- Why is this necessary? If a warrant expires, shouldn't a prosecutor have to reapply for a new warrant?
- Is there a difference if it is a misdemeanor vs. a felony?

**(6) CJA 4-202.09. Miscellaneous.**

Ms. Williams next addressed this rule draft received from the Standing Committee on Court Forms. The Forms Committee would like to remove the requirement for filers to certify that the documents do not contain non-public information. As a practical matter, the certification has no value. If the filer does not include a certification, there are no consequences. If the filer includes an incorrect certification, there are no consequences. If this amendment is not made, the Standing Committee on Court Forms will be required to review every form to ensure relevant forms include this certification.

Rob Rice moved to approve the rule as amended and send the rule to the Judicial Council for approval for public comment. Judge Noonan seconded the motion and it passed unanimously.

**(7) CJA 3-407. Accounting.**

Ms. Williams said this proposal came from John Bell, the Director of Finance. The amendment changes the membership of the Accounting Manual Review Committee to reflect current practice. The Accounting Manual Review Committee proposed this

change because the co-chairs are listed as the finance and budget managers, but those positions no longer exist in the AOC. The Director of Finance chairs the committee and has done so for some time. This is just an administrative amendment.

Judge Parkin moved to approve the draft as proposed and send to the Judicial Council for approval for public comment. Mr. Rice seconded the motion and it passed unanimously.

**(8) Other Business**

Ms. Williams presented a working draft of CJA 4-202.02 for the purpose of making the rule easier to understand and read. Ms. Williams noted this committee has made many requests regarding the reorganization of this rule. Judge Parkin said he believes this is a much-needed change. Ms. Williams included the summary of the classifications currently posted on the Court's website, but noted that it didn't reflect all of the requirements included in the rule itself. Judge Pullan recommended using a similar table to that found in Rule 26 of the Utah Rules of Civil Procedure. The committee recommended that the rule itself remain in narrative format, albeit reorganized, but the table should be linked to the rule.

The next meeting is scheduled for November 3, 2017 in the council room at 12:00. There being no other business the meeting was adjourned at 11:20 a.m.

# Tab 3

## **Judicial Council**

### **Proposed Committees**

#### **Management Committee**

Chief Justice Matthew Durrant  
Judge David Marx  
Judge Mary Noonan  
Judge Todd Shaughnessy  
Judge Kate Toomey

#### **Liaison Committee**

Judge Mark DeCaria  
Judge Paul Farr  
Judge Thomas Higbee  
Justice Thomas Lee

#### **Policy & Planning Committee**

Judge Augustus Chin  
Judge Kara Pettit  
Judge Derek Pullan  
Rob Rice  
Judge John Walton



# Tab 4



# Administrative Office of the Courts

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

## MEMORANDUM

Richard H. Schwermer  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Management Committee  
**From:** Keisa L. Williams *Keisa Williams*  
**Date:** November 14, 2017  
**Re:** Rule for Final Action

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The public comment period for Rule 1-201 of the Utah Code of Judicial Administration has closed. The proposal received no public comments. The Policy and Planning Committee recommends the proposal as written for final action by the Council.

**CJA 1-201. Membership - Election.** Amend. Changes the term start date for new Judicial Council members from the October Judicial Council meeting to the Judicial Council meeting immediately following the annual judicial conference.

This rule would be effective as of May 1, 2018 if the Judicial Council approves the attached proposal.

Encl. CJA 1-201

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

1 **Rule 1-201. Membership - Election.**

2 **Intent:**

3 To establish the manner of election of Council members as authorized by statute.

4 To establish the procedure for filling a vacancy on the Council as authorized by statute.

5 **Applicability:**

6 This rule shall apply to all elected members of the Council. This rule shall not apply to the Chief  
7 Justice of the Supreme Court.

8 This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah State  
9 Bar.

10 As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of  
11 Judges and the Board of Commissioners of the Utah State Bar.

12 **Statement of the Rule:**

13 (1) The composition of the Council, the term of office of elected Council members, and the  
14 electorate of elected Council members shall be as prescribed by law. The term of office of all  
15 elected Council members shall begin with the ~~October~~ Council meeting of the Council  
16 immediately following the annual judicial conference.

17 (2) Election of Council members from courts of record shall take place at the annual judicial  
18 conference. Election of Council members from courts not of record shall take place at the  
19 annual spring training conference of the justice court judges. Election of the representative of  
20 the Utah State Bar shall take place at a regularly scheduled meeting of the Board of  
21 Commissioners.

22 (3)(A) If a judicial member of the Council who represents a trial court is unable to complete a  
23 term of office, the Board for the court represented by that member shall appoint a judge to serve  
24 on the Council until the next judicial conference or the next spring training conference as the  
25 case may be. At such conference, the judges shall elect a member to the Council to serve for  
26 the unexpired portion of the original term. If a judicial member of the Council who represents an  
27 appellate court is unable to complete a term of office, the members of that court shall appoint a  
28 judge to serve on the Council until the expiration of the vacated term.

29 (3)(B) If the representative of the Utah State Bar is unable to complete a term of office, the  
30 Board of Commissioners shall elect a member or ex officio member of the Board of  
31 Commissioners to serve for the unexpired portion of the original term.

32 (3)(C) No person shall serve on the Judicial Council for more than two consecutive terms and  
33 the remainder of a predecessor's term.

34 (4) The Boards shall develop procedures for the nomination and election of Council members  
35 and shall certify to the Council the names of the members elected. The Boards shall give due

36 regard to geographic representation, security of the election, timely publication of Council  
37 vacancies or expired terms, and ease of administration.

38 (5) When a judicial member of the Council is unable to attend a Council meeting, that member  
39 may designate a judge from the same level of court to attend the Council meeting and observe  
40 the proceedings. When the representative of the Utah State Bar is unable to attend a Council  
41 meeting, that member may designate a member or ex officio member of the Board of  
42 Commissioners to attend the Council meeting and observe the proceedings. The designee shall  
43 be provided with a copy of the Council agenda and other meeting materials, and may attend the  
44 open and closed sessions of the meeting. The designee may participate in the general  
45 discussion of agenda items but may not make motions or vote on Council issues.

46 (6) Council members or their designated substitutes may be reimbursed for actual and  
47 necessary expenses incurred in the execution of their duties as Council members.

48 (7) Council members shall not be eligible to serve as voting members of a Board of Judges of a  
49 trial court or to serve as members of the standing committees of the Council. The representative  
50 of the Utah State Bar may vote at meetings of the Board of Commissioners if permitted to vote  
51 under rules governing the conduct of the Board of Commissioners.

52

53 Effective May 1, 2016

# Tab 5

August 25, 2017

Dear Mr. Lunceford,

We would like to present to the facilities sub-committee on Friday, September 8 regarding naming the new Provo Fourth District Court building after Reva Beck Bosone. Reva is most recognized as being the first woman elected to the United States Congress from Utah, but she acquired many other firsts in her lifetime as a Utah resident who grew up in Utah County.

- First woman to be a Utah house floor leader
- First Utah woman to chair the powerful Rules Committee
- First woman to be elected city judge in Utah
- First Utah woman as a state legislator
- First Utah woman elected to the United States Congress
- First woman to serve on the House Interior Committee
- First woman appointed United States Postal Office Judicial Officer

Thank you for giving us the opportunity to present. We look forward to meeting with you and your committee.

Regards,

Kacie Bosone  
consumerconnection@gmail.com

Lisa Sheperd  
lisamshepherd@gmail.com

# Tab 6

**78A-7-123 Dissolution of justice courts.**

- (1)
  - (a) The county or municipality shall obtain legislative approval to dissolve a justice court if the caseload from that court would fall to the district court upon dissolution.
  - (b) To obtain approval of the Legislature, the governing authority of the municipality or county shall petition the Legislature to adopt a joint resolution to approve the dissolution.
  - (c) The municipality or county shall provide notice to the Judicial Council.
  - (d) Notice of intent to dissolve a Class I or Class II justice court to the Judicial Council shall be given not later than July 1 two years prior to the general session in which the county or municipality intends to seek legislative approval.
  - (e) Notice of intent to dissolve a Class III or Class IV justice court to the Judicial Council shall be given not later than July 1 immediately prior to the general session in which the county or municipality intends to seek legislative approval.
- (2)
  - (a) A county or municipality shall give notice of intent to dissolve a justice court to the Judicial Council if the caseload of that court would fall to the county justice court. A municipality shall also give notice to the county of its intent to dissolve a justice court.
  - (b) Notice of intent to dissolve a Class I or Class II court shall be given by July 1 at least two years prior to the effective date of the dissolution.
  - (c) Notice of intent to dissolve a Class III or Class IV court shall be given by July 1 at least one year prior to the effective date of the dissolution.
- (3) Upon request from a municipality or county seeking to dissolve a justice court, the Judicial Council may shorten the time required between the city's or county's notice of intent to dissolve a justice court and the effective date of the dissolution.

Renumbered and Amended by Chapter 3, 2008 General Session



# OLSON & HOGGAN, P.C.

ATTORNEYS AT LAW

L. BRENT HOGGAN  
MILES P. JENSEN  
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July 31, 2017

Via Certified Mail & Email to  
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James Peters  
Justice Court Coordinator  
Administrative Office of the Courts  
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PO Box 140241  
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## Re: NOTICE OF INTENT TO DISSOLVE JUSTICE COURT

Dear Mr. Peters:

We are acting as legal counsel for the Town of Newton ("Town") located in Cache County. Pursuant to Utah Code Ann. § 78A-7-123(1) and the shortening of time granted to the Town pursuant to the request sent from the Town dated June 28, 2017, the Town hereby provides notice of its intent to dissolve its justice court in the upcoming general session of the state legislature. This letter is also meant to serve as a request for the shortening of time under § 78A-7-102, 123, or any other timeframe that may be applicable in the event the Town is able to obtain interlocal agreement for the merging of the Town's justice court with another municipality.

We greatly appreciate your time and attention to this matter. If you need any further information related to this notice, please let us know.

Sincerely,

OLSON & HOGGAN, P.C.



Miles P. Jensen  
Seth J. Tait

NEWTON TOWN  
RESOLUTION 2017-01

RESOLUTION TO DISBAND THE NEWTON JUSTICE COURT

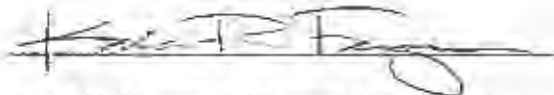
WHEREAS, the Newton Town Council proposes to disband the Newton Justice Court held in Newton, Utah.

THEREFORE, BE IT RESOLVED by the Newton Town Council that: Newton Justice Court be disbanded by Utah state legislation.

Approved and passed by the Newton Town Council this 27<sup>th</sup> day of July, 2017.

By:   
Clair D. Christiansen, Mayor

Attest:



Karla R. Ferguson, Newton Town Clerk

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Clair Christiansen	X			
Matt Hansen			X	
Kathryn Rigby	X			
Ray Wickham			X	
Jed Woodward	X			

Amalga Town Council Meeting  
July 12, 2017

Attending: David Wood, Mayor, Paul Hansen, Shawn Hansen, Julio Vega, John Clark.  
Others attending: Rachel Peterson, co-chair, Lacy Bingham, Chairman of 24  
celebration committee, Craig Peterson

Pledge of Allegiance

1. Craig Peterson representing his son Clay Peterson, reported to the Council that Clay was taking over an Eagle Scout project formerly approved for Josh Fairbanks. Craig said the project was to redo two of the Town signs at the entrance to the Town. The mayor indicated that we needed a plan for what was to be done and a cost estimate and how it was to be paid. He also said that the Town needed all four signs redone. Craig said they talked to David Jenson and David indicated that paint would cost about \$50 a can and they would need two cans of paint per sign. The plan was to sand down the rough edges of the signs, repaint the black lettering and varnish the sign. Craig said that Clay could come up with \$100 and the Mayor said the Town would pay \$100.

John Clark made a motion that the Council accept Clay Peterson's eagle project to repaint and resurface two signs, on the east and west end of town, at the entrances to the Town of Amalga, and the town would pay half, up to \$100.

The motion was seconded by Paul Hansen, the vote was unanimous in favor of the motion.

2. Lacy Bingham reported on the plans and preparations for the Amalga Town 24<sup>th</sup> of July Celebration. Programs were printed and ready to distribute. They sold 134 T-shirts. They still needed gasoline for the kids train. Rick Fannesbeck will donate his trailer for the use of the committee to be set up Friday afternoon. Lacy reviewed the Friday evening schedule with the council. They were concerned that they get checks from Morris to pay the various vendors as they leave Friday night. The Mayor assured them that Morris would have the checks for them. Since Morris will be out of Town that night they were advised to pick up the checks before hand. They wanted the checks by Wednesday. Mayor said he would pick them up from Morris and have them ready for them Wednesday. They reviewed the Saturday schedule with us.

3. The deputy sheriff did not show up for his report.

4. John Clark reported on the Town Attorney, Seth Tait's, letters concerning the Munk's non-compliant lot. There was a letter that could be sent to the family indicating they were in violation of the Town Code and State code. We can attach a document to their deed indicating it is a non-compliant lot and restrict the sale of the lot, and they could not get a zoning clearance for any purpose, or a water hook-up.

John Clark said it appears that the feeling of the Council is that we should do something about the situation, and asked what they thought the most appropriate action should be.

The council discussed the issue for a few minutes. John Clark said one thing the Munks would have to do is come to the P&Z Commission and apply for a minor sub-division and then have the compliant lot recorded in the County Recorders office.

The Mayor said he would take the Attorney's letter's to Jerry and Justin Munk and review the consequences of non-compliance with them. Several members of the Council suggested that the Mayor give them a dead line for when they should be in compliance. The Mayor said he would tell them they needed to be in compliance by the first week in August. John Clark said we would need to create a form to apply for a minor sub-division. Approval of the form could be passed by resolution by the Council. The Mayor pointed out they needed an acre with 150 frontage to qualify to have a septic system installed.

5. Justice Court. The Town has until August first to decide whether to maintain our connection with Newton and support a Justice Court or drop it. If we decide to pull out the court will continue to the first of the year and then it will be phased out. We take in about \$3,600 a year and our expenses are about \$7,000.

A motion was made by Shawn Hansen to dissolve our relationship with the Justice Court. Paul Hansen seconded the motion. The vote to dissolve our relationship with the Justice Court passed unanimously.

6. Delinquent water bills. Reminder notices were sent out with the bills. Shut off notices will be given to Chancey McKendrick, Wendell Hansen (Rental), Rick Fannesbeck barn, Ivan Sharp, Jeff Nelson, Julio Vega. Julio said that he has already paid his bill. He put the money in the box in front of the building. Rick has paid \$1500 toward his bill. If Rick pays \$1500 for the next two months he will be paid up. It was decided the water would be shut off on July 28. A \$100 fee to turn the water on will be added to the bill. The Mayor will authorize Christopher Wood to shut off the water on the delinquent accounts on July 28.

7. Discussion on who should be awarded the outstanding citizens award.

Out of several names that were mentioned Harry Rindlisbacher's name was brought up and discussed. It was decided to give Harry the award.

8. Discussion on who should be awarded the beautification award.

Diane Morley was given the award.

9. Sugar Park

John Clark announced that Billy Jones has finished the plans for the ramada, and Craig Rasmussen has them. The ramada should be ready to let out for bid. There was discussion on the ground breaking ceremony. We need shovels painted gold for the members of the council. The mayor congratulated Paul Hansen for the work he did to get RAP tax money.

Council Reports:

10. John Clark--Business licenses. The mayor reported that a community in Utah decided to discontinue requiring a business license and the fee. John Clark said that he recommended to the P&Z that those who fail to pay their license fee by Feb. 1 be required to go to the P&Z and reapply for a license. Shawn recommended that those who apply for a home occupation license be charged a one-time fee. It was recommended that those who do not pay their fee by Feb. 1<sup>st</sup> be required to come to a P&Z meeting and reapply for a business license/home occupation permit.

11. John Clark—reported on P&Z Paul Berntson, from the county building permit office, came and told the commission about the requirements for a building permit. It was recommended that applicants be instructed to call the building inspector's office to see if they need a building permit. If they do they will need to come to P&Z for a zoning clearance. If they intend to construct a building they will need to come to P&Z for a zoning clearance to check set backs from property lines.

12. Paul Hansen reported on the automatic sprinkling system. League of Cities meeting September 13-15. Need to get room reservations. He talked to Howard Kunz about repair of the water fountain at the Park. He discussed items in the park that needed attention before the 24<sup>th</sup> of July celebration.

13. Shawn Hansen reported on the water quality report he received back from the state. Nitrates are still high on the number 3 well.

14. Julio Vega reported on the delinquent water bills.

15. Mayor reported the Town has done some shoulder work on the curve by Darrell Noble's home. Clair Cove has done the work. He will also do some work by Alan Noble's corner. The Mayor does mosquito abatement work on Monday and Friday. The county sprays on Wednesday.

16. The council discussed the assignments for the 24<sup>th</sup> celebration. The mayor reported that Schriebers was going to donate a 30x50 tent for the celebration.  
John Clark—muffins  
Paul Hansen—biscuits and gravy, eggs, hash browns, jelly packs, butter  
Mayor—ham  
Shawn Hansen—ketchup, ice, oil, juice  
Vickie Fannesbeck—milk

17. Paul Hansen made the motion to adjourn. Shawn Hansen made the second. Voting in the affirmative was unanimous. Meeting adjourned.

*Newton's copy*

INTERLOCAL AGREEMENT FOR JUSTICE COURT SERVICES

THIS AGREEMENT is made and entered into by and between NEWTON TOWN, a Utah municipal corporation, hereinafter referred to as "Newton", and AMALGA TOWN, a Utah municipal corporation, hereinafter referred to as "Amalga".

WITNESSETH:

WHEREAS, Newton has authorized and operated a municipal justice court for many years; and

WHEREAS, state law requires that in order for a justice court to continue in existence, the sponsoring municipality has to take steps for the Court to be certified by the Justice Court Standards Committee of the Utah Administrative Office of the Courts as meeting the operational standards/requirements of the Utah Judicial Council; and

WHEREAS, the Newton Town Council has determined to and does meet the referenced operational standard/requirements and now has a certified justice court and Amalga does not have a justice court, with citations for offenses occurring within its boundaries and other appropriate matters having been referred to the Smithfield City Justice Court; and

WHEREAS, Amalga would prefer that citations and other appropriate matters which have previously been referred to the Smithfield City Justice Court be referred to the Newton Town Justice Court under the Interlocal Co-Operation Act, an Amalga Department in said justice court to be established by contract with Newton; and

WHEREAS, Newton is willing to enter into such a contract with Amalga, with both parties desiring to formalize the agreement between them by this document.

NOW, THEREFORE, in consideration of the mutual terms and conditions contained herein, the parties hereto do hereby agree as follows:

1. This Agreement is made and entered into pursuant to the authority granted to the parties by the Utah Interlocal Cooperation Act as set forth in Chapter 13, Title 11, Utah Code Annotated, 1953 as amended, and Section 10-1-202, Utah Code Annotated, 1953 as amended.

2. This Agreement has been determined to be in the best interests of Amalga and to promote its general welfare, and Newton

has agreed to provide Justice Court Services as herein outlined, so as to lend assistance to Amalga, for the stated reasons.

3. There is hereby established an Amalga Town Department in the Newton Town Justice Court ("Court") which shall have full authority and shall be subject to all requirements of law, as set forth in Section 78-5-101 et. seq., Utah Code Annotated, of 1953 as amended, as well as all other applicable provisions of state law.

4. This Court is established pursuant to the authority granted in Section 78-5-102(5), Utah Code Annotated, 1953 as amended.

5. The territorial jurisdiction of the Amalga Town Department created by this Agreement shall extend to the corporate limits of Amalga Town, Cache County, Utah. Appropriate law enforcement agencies shall be notified regarding the terms and provisions of this Agreement, once it is approved by the Town Councils of both parties and any other applicable agencies.

6. From the date of the final approval necessary, said law enforcement agencies shall be notified to refer all Amalga Town matters, as required by law, to the Newton Town Justice Court.

7. It is agreed between the parties that Newton shall provide the Justice Court Judge and the Justice Court facilities and personnel necessary in order to meet the operational standards/requirements for the Newton Town Justice Court and that the referenced Justice Court Judge shall hold court in Newton. Newton agrees to maintain the Justice Court in compliance with present and future operational standards/requirements as adopted and imposed by the Utah Judicial Council and/or other appropriate agencies.

8. Newton agrees that said court shall provide all services ordinarily provided by a municipal justice court, for both parties to this Agreement and shall provide, or cause to be provided, the necessary administrative services required for the reasonable and appropriate operation of said court, including records for auditing services.

9. As needs may require, or as standards or requirements may be imposed, Newton may, after reasonable notice to Amalga, and after discussion with the Town Council of Amalga, approve capital improvements which need to be made to provide Justice Court Services, and the parties shall mutually establish the contribution which shall be required of Amalga. Amalga agrees that it shall pay for its share of such costs within thirty (30) days after a statement for the same has been sent from Newton to Amalga. In this regard, Amalga agrees to pay all costs for docket and receipt books related to citations for Amalga.

10. The Newton Town Justice Court shall in all matters operate in accordance with and subject to the provisions of all applicable statutes, including those relating to jurisdiction for both civil and criminal matters, relating to the jurisdictional limits of the court, and all similar matters.

11. It is agreed that the Newton Justice Court Judge and the Clerk and other personnel of the Court shall keep separate records relating to the activities of the Court for Newton and to activities of the Court for Amalga. This shall include, but not necessarily be limited to, a separate docket book and a separate accounting for the fines and other monies received relating to and for the separate cities, in order that a distribution of the monies collected can be appropriately made and in order that accurate reports can be made to the respective Town Councils regarding the Justice Court work for each municipality.

12. The disposition of fines, surcharges and other forfeitures and monies collected by the Justice Court for Amalga Town cases shall be accounted for and remitted as required by Section 78-5-116, Utah Code Annotated, 1953 as amended, or as may be otherwise required by applicable law. In this regard, the percentage of all fines, surcharges, forfeitures and other revenues to be remitted to the State of Utah, Cache County, or an agency of either, shall be remitted as required by law. After all such fines, surcharges, forfeitures and other revenues have been remitted as required, then the balance shall be remitted fifty percent (50%) to Newton and fifty percent (50%) to Amalga.

13. The costs incurred for the day-to-day operation of the court, except as provided herein, shall be paid by Newton, with any reimbursement for the same to be considered as having been made to Newton through the percentage of the fines, forfeitures and other revenues which are to be allocated to Newton as noted above. Provided, however, that each Town shall be responsible for and pay all costs and expenses for fees payable to their respective Town Attorneys, jury fees, witness fees, indigent counsel fees (court appointed attorneys for Defendants) and all other costs and expenses directly associated with the handling of an offense charged under the ordinances of such Town, whether the charges are disposed of by a plea bargain, trial or otherwise.

14. It is understood, however, that inasmuch as this is the first such Agreement for either party, should the percentage of the fines, forfeitures and other revenues collected by the Justice Court for Amalga Town cases, and paid to Newton Town fail to cover Amalga's prorated portion of the operational costs plus any other amounts due, based on the ratio of cases referred to the Court from each municipality, then the parties to this Agreement agree that they will enter into good-faith negotiations in order that Newton be reasonably reimbursed in a mutually acceptable manner for Amalga's prorated portion of said costs, plus any other amounts



due, which would include the required education training, for which Amalga would be responsible for fifty percent (50%) of such costs.

15. This Agreement shall be for a term of one (1) year from July 1, 1998 to June 30, 1999. The Agreement may be extended by mutual agreement of both parties, subject to such modified terms as are agreed to. Either party may terminate its participation in this Agreement at any time upon the giving of not less than two (2) months' written notice which shall specify the date on which the termination or withdrawal shall be effective which date must be the last day of the month in which such withdrawal or termination is to be effective.

16. The parties agree to adopt such resolutions and take any required action as may be necessary and appropriate to carry into effect the terms of this Agreement.

17. Newton agrees to submit an annual, written report of the Justice Court's activities, including, but not necessarily limited to, the number and nature of the cases handled by the Court, the fines, forfeitures and other revenues received and the disbursements made, together with other information reasonably needed in order to advise both parties and allow them to meet their obligations under this Agreement. In addition, Newton agrees to provide to Amalga quarterly reports of its activities relating to Amalga Town matters and of the fines, forfeitures and other revenues received by the Court. The amount due to Amalga, based on said quarterly reports, and this Agreement, shall be forwarded to Amalga with the reports. Said annual report shall be prepared based on the term of this Agreement and shall be due by August 1, 1999; and the quarterly reports shall be due within thirty (30) days after the end of each quarter, the quarters ending September 30, 1998, December 31, 1998, March 31, 1999 and June 30, 1999.

18. This Agreement may not be amended except by subsequent written agreement of the parties.

19. This Agreement shall become effective as of July 1, 1998, after it has been approved by the Town Councils of both parties and any other applicable agency.

20. The undersigned representatives of the parties confirm their authority to execute this Agreement on behalf of their respective municipalities by reason of the approval of this Agreement by resolution of their respective City Councils.

21. Amalga shall pay all of the legal costs incurred for the preparation of this Agreement and related documents.

IN WITNESS WHEREOF, the parties have executed this Agreement, in duplicate, each of which shall be deemed an original, with the effective date being as noted herein.

NEWTON TOWN, a Utah Municipal Corporation

ATTEST:

*[Signature]*  
Town Recorder

By *[Signature]*  
Mayor  
NEWTON

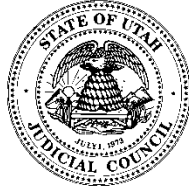
AMALGA TOWN, a Utah Municipal Corporation

ATTEST:

*[Signature]*  
Town Recorder

By *[Signature]*  
Mayor  
AMALGA

# Tab 7



# Administrative Office of the Courts

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

## MEMORANDUM

Richard H. Schwermer  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Nancy Sylvester and Jim Peters  
**Date:** November 3, 2017  
**Re:** CJA Rule 9-109, Presiding Judges in the Justice Courts

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The Justice Court Board proposes adopting a new presiding judge rule, codified at Code of Judicial Administration Rule 9-109.

At present, there are approximately 120 justice courts throughout the state. The judges that serve these courts are organized by district for purposes of local training only. These trainings are coordinated by an education director that is elected at the annual spring conference. Each education director serves as a member of the statewide Education Committee that plans conferences for the entire bench. The education directors in each district have no other role.

The purpose of this proposed rule is to create a justice court presiding judge in each of the state's judicial districts. Similar to the presiding judges in district and juvenile court, these new presiding judges would be "charged with the responsibility for the effective operation of the justice courts within a district. He or she [would be] responsible for the implementation and enforcement of statutes, rules, policies, and directives of the Council and the Board of Justice Court Judges as they pertain to the administration of the courts." In addition to ensuring that judges in his or her district are appropriately trained, the presiding judge would work with the Justice Court Administrator to address significant problems or complaints resulting from a judge's failure to comply with a reasonable administrative directive of the presiding judge, interfering with the effective operation of the court, abusing his or her judicial position, exhibiting signs of impairment, or otherwise violating the Code of Judicial Conduct. Other responsibilities, including the reassignment of cases in the event of a judge's disqualification, are enumerated in Section 3 of the proposed rule.

The attached draft is based in large part on Rule 3-104, which is the district court presiding judge rule. It was presented to the Management Committee on June 13, 2017, which referred the proposal to Policy and Planning. Policy and Planning recommends that the attached draft be circulated for comment.

**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.**

Although the Council does not have authority over the Supreme Court's rules and vice versa, Rule 9-109 intersects with Utah Rule of Criminal Procedure 29 and Utah Rule of Civil Procedure 63. So the Supreme Court has weighed in on all three in the context of reassignment of cases when a justice court judge is disqualified. The three rules will be circulated together since the Supreme Court amended both of its rules in response to Rule 9-109. The following is provided as background only.

*The Intersection of CJA Rule 9-109, URCrP 29, and URCP 63*

About nine months ago, Nancy met with the Supreme Court regarding Rule 63 because the Civil Rules Committee had proposed matching its language to Rule 29's recent amendments. Those amendments expressly exempted the presiding officer of the Judicial Council from being a reviewing judge on a motion to disqualify. In the course of that conversation, the Court proposed removing references to "if the court has no presiding judge" on the assumption that no court would ever be without one. Justice courts, however, have not historically had presiding judges. In speaking with Judge Reuben Renstrom and Jim Peters about this issue thereafter, Nancy learned that a justice courts presiding judge rule was already in the works and brought the rule back to the Supreme Court to discuss adding a reference to Utah Code section 78A-7-208 (temporary justice court judges) in Rule 63. Rule 29 already contains the reference.

At that meeting, several justices raised a concern about the propriety of referencing Utah Code section 78A-7-208 in both rules. The reference *appears* to suggest that the local authorities assign judges when there is a judge disqualification in a case, rather than the court itself making the assignment. What General Counsel has interpreted the statute to say is that the local authority can come up with a list of judges with whom it is comfortable taking cases in its court. It then falls on the court itself to make the assignment from that list.

To resolve some confusion in the procedural rules about the mechanics of this, Nancy worked with Jim Peters and Judge Renstrom on adding paragraph (3)(G) to the new PJ rule regarding reassignment of cases. After some editing by both the Court and Policy and Planning, the paragraph now reads:

*(3)(G) Reassignment of cases. In the event that a judge is disqualified from a case, the presiding judge shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.*

The Court made the following edits to Rules 63 and 29:

- 1) removing the statutory references to justice court assignments in Rule 29;
- 2) removing the language "if the court has no presiding judge, the presiding officer of the Judicial Council to assign another judge to the action or hearing" in both rules; and

Rules 9-109, 63, and 29

November 3, 2017

Page 3

- 3) adding the following language to Rules 29 and 63: "Assignment in justice court cases will be in accordance with Utah Code of Judicial Administration Rule 9-109."

1       **Rule 9-109. Presiding judges.**

2       **Intent:**

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

5       **Applicability:**

6       This rule shall apply to presiding judges and associate presiding judges in the Justice Courts.

7       **Statement of the Rule:**

8       **(1) Election and term of office.**

9       (1)(A) Presiding judge.

10       (1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of the judges in  
11 the district at the 2018 annual conference. Thereafter, regular elections shall take place at the annual  
12 conference in odd years for odd-numbered districts and in even years for even-numbered districts. Interim  
13 elections, if necessary, shall take place as provided in this rule.

14       (1)(A)(ii) The presiding judge's term of office shall be from the time of his or her election or  
15 appointment until he or she resigns or until the next regular election, whichever occurs first. A district, by  
16 majority vote of its judges, may re-elect a judge to serve successive terms of office as presiding judge. In  
17 the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the chair of  
18 the Board of Justice Court Judges to serve until the next regular election.

19       (1)(B) Associate presiding judge.

20       (1)(B)(i) The judges of a district may, at their discretion, elect one judge of the district to the office of  
21 associate presiding judge. An associate presiding judge shall be elected in the same manner and serve  
22 the same term as the presiding judge in paragraph (1)(A).

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

26       (1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or  
27 associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or  
28 associate presiding judge shall then be selected as provided in this rule.

29       **(2) District meetings.**

30       (2)(A) Each district shall have regular meetings to discuss and decide court business, receive  
31 training, and address issues and concerns specific to the district.

32       (2)(B) The presiding judge shall call and preside over meetings of other justice court judges in the  
33 district. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding  
34 judge's designee shall preside.

35       (2)(C) Each district shall have a minimum of two meetings each year.

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

38 (2)(E) In addition to regular meetings, the presiding judge or a majority of the judges may call  
39 additional meetings as necessary.

40 (2)(G) Other than judges and the Justice Court Administrator, those attending the meeting shall be by  
41 approval of the presiding judge only.

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

44 **(3) Administrative responsibilities and authority of presiding judge.**

45 (3)(A) Generally. The presiding judge is charged with the responsibility for the effective operation of  
46 the justice courts within a district. He or she is responsible for the implementation and enforcement of  
47 statutes, rules, policies, and directives of the Council and the Board of Justice Court Judges as they  
48 pertain to the administration of the courts. When the presiding judge acts within the scope of these  
49 responsibilities, the presiding judge is acting within the judge's judicial office.

50 (3)(B) Coordination of required training.

51 (3)(B)(i) The presiding judge or his or her designee shall: (a) be responsible to see that judges in  
52 his or her district are appropriately trained, (b) assist in planning statewide trainings as part of the  
53 Education Committee, (c) plan district training to be held in connection with the meetings required by  
54 paragraph (2)(C), (d) recommend mentors for new judges, and (e) arrange for individual training, as  
55 needed.

56 (3)(B)(ii) Presiding judges are encouraged to observe the hearings of judges within the district to  
57 assess training needs.

58 (3)(C) Court committees. The presiding judge shall, where appropriate, make use of court committees  
59 composed of other judges and court personnel to investigate problem areas and handle court business.

60 (3)(D) Outside agencies and the media. The presiding judge shall be available to meet with outside  
61 agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar  
62 association leaders, probation and parole officers, government officials of cities or counties located within  
63 the district, civic organizations and other state agencies. The presiding judge shall be the primary  
64 representative of the district.

65 (3)(E) Judicial officers. The presiding judge shall discuss significant problems or complaints regarding  
66 the judges in his or her district with the Justice Court Administrator, both of whom shall work together to  
67 resolve the concern. In the event that another judge in the district fails to comply with a reasonable  
68 administrative directive of the presiding judge, interferes with the effective operation of the court, abuses  
69 his or her judicial position, exhibits signs of impairment, or violates the Code of Judicial Conduct, the  
70 presiding judge may:

71 (3)(E)(i) Consult with appropriate staff at the Administrative Office of the Courts and/or discuss  
72 the issue with other presiding judges;



73           (3)(E)(ii) Meet with the judge to explain the reasons for the directive given or the position taken,  
74           consult with the judge about alternative solutions and reevaluate the directive or position, as  
75           appropriate;

76           (3)(E)(iii) Present the problem to the Board of Justice Court Judges for input;

77           (3)(E)(iv) Require the judge to participate in appropriate counseling, therapy, education or  
78           treatment; or

79           (3)(E)(v) Refer the problem to the Judicial Council or to the Chief Justice.

80           (3)(E)(vi) In the event that the options listed in paragraphs (3)(E)(i) through (3)(E)(v) do not  
81           resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge  
82           believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall  
83           refer the problem to the Council or the Judicial Conduct Commission.

84           (3)(F) Liaison. The presiding judge or his or her designee shall serve as a liaison between the justice  
85           courts of the district and (i) the Board of Justice Court Judges and (ii) the presiding judges of Juvenile  
86           Court and District Court.

87           (3)(G) Reassignment of cases. In the event that a judge is disqualified from a case, the presiding  
88           judge shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a  
89           temporary justice court judge.

1       **Rule 29. Disability and disqualification of a judge or change of venue.**

2       **(a) Disability.**

3       ~~(a)~~(1) Substitute judge during trial. If, by reason of death, sickness, or other disability, the  
4 judge before whom a trial has begun is unable to continue with the trial, any other judge of that  
5 court or any judge assigned by the presiding officer of the Judicial Council, upon certifying that  
6 the judge is familiar with the record of the trial, may, unless otherwise disqualified, proceed with  
7 and finish the trial, but if the assigned judge is satisfied that neither he nor another substitute  
8 judge can proceed with the trial, the judge may, in his discretion, grant a new trial.

9       ~~(b)~~(a)(2) Substitute judge after guilty verdict. If, by reason of death, sickness, or other  
10 disability, the judge before whom a defendant has been tried is unable to perform the duties  
11 required of the court after a verdict of guilty, any other judge of that court or any judge assigned  
12 by the presiding officer of the Judicial Council may perform those duties.

13       **(b) Disqualification.**

14       **(b)(1) Motion to disqualify.**

15       ~~(e)~~(1)(A) A party to any action or the party's attorney may file a motion to disqualify a judge.  
16 The motion shall be accompanied by a certificate that the motion is filed in good faith and shall  
17 be supported by an affidavit stating facts sufficient to show bias or prejudice, or conflict of  
18 interest.

19       ~~(e)~~(1)(B) The motion shall be filed after commencement of the action, but not later than 21  
20 days after the last of the following:

21           ~~(e)~~(1)(B)(i) assignment of the action or hearing to the judge;

22           ~~(e)~~(1)(B)(ii) appearance of the party or the party's attorney; or

23           ~~(e)~~(1)(B)(iii) the date on which the moving party learns or with the exercise of  
24 reasonable diligence should have learned of the grounds upon which the motion is based.

25       If the last event occurs fewer than 21 days prior to a hearing, the motion shall be filed as  
26 soon as practicable.

27       ~~(e)~~(1)(C) Signing the motion or affidavit constitutes a certificate under Rule 11, of the Utah  
28 Rules of Civil Procedure and subjects the party or attorney to the procedures and sanctions of  
29 Rule 11. No party may file more than one motion to disqualify in an action.

30       ~~(e)~~(1)(D) The other parties to the action may not file an opposition to the motion and if any  
31 response is filed it will not be considered. The moving party need not file a Request to Submit  
32 for Decision under Rule 12. The motion will be submitted for decision upon filing.

33       **(b)(2) Reviewing judge; reassignment.**

34 | (b)(2)(A) The judge against whom the motion and affidavit are directed shall, without further  
35 | hearing, enter an order granting the motion or certifying the motion and affidavit to a reviewing  
36 | judge. The judge shall take no further action in the case until the motion is decided. If the judge  
37 | grants the motion, the order shall direct the presiding judge of the court ~~or, if the court has no~~  
38 | ~~presiding judge, the presiding officer of the Judicial Council~~ to assign another judge to the action  
39 | or hearing. Assignment in justice court cases ~~shall~~ will be in accordance with Utah Code of  
40 | Judicial Administration Rule 9-109. ~~Utah Code §78A-7-208.~~ The presiding judge of the court,  
41 | any judge of the district, or any judge of a court of like jurisdiction, may serve as the reviewing  
42 | judge.

43 | ~~(b)(32)(AB)~~ If the reviewing judge finds that the motion and affidavit are timely filed, filed in  
44 | good faith and legally sufficient, the reviewing judge shall assign another judge to the action or  
45 | hearing or request the presiding judge ~~or if the court has no presiding judge, the presiding~~  
46 | ~~officer of the Judicial Council~~ to do so. Assignment in justice court cases will be in accordance  
47 | with Utah Code of Judicial Administration Rule 9-109. ~~Utah Code §78A-7-208.~~

48 | ~~(b)(32)(BC)~~ In determining issues of fact or of law, the reviewing judge may consider any  
49 | part of the record of the action and may request of the judge who is the subject of the motion  
50 | and affidavit an affidavit responsive to questions posed by the reviewing judge.

51 | ~~(b)(32)(CD)~~ The reviewing judge may deny a motion not filed in a timely manner.

52 | **(c) Change of venue.**

53 | ~~(d)(1)~~ Courts of record.

54 | (c)(1)(A) In the courts of record, if a party believes that a fair and impartial trial cannot be  
55 | had in the court location or in the county where the action is pending, that party may move to  
56 | have the trial of the case take place with a jury from another county or the case transferred to a  
57 | court location in a county where a fair trial may be held. Such motion shall be supported by an  
58 | affidavit setting forth facts.

59 | ~~(d)(21)(B)~~ If the court is satisfied that the representations made in the affidavit required by  
60 | subsection (c)(1)(A) are true and justify a change of jury pool or location, the court shall enter an  
61 | order transferring the case, or selecting a jury from a county free from the objection. If the court  
62 | is not satisfied that the representations justify an alternate jury pool or transfer of the case, the  
63 | court shall either enter an order denying the motion or order a hearing to receive further  
64 | evidence with respect to the alleged prejudice and resolve the matter.

65 | ~~(d)(32)~~ Justice courts.

66 | (c)(2)(A) In the justice courts, if a party believes that a fair and impartial trial cannot be had  
67 | in the court location or in the county where the action is pending, that party may move to have

68 the trial of the case take place with a jury from another county or in a court location where a fair  
69 trial may be held. Such motion shall be supported by an affidavit setting forth facts.

70 | ~~(dc)(42)(B)~~ If the court is satisfied that the representations made in the affidavit required by  
71 | subsection ~~(c)(2)(A)(3)~~ are true and justify a change of jury pool or location, the court shall enter  
72 | an order selecting a jury from a county free from the objection; or directing that trial proceedings  
73 | be held in a court location free from the objection. If the court is not satisfied that the  
74 | representations justify an alternate jury pool or relocation of the trial, the court shall either enter  
75 | an order denying the motion or order a hearing to receive further evidence with respect to the  
76 | alleged prejudice and resolve the matter.

77 | ~~(dc)(53)~~ Timing. A motion filed pursuant to this subsection ~~(dc)~~ shall be filed not later than  
78 | 14 days after the party learns or with the exercise of reasonable diligence should have learned  
79 | of the grounds upon which the motion is based.

80 | **(ed) Documents of record.** When a change of judge or place of trial is ordered all  
81 | documents of record concerning the case shall, without delay, be transferred or made available  
82 | in the new location.

1       **Rule 63. Disability or disqualification of a judge.**

2       **(a) Substitute judge; Prior testimony.** If the judge to whom an action has been assigned is unable  
3 to perform his or her duties, then any other judge of that district or any judge assigned pursuant to  
4 Judicial Council rule is authorized to perform those duties. The judge to whom the case is reassigned  
5 may rehear the evidence or some part of it.

6       **(b) Motion to disqualify; affidavit or declaration.**

7       (b)(1) A party to an action or the party's attorney may file a motion to disqualify a judge. The  
8 motion must be accompanied by a certificate that the motion is filed in good faith and must be  
9 supported by an affidavit or declaration under penalty of Utah Code Section 78B-5-705 stating facts  
10 sufficient to show bias, prejudice or conflict of interest. The motion must also be accompanied by a  
11 request to submit for decision.

12       (b)(2) The motion must be filed after commencement of the action, but not later than 21 days  
13 after the last of the following:

14           (b)(2)(A) assignment of the action or hearing to the judge;

15           (b)(2)(B) appearance of the party or the party's attorney; or

16           (b)(2)(C) the date on which the moving party knew or should have known of the grounds  
17 upon which the motion is based.

18 If the last event occurs fewer than 21 days before a hearing, the motion must be filed as soon as  
19 practicable.

20       (b)(3) Signing the motion or affidavit or declaration constitutes a certificate under Rule 11 and  
21 subjects the party or attorney to the procedures and sanctions of Rule 11.

22       (b)(4) No party may file more than one motion to disqualify in an action, unless the second or  
23 subsequent motion is based on grounds that the party did not know of and could not have known of at  
24 the time of the earlier motion.

25       (b)(5) If timeliness of the motion is determined under paragraph (b)(2)(C) or paragraph (b)(4), the  
26 affidavit or declaration supporting the motion must state when and how the party came to know of the  
27 reason for disqualification.

28       **(c) Reviewing judge.**

29       (c)(1) The judge who is the subject of the motion must, without further hearing or a response from  
30 another party, enter an order granting the motion or certifying the motion and affidavit or declaration  
31 to a reviewing judge. The judge must take no further action in the case until the motion is decided. If  
32 the judge grants the motion, the order will direct the presiding judge of the court ~~or, if the court has no~~  
33 ~~presiding judge, the presiding officer of the Judicial Council~~ to assign another judge to the action or  
34 hearing. Assignment in justice court cases will be in accordance with Utah Code of Judicial  
35 Administration Rule 9-109. The presiding judge of the court, any judge of the district, or any judge of a  
36 court of like jurisdiction, or the presiding officer of the Judicial Council may serve as the reviewing  
37 judge.

38       (c)(2) If the reviewing judge finds that the motion and affidavit or declaration are timely filed, filed  
39 in good faith and legally sufficient, the reviewing judge shall assign another judge to the action or  
40 hearing or request the presiding judge ~~or the presiding officer of the Judicial Council~~ to do so.  
41 Assignment in justice court cases will be in accordance with Utah Code of Judicial Administration  
42 Rule 9-109.

43 (c)(3) In determining issues of fact or of law, the reviewing judge may consider any part of the  
44 record of the action and may request of the judge who is the subject of the motion an affidavit or  
45 declaration responding to questions posed by the reviewing judge.

46 (c)(4) The reviewing judge may deny a motion not filed in a timely manner.

47

# Tab 8

**This item  
will be  
sent  
separately**

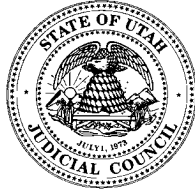


# Tab 9

**This item  
will be  
sent  
separately**

# Tab 10

# **Education Committee**



# Administrative Office of the Courts

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

September 27, 2017

Richard H. Schwermer  
State Court Administrator  
Ray Wahl  
Deputy Court Administrator

## MEMORANDUM

**TO: Management Committee and Judicial Council**

**FROM: Tom Langhorne**

**RE: Filling a Standing Education Committee Vacancy**

---

Standing Committee Vacancy in Question: Standing Education Committee

Reason for Vacancy: Committee member, Shane Bahr, was promoted to statewide district court administrator.

Eligibility requirements: Rule 1-205 requires a court executive to populate the Standing Education Committee.

Current committee member list:

Hon. Christine M. Durham (Chair), Hon. David Miller (Centerville Justice Court), Mary Barrientez (AOC IT representative), Rob Parkes (HR director), Ray Wahl (Deputy State Court Director), Mark Paradise (JA, Third District Court), Lynn Wiseman (Second District Juvenile Court Clerk of Court), Hon. George Harmond (Seventh District Court) Sherry Parkes (Third District Juvenile Court Chief Probation Officer), Professor Brian Stecklein (Weber State University), Hon. Janice Frost (Second District Juvenile Court), Tom Langhorne (Education Department Chair)

Description of recruitment process: Tom Langhorne emailed all trial court executives and attended their monthly TCE meeting seeking their letters of interest for filling the vacancy. Joyce Pace, the TCE for the 5<sup>th</sup> District Combined Court, Brett Folkman, the TCE for the 1<sup>st</sup> District Combined Court and Neira Siaperas, the 3<sup>rd</sup> District Juvenile Court TCE, responded with letters of interest.

Their respective letters of interest are as follows:

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

**Joyce Pace**

As a relatively new Probation Officer, I served as a CARE Specialist and was trained to train 5th District staff on what was then the new CARE System.

As a Chief Probation Officer I served on the Restorative Justice Committee, the Senior Project Committee and the ICJ Council.

As a new TCE, I am currently on no committees.

Thank you for your consideration.

**Brett Folkman**

I am currently on the Executive Budget Committee and the Divorce Education Committee. I was just released from the System of Care Committee that covers 1st and 2nd districts.

Over the past 20 years I have served as chair of the Restorative Justice Committee, several CARE implementation/specialist committees, District Education Committee, Juvenile Court Best Practice Committee, Probation Officer Senior Project Approval Committee, Management Conference Planning Committee and probably a few others.

**Neira Siaperas**

Below are some of the larger/more significant committees I have served on. These were all statewide committees except the district Table of Ten committee. This is all I could think of on top of my head :-). Let me know if you need more info about any of these or the time I served

Performance Management

Fine and Bail (subcommittee of the standing committee)

PO Education (subcommittee of the standing committee on Education)

Sentencing Guidelines (subcommittee of the Sentencing Commission)

Leadership conference

Electronic Records

CARE User group Interstate Compact on Juveniles Utah State Council

Probation Officer Workload Committee

Board of Juvenile Court Judges Immigration Toolkit

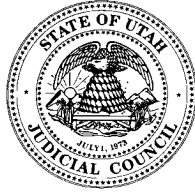
EBP Case Planning toolkit

Juvenile Justice

Youth Court Board

Table of Ten

Human Trafficking Prevention



# Administrative Office of the Courts

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

November 8, 2017

Richard H. Schwermer  
State Court Administrator  
Ray Wahl  
Deputy Court Administrator

## MEMORANDUM

**TO: Management Committee and Judicial Council**

**FROM: Tom Langhorne**

**RE: Filling Justice Durham's Standing Education Committee Vacancy**

---

Standing Committee Vacancy in Question: Standing Education Committee

Reason for Vacancy: Committee member, Justice Durham, is retiring.

Eligibility requirements: Rule 1-205 requires a judge from an appellate court to populate the Standing Education Committee.

Current committee member list:

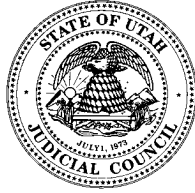
Hon. Christine M. Durham (Chair), Hon. David Miller (Centerville Justice Court), Mary Barrientez (AOC IT representative), Rob Parkes (HR director), Ray Wahl (Deputy State Court Director), Mark Paradise (JA, Third District Court), Lynn Wiseman (Second District Juvenile Court Clerk of Court), Hon. George Harmond (Seventh District Court) Sherry Parkes (Third District Juvenile Court Chief Probation Officer), Professor Brian Stecklein (Weber State University), Hon. Janice Frost (Second District Juvenile Court), Hon. Vernice Trease (Third District Court), Tom Langhorne (Education Department Chair)

**Description of recruitment process:** Tom Langhorne emailed all appellate judges seeking their interest in serving. Both Judge Hagen and Judge Pohlman expressed interest. Subsequently, Judge Hagen and Judge Pohlman discussed the vacancy. They jointly agreed that Judge Hagen should be the nominee to fill Justice Durham's vacancy.

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efficient, and independent system for the advancement of justice under the law.**

# **MUJI - Civil Committee**





# Administrative Office of the Courts

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

November 15, 2017

Richard H. Schwermer  
State Court Administrator  
Ray Wahl  
Deputy Court Administrator

## MEMORANDUM

**TO: Judicial Council**

**FROM: Nancy Sylvester**

**RE: Model Utah Civil Jury Instructions District Judge Appointment**

---

**Name of Committee:** The Standing Committee on the Model Utah Civil Jury Instructions (MUJI-Civil)

**Reason for Vacancy:** Judge Ryan Harris left the committee due to his appointment to the Court of Appeals.

**Eligibility requirements:** This position is for a district court judge

**Current committee member list:**

Last	First	Title	Role
Blanch	Juli	Chair until 11/24/14	Defendant
Di Paolo	Marianna		Linguist
Ferre	Joel		Defendant
Fowler	Tracy		Defendant
Vacant	Vacant	Judge	District Judge

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

Shapiro	Ruth		Defendant
Keundig	Patricia		Plaintiff
Simmons	Paul		Plaintiff
Stone	Andrew	Judge— Chair beginning 11/25/17	District Judge
Summerill	Peter		Plaintiff
Von Maack	Christopher		Plaintiff

**Description of recruitment process:**

The District Court Board sent out a request for volunteers to all district court judges.

**List of names for consideration:**

Judge Kara Pettit - 3rd District  
 Judge Keith Kelly - 3rd District

**Length of service on the committee:**

N/A

**Attendance record:**

N/A

**Assessment of level of contributions to the work:**

N/A

**Statement of interest:**

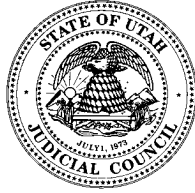
Both judges expressed interest to the Board of District Court Judges.

**List of other current and past committee assignments:**

Judge Kara Pettit: Judicial Council, District Judge Grand Jury Panel (current)  
 Judge Keith Kelly: Rules of Evidence (past)

**Recommendation:**

The Committee recommends that Judge Keith Kelly be appointed since he has a strong civil background and from a workload perspective he appears to be in a better position to contribute to the work of the committee. The Management Committee joins this recommendation.



# Administrative Office of the Courts

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

November 15, 2017

Richard H. Schwermer  
State Court Administrator  
Ray Wahl  
Deputy Court Administrator

## MEMORANDUM

**TO:** Judicial Council

**FROM:** Nancy Sylvester

**RE:** Model Utah Civil Jury Instructions Defense Attorney Appointment

---

**Name of Committee:** The Standing Committee on the Model Utah Civil Jury Instructions (MUJI-Civil)

**Reason for Vacancy:** Chairwoman Juli Blanch's term on the committee will expire this month.

**Eligibility requirements:** This position is for an attorney who primarily represents civil defendants.

**Current committee member list:**

Last	First	Title	Role
Blanch	Juli	Chair until 11/24/14	Defendant
Di Paolo	Marianna		Linguist
Ferre	Joel		Defendant
Fowler	Tracy		Defendant
Vacant	Vacant	Judge	District Judge

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

Shapiro	Ruth		Defendant
Keundig	Patricia		Plaintiff
Simmons	Paul		Plaintiff
Stone	Andrew	Judge— Chair beginning 11/25/17	District Judge
Summerill	Peter		Plaintiff
Von Maack	Christopher		Plaintiff

**Description of recruitment process:**

I circulated an email to the Utah State Bar listserv.

**List of names for consideration:**

Stewart B. Harman  
Michael J. Miller  
Lauren A. Shurman  
Kevin J. Simon  
Samantha Slark

**Length of service on the committee:**

N/A

**Attendance record:**

N/A

**Assessment of level of contributions to the work:**

N/A

**Statement of interest:**

The applicants' letters are attached.

**List of other current and past court committee assignments:**

Stewart B. Harman: None  
Michael J. Miller: None  
Lauren A. Shurman: None  
Kevin J. Simon: MUJI-Civil Subcommittee  
Samantha Slark: None

**Recommendation:**

The Management Committee recommends that Lauren Shurman be appointed.

STEWART B. HARMAN  
[SHARMAN@PCKUTAH.COM](mailto:SHARMAN@PCKUTAH.COM)  
ALSO ADMITTED IN IDAHO

October 23, 2017

Nancy Sylvester  
Utah Judicial Council  
Sent Via email to [nancyjs@utcourts.gov](mailto:nancyjs@utcourts.gov)

Re: Standing Committee on Utah Civil Jury Instructions

Dear Ms. Sylvester:

This letter is to express my interest in the open position on the Standing Committee on Model Utah Civil Jury Instructions. As a litigator and trial lawyer, I believe I would make a good fit for this committee. Please find attached herewith a copy of my resume. As reflected therein, I have served as defense counsel representing civil defendants at the firm of Plant, Christensen and Kanell for more than 11 years. In my practice I handle primarily insurance defense cases ranging from personal injury, construction defect, municipal claims, to HOA, landlord-tenant, products liability and complex civil litigation cases. In addition, I currently serve on the subcommittee on Insurance to the Standing Committee on Model Utah Civil Jury Instructions.

Thank you for your consideration and please let me know if there is anything else that you need from me.

Very truly yours,

**PLANT, CHRISTENSEN & KANELL**



---

STEWART B. HARMAN

# Stewart B. Harman

136 East South Temple, Suite 1700, Salt Lake City, Utah 84111  
T. 801-363-7611 E. [sharman@pckutah.com](mailto:sharman@pckutah.com)

## EDUCATION

**Juris Doctorate - Appalachian School of Law**, Grundy, Virginia 2006

Graduating Rank: 1<sup>st</sup> out of 115

Editor-in-Chief of the Appalachian Journal of Law for the 2005-2006 edition (Volume 5)

**Undergraduate - University of Utah**, Salt Lake City, B.S. in Organizational Communication and Political Science Utah 2001

## LICENSES & CERTIFICATIONS

**Utah State Bar** – Admitted 2006 (State and Federal Court)

**Idaho State Bar** – Admitted 2014 (State Court)

**United States Court of Appeal for the 10<sup>th</sup> Circuit** – Admitted 2016

## PROFESSIONAL AFFILIATIONS

Utah State Bar Association, Litigation Section & Salt Lake County Bar and Idaho State Bar

Utah Defense Lawyers Association and Utah Municipal Attorneys Association

Subcommittee on Insurance to Standing Committee on Model Utah Civil Jury Instructions

## WORK EXPERIENCE

**Plant, Christensen & Kanell**, Salt Lake City, Utah, 2006 – Present

*Shareholder.* Manage litigation defense and trial of civil files for numerous clients covering a variety of cases ranging from personal injury, intentional torts, municipality claims, complex civil litigation, products liability, insurance, construction defect, ski industry, HOA, property, water rights, Title VII and employment law cases. Continually manage a case load between fifty and sixty cases. Have resolved hundreds of cases through mediation, arbitration, dispositive motions and trial. Have served as first chair during bench and jury trials and have briefed and argued before the Utah Court of Appeals, Utah Supreme Court and the United States Court of Appeals for the Tenth Circuit.

**City of North Salt Lake**, *Elected City Councilman*, North Salt Lake, Utah, 2010 – 2014

**Utah Army National Guard**, 1998 – 2006

*Counterintelligence Agent.* Staff Sergeant in the 142<sup>nd</sup> Military Intelligence Battalion. Operation Joint Forge in Bosnia-Herzegovina from July 2002 to March 2003.

**United States District Court for the Western District of Virginia**, *Intern for U.S. Magistrate Judge Pamela Sargent*, Abingdon, Virginia, summer 2004

## PUBLICATIONS & REPORTED CASES

**Reported Cases:** *Cope v. UVSC*, 2014 UT 53, 342 P.3d 243.

*Fire Insurance Exchange v. Oltmanns*, 2016 UT App 54, 370 P.3d 566 (*cert granted*).

**Published:** *Restoration of Competency Through Involuntary Medication: Applying The Sell Factors*, 4 Appalachian J.L. 127 (2005).

## SKILLS AND ACHIEVEMENTS

Fluent in Danish and Norwegian Languages. Served LDS Mission in Copenhagen, Denmark. Eagle Scout. Interests include running, cycling, skiing, golf and backpacking. Completed the Boston Marathon, Wasatch 100 Mile Ultra-marathon and Ironman Arizona.



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STEPHEN J. TRAYNER  
STANFORD P. FITTS <sup>12</sup>  
BRADLEY W. BOWEN  
PETER H. CHRISTENSEN <sup>8 12</sup>  
ROBERT L. JANICKI <sup>4</sup>  
H. BURT RINGWOOD  
ZACHARY T. SHIELDS  
CATHERINE M. LARSON  
KRISTIN A. VANORMAN  
KENT M. BROWN <sup>4</sup>  
PETER H. BARLOW <sup>4</sup>  
MICHAEL L. FORD <sup>3 4 9 12</sup>  
GRADEN P. JACKSON <sup>2</sup>  
H. SCOTT JACOBSON  
MICHAEL J. MILLER <sup>11</sup>

ANDREW D. WRIGHT  
BYRON G. MARTIN <sup>11</sup>  
BENJAMIN P. THOMAS  
LANCE H. LOCKE  
MICHAEL D. STANGER <sup>6</sup>  
A. JOSEPH SANO  
JACOB S. REDD  
JAMES C. THOMPSON  
KARMEN C. SCHMID  
LORI A. JACKSON  
WILLIAM B. INGRAM  
RYAN P. ATKINSON <sup>12</sup>  
JENNIFER R. CARRIZAL  
JOHN M. ZIDOW  
ANDREW B. McDANIEL  
SADÉ A. TURNER <sup>4</sup>  
CASEY W. JONES  
RYAN C. BULLOCK  
MICHAEL A. STAHLER <sup>7 10</sup>  
KATHLEEN J. ABKE  
MARSHALL J. HENDRICKSON

CHET W. NEILSON <sup>1</sup>  
S. SPENCER BROWN  
KATHRYN T. SMITH <sup>12</sup>  
RON W. HAYCOCK, JR.  
JOSEPH SHAPIRO <sup>1</sup>  
ANDREW D. DAY  
NICHOLAS E. DUDOICH  
ALAN R. HOUSTON  
ALLISON S. MILES  
JASON L. DEFOREST  
JESSICA J. JOHNSTON  
FREDRICK J. PENA  
AXEL TRUMBO  
ASHLEY F. LEONARD <sup>11</sup>  
SCARLET R. SMITH  
STEVEN M. EDMONDS  
KYLE J. HOYT  
JACK DAVID SMART  
NICHOLAS R. REMKES <sup>5</sup>  
AARON H. SMITH  
RYAN C. ULRICH

<sup>1</sup> ALSO MEMBER CALIFORNIA BAR  
<sup>2</sup> ALSO MEMBER COLORADO BAR  
<sup>3</sup> ALSO MEMBER DISTRICT OF COLUMBIA BAR  
<sup>4</sup> ALSO MEMBER IDAHO BAR  
<sup>5</sup> ALSO MEMBER NEBRASKA BAR  
<sup>6</sup> ALSO MEMBER NEVADA BAR  
<sup>7</sup> ALSO MEMBER NEW YORK BAR  
<sup>8</sup> ALSO MEMBER OREGON BAR  
<sup>9</sup> ALSO MEMBER VIRGINIA BAR  
<sup>10</sup> ALSO MEMBER VERMONT BAR  
<sup>11</sup> ALSO MEMBER WASHINGTON BAR  
<sup>12</sup> ALSO MEMBER WYOMING BAR

OF COUNSEL

PAUL W. HESS  
MARK H. HOWARD  
DAVID K. REDD

GORDON R. STRONG  
(1909-1969)  
GLENN C. HANNI  
(1923-2015)

ESTABLISHED 1888

November 3, 2017

VIA E-MAIL ONLY

Nancy Sylvester  
Administrative Office of the Courts  
[nancyjs@utcourts.gov](mailto:nancyjs@utcourts.gov)

RE: *Position on Standing Committee of Model Utah Civil Jury Instructions*

Dear Ms. Sylvester:

I am writing to apply for the open position on the Standing Committee on the Model Utah Civil Jury Instructions. A copy of my curriculum vitae is enclosed.

My practice is devoted to representing defendants. I have tried numerous, lengthy civil trials in the past several years. For example, in 2017, I tried an 8-day jury trial in Third District Court and an 11-day jury trial in Duchesne County. Damage claims of millions of dollars were at stake during both trials.

In the past six-plus years, I have first-chaired nine jury trials to verdict. The shortest duration of those trials was five days. I was also a second chair attorney on numerous other jury trials in my earlier legal career. I believe my jury trial experience in dealing with complex issues has prepared me to serve as a valuable member of the Committee.

I have been an attorney since 1999 when I began my career in Spokane, Washington. I became licensed in Utah in 2001 and moved to Utah in 2002. For the past 15 years, I have been working at the law firm of Strong & Hanni. My practice is focused on representing defendants in medical malpractice cases, defendants in drug and medical device litigation, and defendants in other product liability cases.



SALT LAKE OFFICE — 102 SOUTH 200 EAST, SUITE 800, SALT LAKE CITY, UTAH 84111  
SANDY OFFICE — 9350 SOUTH 150 EAST, SUITE 820, SANDY, UTAH 84070



Nancy Sylvester  
November 3, 2017  
Page 2

Please contact me if you have any questions. I look forward to hearing from you.

Very truly yours,

STRONG & HANNI

A handwritten signature in cursive script, appearing to read "Michael J. Miller", written over a horizontal dashed line.

Michael J. Miller

MJM/sls  
Enclosure

MICHAEL J. MILLER  
STRONG & HANNI  
102 South 200 East, Suite 800  
Salt Lake City, UT 84111  
801-323-2115  
[mmiller@strongandhanni.com](mailto:mmiller@strongandhanni.com)

## EDUCATION

Gonzaga University School of Law  
**Juris Doctorate, *Cum Laude*** 1999  
Articles Editor Gonzaga Law Review

Brigham Young University  
**Bachelor of Arts, Political Science** 1994

## PROFESSIONAL EXPERIENCE

STRONG & HANNI  
Salt Lake City, Utah  
**Shareholder** 2006 – present  
**Associate Attorney** 2002 – 2005  
**Secretary to Board of Directors** 2016 – present

RICHTER-WIMBERLEY  
Spokane, Washington  
**Associate Attorney** 1999 – 2002

## PRESENTATIONS AND PUBLICATIONS

*Unrecognized Complications: Potential Criminal Investigations of Physicians Who Settle Wrongful Death Claims*, USLAW (Spring/Summer 2017)

Presenter, *Health Law 'War Stories,'* BYU HEALTH LAW ASSOCIATION (March 2017)

Presenter, *Health Care Law Panel,* BYU HEALTH LAW ASSOCIATION (August 2016)

Presenter, “*Introduction to Drug & Medical Device Litigation,*” DRI WEBCAST (November 2015)

Presenter, “*General Legal Matters and Dealing with Demanding Lawyers,*” UMIA INSURANCE, INC. (November 2014)

Presenter, “*Update of the Consumer Product Safety Act’s Information Database,*” Five-Minute Drill, USLAW Spring Meeting (March 2009)

*Whistleblowers and State Attorneys General: Warnings from the Consumer Product Safety Improvement Act of 2008,* RX FOR THE DEFENSE (Fall 2008)

Presenter, “*Probing Indemnification in Clinical Trials,*” ASSOCIATION OF CLINICAL RESEARCH PROFESSIONALS (Salt Lake Chapter), Fall Meeting (October 2008)

Presenter, "*Avoiding Claims of Physician - Patient Abandonment*" (June 2008)

Presenter, "*Challenges Facing Clinical Trials*," DRI ANNUAL MEETING DRUG AND MEDICAL DEVICE COMMITTEE SESSION (October 2007)

*Severe Sanctions for Repeated Violations of Protective Orders of Confidentiality*, RX FOR THE DEFENSE (Winter 2007)

*Increased Scrutiny: Clinical Trial Contracts - Probing Indemnification*, FOR THE DEFENSE (April 2006)

Presenter, "*Confidentiality of Medical Records in Utah - Subpoenas*" (July 2003)

#### MEMBERSHIPS AND COMMITTEES

Utah State Bar

Washington State Bar

Defense Research Institute

Member, DRI Drug and Medical Device Steering Committee

Chair, DRI Drug and Medical Device Committee Webcasts

Member, Utah Defense Lawyers Association



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LAUREN A. SHURMAN  
D. 801.715.6667  
lauren.shurman@stoel.com

November 5, 2017

**VIA EMAIL**

Nancy Sylvester  
nancyjs@utcourts.gov

**Re: Standing Committee on Model Utah Civil Jury Instructions**

Dear Ms. Sylvester:

I write to apply for the vacancy on the Utah Judicial Council's Standing Committee on Model Utah Civil Jury Instructions ("MUJI Committee"). I have practiced civil litigation in Utah for eleven years, and I primarily represent defendants.

I am interested in joining the MUJI Committee as a way to contribute my strengths and talents as an attorney to the betterment of the jury system. As someone who practices extensively in Utah state and federal courts, I know that good jury instructions are crucial. They allow the court to effectively communicate with the jury, so that the jury can meaningfully apply the law to its factual findings. I am interested in helping the MUJI Committee to research and draft clear, accurate, and unbiased jury instructions.

I believe that I am uniquely qualified to join the MUJI Committee for several reasons, two of which I will highlight in this letter. First, I enjoy legal writing and the challenge of making legal concepts easily accessible and understandable. At my firm, other attorneys rely upon me for complex writing assignments and for editing assistance. Outside of the firm, I draw upon my writing skills in my role as a Trustee at Wasatch Charter School, where I serve as the chair of the policy committee. In this capacity, I often draft policies regarding education laws and requirements for school staff, administration, and parents. This requires me to communicate complicated concepts of education law in a concise manner and in "plain English," so that the readers can easily understand and follow the policies. I find this task to be both challenging and rewarding. The skills I have developed through my work on the charter school policy committee will translate well to the MUJI Committee.

Second, I appreciate that work on any committee requires cooperation, commitment, and a good attitude. I have participated in and chaired several committees, through the bar, civic organizations, and at my firm. Each committee has involved different participants with different backgrounds and opinions. I am a valuable contributor to my committees, as I always aim to find common ground and consensus solutions where possible. Participants, of course, do not

Nancy Sylvester  
November 5, 2017  
Page 2

always agree, but I have learned to be an active listener and to express disagreement in a respectful manner. I believe these traits are important for a committee's work to be achieved effectively and efficiently.

My resume accompanies this letter. Please do not hesitate to contact me if you have any questions. Thank you for your time and consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lauren A. Shurman", followed by a horizontal line extending to the right.

Lauren A. Shurman

# Lauren A. Shurman

lauren.shurman@stoel.com • (801) 703-4669 (cell) • (801) 715-6667 (office)

## Experience

**Stoel Rives LLP** | 201 S. Main St. Ste. 1100, Salt Lake City, UT 84111

Partner, 2014 – present

Associate, 2006 – 2014

Summer Associate, 2004 – 2005

- Member of firm's litigation group, specializing in commercial litigation. Represent clients in litigation matters by developing case strategy, conducting and defending discovery, and resolving cases through motion practice, settlement, mediation, trial, and/or appeal. Appear before federal and state district courts and courts of appeal. Recruit, train, and supervise associate attorneys and paralegals.
- Member, Firm Culture Committee, 2015 – 2017
- Member, Salt Lake Office Strategic Plan Implementation Committee, 2015 – present
- Member, Firm Recruiting Committee, 2010 – 2013
- Liaison, Utah Innovation Awards Selection Committee, 2015
- Associate Coach & Mentor

## Education

**Duke University School of Law**

*J.D., cum laude, 2006*

- Stanley Star Scholar
- Editor-in-Chief, *Alaska Law Review*
- Member, Moot Court Board

**University of Utah**

*M.S., Educational Psychology, 2004*

**University of Utah**

*B.S., Biology, cum laude, 1999*



## Professional Honors & Activities

- Ranked in *Chambers USA* as “Up & Coming” for General Commercial Litigation, 2017
- Listed among *Mountain States Super Lawyers*, 2009 – 2017
- Utah Federal Bar Association Pro Bono Service Award Recipient, 2017
- Salt Lake County Bar Association, Secretary, Jun. 2017 – present; Treasurer, 2016 – 2017; Executive Committee Member, 2007 – 2016
  - Oversee county bar association’s continuing legal education programs, law-related activities, social programming, and executive committee functions.
  - Former editor of the *Bar & Bench* newsletter
  - Former chair of Membership Committee
- Women Lawyers of Utah, Board of Directors, 2015 – present
  - Chair of judicial mentoring committee, providing education and mentoring to WLU members regarding judicial vacancies, the judicial application process, and related legislative issues.
- Utah State Bar Character and Fitness Committee, 2014 – present
  - Review applications for admission to the bar for character and fitness standards.
  - Participate in informal investigative interviews and formal hearings to determine applicants’ character and fitness to practice law and investigate issues regarding honesty, trustworthiness, diligence, civility, reliability, financial responsibility, candor, substance abuse, and academic misconduct.

## Civic Activities

- Trustee, Wasatch Charter School, 2016 – present
  - Chair of School LAND Trust Council. Research, prepare, and implement plans and reports regarding school’s utilization of SITLA land trust funds.
  - Chair of School Policy Committee. Research and draft school policies; audit policies for compliance with federal and state laws.
  - Member of Governance Committee. Oversee charter school’s governing board’s governance.
- Member, YWCA of Utah, Board Development and Governance Committee, 2013 - 2016
- Member, YWCA of Utah, Board of Directors, 2010 - 2013
- Trustee, Sugar House Park Authority, Board of Trustees, 2010 - 2014 (Vice President, 2012 - 2014)
- Volunteer, Utah Legal Services, 2002 – 2003

## Admissions

- Utah State Bar



# STRACHAN STRACHAN & SIMON, P.C.

ATTORNEYS AT LAW

401 Main Street, Upstairs  
P. O. Box 1800  
Park City, Utah 84060-1800  
Tel (435) 649-4111 Fax (435) 645-9429  
e-mail [info@strachanlaw.com](mailto:info@strachanlaw.com)  
website [www.strachanlaw.com](http://www.strachanlaw.com)

October 24, 2017

**VIA E-MAIL**

Utah Judicial Council  
c/o Nancy Sylvester  
[nancyjs@utcourts.gov](mailto:nancyjs@utcourts.gov)

Re: Standing Committee on Model Utah Civil Jury Instructions

To Whom It May Concern:

This letter expresses my strong interest in serving on the Model Utah Civil Jury Instructions Standing Committee as an attorney with primarily a civil defense background. Over the past twenty (20) years, I have represented defendants in a variety of different substantive areas of law and through all phases of the litigation process, including through verdict on many occasions. Specifically, I have significant experience in general premises liability litigation, construction defect litigation, ski resort litigation, product liability litigation, employment litigation, business tort litigation, and complex commercial litigation. This wide-ranging litigation background will allow me to contribute meaningfully to this Committee's discussions and the sometimes nuanced considerations that are necessary in arriving at an objective and substantively correct jury instruction.

Although I come primarily from a civil practice defense background, I am a fair, objective individual who considers other points of view and works well with others. It would be an honor to serve on this Committee and hope that I have the opportunity to do so.

Sincerely yours,

Kevin J. Simon

KJS/  
Enclosure (CV)



# KEVIN J. SIMON, ESQ.

## Curriculum Vitae

### Summary of Experience

Mr. Simon obtained his Bachelor's degree in History in 1994 from the University of California at Los Angeles (UCLA), graduating *magna cum laude* with membership in two honors societies - *Phi Alpha Theta* and *Pi Gamma Mu*. Upon obtaining his undergraduate degree, Mr. Simon scored a 173 (99.4%) on the National Law School Admissions Test (LSAT) and gained admission to the University of California at Berkeley, Boalt Hall School of Law. Mr. Simon graduated from Boalt Hall in 1997 with *honors* in Contracts, Real Property and Antitrust Law and received the prestigious General S.K. Yee Boalt Hall Scholarship from 1994 through 1997.

In twenty (20) years of legal practice, Mr. Simon's professional experience has been extensive, advising on a wide variety of different substantive areas of law such as the Sherman Antitrust Act, Clayton Act, Lanham Act, Worker Adjustment & Retraining Notification Act (WARN), Fair Labor Standards Act (FLSA), the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA), Federal Wiretap Act, Federal RICO Act, and §1983 civil rights actions. Mr. Simon is involved routinely as lead defense counsel in high profile, multi-million dollar litigation in areas including catastrophic personal injury claims, real estate development disputes and complex business litigation at the trial court level and on appeal. His appellate cases, in some instances, have been the subject of law review articles and various federal practice treatises. *See e.g. Christy Sports LLC v. Deer Valley Resort Co.*, 555 F.3d 1188 (10<sup>th</sup> Cir. 2009).

He has defended numerous cases to jury verdict as first and/or second chair successfully and, in some instances, as the *only* attorney for his client. Some of his trial victories have even been profiled at trial lawyer annual conventions due to the magnitude of the case at issue. Through the course of trying cases, Mr. Simon has drafted, opposed and/or argued hundreds of motions in limine addressing a wide array of evidentiary issues such as subsequent remedial measures, collateral impeachment, admissibility of prior criminal convictions and prior litigation, various Rule 403 issues, spoliation of evidence, admissibility of habit and character evidence, collateral source/health insurance contractual write-off issues, Daubert expert qualification and opinion issues, Rule 701 lay opinion issues, Erie Doctrine issues, and virtually every conceivable hearsay related issue.

Aside from trial work, Mr. Simon has also obtained summary judgment and the Rule 12(b)(6) dismissal of cases on numerous occasions for various clients, implicating many different substantive areas of law such as: federal antitrust issues, constructive fraud, enforcement of restrictive covenants, intentional interference with economic relations, breach of contract, various equitable claims, scope of employment/vicarious liability, negligent training, hiring, retention and supervision, gross negligence, negligence *per se*, product liability claims, punitive damages, pre-injury release/exculpatory agreement issues, no duty issues, retained control doctrine issues, economic loss doctrine issues, temporary unsafe condition issues, landowner duties relating to adjacent property, and abnormally dangerous activity/common law strict liability claims. He has also obtained the Rule 12(b)(1) and (b)(2) dismissal of several cases based on lack of federal subject matter jurisdiction and personal jurisdiction respectively, including a recent highly-publicized wrongful death case and has prevailed on dispositive motions before many federal district court judges in Utah, including Judges Benson, Campbell, Nuffer, Kimball and Waddoups.

Mr. Simon is also “panel counsel” for several large insurance carriers, including AIG, EMC, Willis, and Lexington Insurance, while also representing personal injury plaintiffs in select instances. These cases often involve matters serious enough to implicate multiple layers of excess coverage and sometimes even involve damage allegations that exceed the last layer of excess coverage. He represents commercial general contractors, architects, engineers, manufacturers in various different industries, including the recreation industry, and has taken a primary role in the defense of nearly every serious injury case involving Utah’s ski resort industry for many years.

Mr. Simon, from time to time, also provides legal representation to several prominent business and sporting figures on a variety of different legal issues and has helped form various 501(c)(3) and (c)(6) not-for-profit corporations in Utah. When time permits, he also teaches as an Adjunct Professor at the University of Utah’s S.J. Quinney College of Law and serves as a volunteer attorney at the Utah Crime Victims Legal Clinic, representing crime victims in criminal court proceedings in a variety of different situations and capacities.

## **Education**

University of California, Los Angeles (UCLA), B.A. History 1994, *magna cum laude*  
University of California, Berkeley, Boalt Hall School of Law, J.D. 1997, *with honors*.

## **Admissions/Awards/Memberships**

Admitted: Utah State Bar; Wyoming State Bar; Federal District Court, District of Utah; Tenth Circuit Court of Appeals.

Voted by peers as one of Utah’s Legal Elite™ (several years) as published in *Utah Business Magazine*  
Named Mountain States SuperLawyer™, Rising Star, 2009 (*only 2.5% of lawyers per jurisdiction (Utah) are named to the Rising Star list*)

Appointed to AM Best’s National List of Recommended Insurance Attorneys for Utah and Wyoming (*insurance client nominated process*), 2012-present

Fellow, Litigation Counsel of America (invitation-only national trial lawyer honorary society peer nominated process - less than ½ of 1% of American lawyers are members), 2015-present

Member, American Mensa

Member, Federal Bar Association, Utah Chapter, Litigation Section

Master of the Bench, Aldon J. Anderson Inn of Court

Appointed, American Heart Association Heart Ball Committee, (2013)

Appointed Judicial Committee Chairperson, United States Bobsled and Skeleton Federation, National Governing Body for the Olympic sports of bobsled and skeleton, 2008-2013

Appointed by Utah Supreme Court Chief Justice Christine Durham (and approved by the Utah Supreme Court’s Committee on Professionalism) as an NTLA Supervising Mentor to new Utah attorneys under Utah’s revised mandatory Continuing Legal Education reporting guidelines, 2010.

Appointed to the Model Utah Jury Instruction (MUJI) Sub-Committee on the Inherent Risk of Skiing Act, 2012

Elected Board Member/Appointed Executive Committee Member, Park City Chamber of Commerce/Visitors Bureau, 2009-2014 (Board Chair, 2012-2013)

Elected Board Member, Ski Utah, 2009-present

## **Employment**

Strachan Strachan & Simon, P.C., Named Partner, 2006-present

Strachan & Strachan, P.C., Associate Attorney, 2001-2006

Various International and local Utah law firms, 1997-2001

**Samantha Slark**  
1059 East South Temple, Salt Lake City, UT 84102

Nancy Sylvester  
Third District Court  
Matheson Courthouse  
450 South State Street  
P.O. Box 1860  
Salt Lake City, UT 84114-1860

Re: Standing Committee on Model Utah Civil Jury Instructions

Dear Nancy,

I am writing regarding the opening on the Standing Committee on Model Utah Civil Jury Instructions. I have practiced as an attorney in Salt Lake City for twelve years and primarily represent civil defendants. For the past four and a half years I have been a Senior City Attorney with the Salt Lake City Attorney's Office. I specialize in litigation and represent the City when claims are asserted against the City or its employees. Since the City performs a variety of functions, this means the City may be named in lawsuits with a broad range of causes of action, including civil rights, negligence, employment, condemnation, land use and contract disputes.

Prior to joining the City, I spent nearly eight years in private practice representing clients in general civil litigation, including intellectual property, contract, legal malpractice, and product liability claims.

I have had the opportunity to take cases to trial and understand the importance of providing juries with clear, accurate and easy to understand instructions. I would be honored if I were selected to fill this position.

Sincerely



Samantha J. Slark

# Samantha Slark

1059 East South Temple, Salt Lake City, UT 84102  
801.673.1734 samantha.slark@slcgov.com

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## Education

### University of Utah, S. J. Quinney College of Law, Salt Lake City, UT

May 2005

- o *National Moot Court Regional Quarter Finalist* Aug 2004-May 2005
- o *Traynor Moot Court Competition Finalist* Apr 2004
- o *O'Leary Outstanding Achievement Awards* May 2004 & May 2005
- o *Legal Writing Teaching Assistant* Aug 2004-May 2005
- o *Journal of Law and Family Studies: Junior Staff Member* Aug 2003-May 2004
  - *Published Spring 2004*

### University of Sussex, Falmer, East Sussex, UK

- o *BA Honors, Law with North American Studies* June 1998
- o *Exchange Year: UNC College of Law, Chapel Hill, NC* Aug 1996-May 1997

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## Legal Experience

### Salt Lake City Attorney's Office ~ Senior City Attorney

July 2013-Present

Represents the City in all aspects of civil litigation through trial, including civil rights claims, negligence claims, land use appeals, employment claims and condemnation actions.

### Anderson & Karrenberg, Salt Lake City, UT ~ Shareholder

Dec 2007-June 2013

Represented private clients in all aspects of civil litigation through trial, including business disputes, intellectual property, legal malpractice, and contract claims.

### Berman & Savage, Salt Lake City, UT ~ Law Clerk & Associate

Aug 2004-Nov 2007

Represented private clients in aspects of civil litigation, including business disputes, intellectual property, contract, and product liability claims.

### Salt Lake Legal Defenders, Salt Lake City, UT ~ Internship

Aug 2004-May 2005

Represented indigent clients in criminal cases, including three jury trials and numerous pre-trial conferences.

### Prince, Yeates & Geldzahler, Salt Lake City, UT ~ Summer Clerk

May 2004-Aug 2004

Conducted aspects of civil litigation, including drafting motions and research memoranda.

### Utah Legal Clinic, Salt Lake City, UT ~ Law Clerk

May 2003-Apr 2004

Conducted research and drafted motions on various civil rights, contract and family law matters.

### Freshfields Bruckhaus Deringer, London & Amsterdam ~ Paralegal

Feb 2001-Aug 2002

Conducted due diligence and research and prepared closing documents.

### Crown Prosecution Service, Eastbourne, UK ~ Legal Support Staff

Apr 2000-June 2000

Updated records to reflect recent court proceedings and answered general inquiries from other departments.

### Cook County Public Defender, Chicago, IL ~ Law Clerk

Oct 1999-Mar 2000

Took initial client interviews, accompanied attorneys on jail visits and attended court.

### Barristers' Chambers, England, UK ~ Mini Pupilage

Oct 1999-Mar 2000

Attended court, accompanied Barrister to client meetings, reviewed files and conducted legal research.

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## Volunteer Experience

### Tuesday Night Bar, Salt Lake City, Utah ~ Volunteer

2016-Present

Provide legal assistance or referrals to low-income clients with basic legal problems.

### Tower Hamlets Law Clinic, London, UK ~ Volunteer

2001-2002

Volunteered at a walk-in legal clinic. Assisted low-income clients with basic legal problems.

### Kibbutz Baram, Israel ~ Volunteer

1998-1999

Volunteered on a Kibbutz. Worked in orchards, chicken farm and factory.

### Manos Amigos, Santa Cruz, Bolivia ~ Orphanage Volunteer

1996-1997

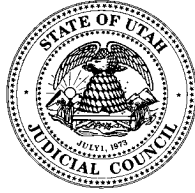
Volunteered in orphanage. Constructed recreational facilities and helped day-to-day running of orphanage.

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## Hobbies and Interests

Mountain biking, skiing, and traveling.

**Self-Represented  
Parties  
Committee**



# Administrative Office of the Courts

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

November 15, 2017

Richard H. Schwermer  
State Court Administrator  
Ray Wahl  
Deputy Court Administrator

## MEMORANDUM

**TO:** Judicial Council

**FROM:** Nancy Sylvester

**RE:** Self-represented Parties Committee Appointment

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**Name of Committee:** The Standing Committee on Resources for Self-represented Parties

**Reason for Vacancy:** Jaclyn Howell-Powers's term on the committee expired in October 2017 and Judge Catherine Roberts's term expires this month.

**Eligibility requirements:** One position requires a representative from a law school and the other requires a justice court judge. See UCJA Rule 1-205(1)(B)(viii).

**Current committee member list:**

Collins	Lisa	Appellate clerk of court
Crismon	Sue	Salt Lake Legal Defenders
Fjeldsted	Monica	Urban clerk of court (designee)
Frank	Carol	Rural clerk of court
Griffith	Susan	Public
Hernandez	Carl	J Reuben Clark Law School
Howell-Powers	Jaclyn	S J Quinney College of Law
Johnson	Kristin	Public
Kent	Jacob	OCAP (ULS)
Knight	Elizabeth	Juvenile court judge
Lawrence	Barry	District court judge
Martinez	Chris	Legal Aid Society of Salt

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

		<b>Lake</b>
<b>McNeil</b>	<b>Shaunda</b>	<b>Bar</b>
<b>Roberts</b>	<b>Catherine E.</b>	<b>Justice court judge</b>
<b>Sudbury</b>	<b>Virginia</b>	<b>Low Income Attorney</b>
<b>Thomas</b>	<b>Doug</b>	<b>District court judge</b>
<b>Player</b>	<b>Nathanael</b>	<b>SHC</b>
<b>Van Buren</b>	<b>Jessica</b>	<b>State Law Library</b>
<b>Free</b>	<b>Kim</b>	<b>Ex Officio/Education</b>
<b>Mann</b>	<b>Kara</b>	<b>Ex Officio/Language Access</b>
<b>Bentley</b>	<b>Leti</b>	<b>Ex Officio/Public</b>

**Description of recruitment process:**

*Law School Representative*

Ms. Howell-Powers offered the names of several people from the University of Utah Law School whom she thought would be good replacements. Professor Linda Smith then gave me a few more names. In total, I reached out to six people about the position, but just two submitted their materials: Professor Linda Smith and Professor Leslie Francis.

*Justice Court Judge*

The Board of Justice Court Judges sent out a request for volunteers to all justice court judges. Two judges said they were interested: Judge Catherine Hoskins and Judge Brook Sessions.

**List of names for consideration:**

*Law School Representative*

Professor Linda Smith  
Professor Leslie Francis

*Justice Court Judge*

Judge Catherine Hoskins  
Judge Brooke Sessions

**Statement of interest:**

See attached for all applicants.

**List of other current and past committee assignments:**

*Law School Representative*

**Professor Linda Smith**

- These are listed in her CV. She is a past member of this committee.

**Professor Leslie Francis**

Past:

- Member, Board of Trustees, Salt Lake Legal Aid Society (in the early 1980s)
- Member and chair, Board of Trustees, Disability Law Center (for 8 years, ending in 2015)
- Member and chair, Board of Trustees, And Justice for All (for 4 years, ending in 2015)
- Member and chair, Utah State Bar Ethics Advisory Opinion Committee (in the 1980s)
- Member, committee to recommend changes in the Utah Code of Judicial Conduct (each of the last two times the ABA Code of Judicial Conduct was revised)
- Member, Utah State Courts committee to make recommendations about maintaining court records in electronic form

Current:

- Member, Signature Program, Utah State Courts (provides pro bono guardianship services)

*Justice Court Judge*

### **Judge Catherine Hoskins**

- Davis County Bar President, 2011-2014
- Co-Chair Second District Pro Bono Committee 2013-
- Second District Judicial Nominating Committee 2012-2016
- Member of the Rex E. Lee Inns of the Court 2009-
- Divorce Procedures Subcommittee Member, 2013-
- Davis County Bar Member 2010-
- Justice Court Board of Public Trust and Confidence 2015-
- Small Claims Committee 2016-
- Education Committee 2017-

### **Judge Brook Sessions**

Current:

- Chair of the Trust and Confidence Committee.
- Fine and Bail Schedule soon to be Fine Committee.
- Board of Justice Court Judges member

### **Recommendations:**

The Board of Justice Court Judges recommends Judge Brook Sessions for the justice court position and the committee recommends Professor Leslie Francis for the law school representative position. The Management Committee joins these recommendations.





**Linda F. Smith**

James E. Jensen Professor of Law  
Clinical Program Director  
(801) 581-4077 voice  
(801) 581-6897 fax  
[linda.smith@law.utah.edu](mailto:linda.smith@law.utah.edu)

Hon. Marsha Thomas, Chair  
Standing Committee on Resources  
For Self-Represented Parties

Nancy J. Sylvester  
Staff Attorney  
Administrative Office of the Courts  
450 South State Street  
P.O. Box 140241  
Salt Lake City, Utah

Re: Standing Committee on Resources for Self-Represented Parties

Dear Judge Thomas, Ms. Sylvester, and Committee

Please consider me for re-appointment to the Standing Committee on Resources for Self-Represented Parties. I served on this committee at its inception and from 2005 to 2010. I am very interested in the important work that the committee accomplishes.

As you will see from my attached resume, I have been the Clinical Program Director of the University of Utah S.J. Quinney College of Law for over thirty years. In that capacity, I work with all the non-profit organizations in Utah that serve the neediest Utahns, and am familiar with the unmet legal needs in the community. You will note that I also volunteer to provide legal advice to unrepresented parties, both through the Pro Bono Initiative Family Law Clinic (which meets twice each month) and with the Utah State Courts Self Help Center (taking calls each week). Finally, I have completed a study about the PBI Family Law Clinic, have published two articles from that study, and am continuing to work with the data I collected from that study.

I would be honored to have the opportunity to serve on this committee once again.

Sincerely,

A handwritten signature in blue ink that reads 'Linda F. Smith'.

Linda F. Smith

LINDA F. SMITH  
James T. Jensen Professor of Law  
S. J. Quinney College of Law University of Utah  
383 South University Street  
Salt Lake City, Utah 84112  
(801) 581-4077 voice (801) 581-6897 fax  
[linda.smith@law.utah.edu](mailto:linda.smith@law.utah.edu) [clinical@law.utah.edu](mailto:clinical@law.utah.edu)

### PROFESSIONAL EMPLOYMENT

UNIVERSITY OF UTAH	1984 – present
S. J. QUINNEY COLLEGE OF LAW	
James T. Jensen Professor of Law	2015 – present
Professor of Law	1993 – present
Associate Professor of Law	1988 – 1993
Adjunct Professor of Law	1985 – 1988
Teaching Legal Profession, Lawyering Skills (interviewing, counseling, negotiating), Poverty Law, Family Law Practice, Criminal Process, Community Justice, Introduction to Law and Clinical Courses	
Clinical Program Director/Coordinator Responsible for design and oversight of Clinical Program	1984 - present
COLLEGE OF FINE ARTS	
Interim Chair, Department of Ballet	August 2011 – June 2014
GREATER BOSTON LEGAL SERVICES, INC.	1978 – 1984
Senior Attorney in Family Law	1982 - 1984
Staff Attorney	1978 – 1982
Supervisor, Harvard Law School Clinical Program Represented clients in full range of family law cases, supervised law students	1981
HALE AND DORR, Boston MA (now Wilmer Hale)	1976 – 1978
Attorney (Associate) General Litigation practice	

### AWARDS

University of Utah “Distinguished Service Award”	May, 2006
S. J. Quinney College of Law “Faculty Service Award”	May, 2007
Utah State Bar Pro Bono Project “Pro Bono Publico Commitment to Community Award”	May, 2009
S. J. Quinney College of Law “Peter W. Billings Excellence in Teaching Award”	May, 2014

### PROFESSIONAL EDUCATION

YALE LAW SCHOOL – J.D.	June, 1976
------------------------	------------

### UNDERGRADUATE EDUCATION

THE OHIO STATE UNIVERSITY -- B.A., with Honors in English Honors: Phi Beta Kappa, Summa Cum Laude, Student in Arts and Sciences Honors College	June, 1973
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## SCHOLARSHIP

### Book

Leslie P. Francis & Linda F. Smith, LAW AND MENTAL HEALTH PROFESSIONALS: UTAH (American Psychological Association, 2007)

### Book Chapters

Child Protection Law and the FLDS Raid in Texas, in MODERN POLYGAMY IN THE UNITED STATES: HISTORICAL, CULTURAL, AND LEGAL ISSUES SURROUNDING THE RAID ON THE FLDS IN TEXAS, (eds. Cardell K. Jacobson, Department of Sociology, Brigham Young University, and Lara S. Burton, Brigham Young University) Oxford Press, 2011.

### Articles

*Community Based Research: Introducing Students to the Lawyer's Public Citizen Role*, 9 ELON L. REV. 67 (2017).

*Drinking from a Fire Hose: Conversation Analysis of Consultations in a Brief Advice Clinic* 43 OHIO NORTHERN U. L. REV. 63 (2017)

*DIY in Family Law: A Case Study of A Brief Advice Clinic for Pro Se Litigants* by Linda F. Smith and Barry Stratford, 14 J. LAW & FAMILY STUDIES 167 (2012)

*Fostering Justice Throughout the Curriculum*, 18 GEORGETOWN J. ON POVERTY LAW & POLICY 427 (2011).

*Kidnapped from that Land II: A Comparison of Two Raids to Save the Children from Polygamy*, 30 CHILD. LEGAL RTS. J. 32 (2010)

*Always Judged: Case Study of an Interview Using Conversation Analysis*, 16 CLINICAL L. REV. 423 (2010)

*Was It Good for You Too? Conversation Analysis of Two Interviews*, 96 KENTUCKY L. REV. 579 (2007-2008)

*Access to Justice in Utah – Time for A Comprehensive Plan* 2006 UTAH L. REV. 1117 (2006)

*Client-Lawyer Talk: Lessons from Other Disciplines*, 13 CLINICAL L. REV. 505 (2006)

*Benefits of an Integrated (Prosecution & Defense) Criminal Law Clinic*, 74 MISSISSIPPI L. REV. 1239 (2005)

*Why Clinical Programs Should Embrace Civic Engagement, Service Learning, and Community Based Research*, 10 CLINICAL L. REV. 723 (2004)

*The Potential of Pro Bono*, 72 U. M. K.C. L. REV. 447 (2003)

*Designing an Extern Program* 5 CLINICAL L. REV. 527 (1999)

*Medical Paradigms for Counseling: Giving Clients Bad News* 4 CLINICAL L. REV. 391 (1998)

*Interviewing Clients: A Linguistic Comparison of the "Traditional" Interview and the "Client-Centered" Interview* 1 CLINICAL L. REV. 541 (1995)

*The Judicial Clinic: Theory and Method in a Live Laboratory of Law* 1993 UTAH L. REV. 429 (1993)

*Representing the Elderly Client and Addressing the Question of Competence* 14 UTAH JOURNAL OF CONTEMPORARY LAW 61 (1988)

*Adoption: The Case for More Options* 1986 UTAH L. REV. 495 (1986)

#### Essays and Comments

“Events Show Utah Needs an Ethical A.G.”, Commentary, Salt Lake Tribune, February 6, 2014

“Funding Services for the Disabled Could Deter Abortions”, Commentary, Salt Lake Tribune, February 2, 2009

“Monologue: The Most Important Thing”, 11 J. L. F. S. 517 and 2009 Utah L. Rev. 565

“Monologue: My Son Has Down Syndrome” 11 J. L. F. S. 455 and 2009 Utah L. Rev. 503

“Child Protection Law and the FLDS Children”, Commentary, Salt Lake Tribune, May 9, 2008

“Commentary on Bankruptcy”, (with Darren Bush). Salt Lake Tribune, July 28, 2002

#### Works in Progress

*Risks and Reward of Externships: Exploring Goals and Methods* – a co-authored article arguing that externships provide the ideal opportunity for institutional critique and exploration of values, and that ABA standards requiring experiential learning should recognize the value of this exploration

*The Promise and Perils of Students Staffing the Pro Bono Brief Advice Clinic* -- conversation analysis of law student-client conferences in a brief advice clinic

*Get Real: Why and How Clinicians Should Record, Transcribe and Study Actual Client Consultations*, \_\_Clinical L. Rev. \_\_ (forthcoming, 2018) - argues that the legal academy has much to learn by recording, transcribing and systematically studying student-client consultations using conversation analysis techniques, as has been done with doctor-patient consultations for years. This article will also address how concerns about client confidentiality and privilege can be handled to conduct such research ethically and effectively.

#### TALKS and RESENTATIONS

“Scholarship for Externship Faculty: Why and How” Webinar for Scholarship and Professional Engagement Subcommittee of the Extern Committee, AALS Clinical Section, October 12, 2017

“Get Real: Why and How Clinicians Should Record, Transcribe and Study Actual Client Consultations” Joint Conference of the International Journal of Clinical Legal Education, the European Clinical Legal Education, and the Canadian Clinical Legal Education, New Castle, England, July 5, 2017

“Get Real: Why and How Clinicians Should Record, Transcribe and Study Actual Client Consultations” Work-in-Progress, AALS Conference on Clinical Legal Education, Denver, CO, May 9, 2017

“Risks and Rewards of Externships: Exploring Goals and Methods,” Panelist, Joint Conference of the International Journal of Clinical Legal Education and the Canadian Clinical Legal Education, Toronto, Canada, July 12, 2016

“Skills and Ethics in a Brief Advice Clinic,” S. J. Quinney College of Law Downtown CLE, Salt Lake City, UT, June 7, 2016

“#DOYOURJOB: Exploring Community Engagement and the ‘Public Citizen’” Role of Lawyers through In-House Clinics and Externships,” Panelist, AALS Conference on Clinical Legal Education, Baltimore, MD, May 2, 2016

“The Skills and Ethics of Bad News Counseling” Utah Council on Conflict Resolution, Law & Justice Center, Salt Lake City, UT, April 21, 2016

“Steady Work: Exploring Values in an Externship Seminar” Panelist, Externship 8, Cleveland OH, March 5, 2016

“Drinking from a Fire Hose: Conversation Analysis of Consultations in a Brief Advice Clinic” Faculty Scholarship Lunch, S. J. Quinney College of Law, January 20, 2016

“Ethical Issues in Meth and Death: The Anatomy of a Trial,” panelist at American Board of Trial Advocates, Utah Chapter, February 6, 2015

“Clinical Programs – past, present & future – promoting ethics, competence and public service” Faculty Scholarship Lunch, SJ Quinney College of Law, September 24, 2014

“Can You Handle the Truth? Pioneer Theatre Company A Few Good Men Panel Discussion,” Salt Lake City, January 23, 2014

“Check Yes Campaign” panelist at Utah State Bar Continuing Legal Education presentation, Salt Lake City, UT, August 14, 2012

“Externships as the Signature Pedagogy for Teaching Problem-Solving” co-presented in panel discussion at AALS Section on Clinical Legal Education Conference, Seattle, WA, June, 2011

“Fostering Justice Throughout the Curriculum” presented at SJ Quinney College of Law Brown Bag, Salt Lake City, UT, February 1, 2011.

“Fostering Justice Throughout the Curriculum” presented at AALS Sections on Clinical Legal Education & Poverty Law Joint Program, San Francisco, CA, January 8, 2011.

“The Perils and Promise of Community Based Research,” presented as a work in progress at External Speakers’ Forum, J. Reuben Clark Law School, Brigham Young University, April 8, 2010.

“The Perils and Promise of Community Based Research,” presented as a work in progress at Externship 5 Conference, Sponsored by Extern Committee of AALS Clinical Section, Miami, Fla., March 5, 2010.

“The Civic Duty of Pro Bono Work” Panelist, hosted by Central Utah Bar Association at Utah Valley University, October 29, 2009.

“Examining the FLDS Raid and Polygamy: Local and International Contexts” Panelist, presented at the 44th Annual Conference of the Mormon History Association, Springfield, Ill, May 23, 2009

“Focus on Disabilities: Research Study and Law” panelist presented at University of Utah College of Social Work, Social Justice Lecture Series, February 23, 2009

“Service, Politics & Disabilities” panelist presented at Hinckley Institute Forum, organized by the Bennion Center, University of Utah, January 21, 2009

“Mentoring the Students – The Clinical Program Today and Tomorrow” presented at S .J. Quinney College of Law – CLE for Clinical Supervisors, December 12, 2008

“Limited Scope Representation: New Practice Opportunities and Ethical Contours” presented at S. J. Quinney College of Law as a Downtown CLE, December 11, 2008

“Clinical Law Teaching” panelist and “Mentor in Residence” at Yale Law School, December 10, 2008

Fordham Debate on Polygamy -- Moderator of Debate, S.J. Quinney College of Law October 22, 2008

“Judging Me—An Interview of an Adult with Intellectual Disabilities” presented at the Clinical Theory Workshop held at New York Law School, September 12, 2008

“Law for Mental Health Professionals” presented at University of Utah Clinical Psychology Program, Practice of Clinical Psychology Seminar, February 19, 2008

“Skills and Ethics of Interviewing” at University of Utah College of Law Pro Bono Initiative Training, Feb. 1, 2008

“Constructing Effective Simulations” at UCLA School of Law Conference The Pedagogy of Interviewing and Counseling: Models, Techniques & Technology, October, 2006

“Skills Training Revisited -- Client-Lawyer Talk: Lessons from Other Disciplines”  
UCLA/IALS Sixth International Clinical Conference – Lake Arrowhead CA, October, 2005

“Do Externships Provide a Vehicle for Students to Explore Social Justice” AALS Conference on Clinical Legal Education – Concurrent Session, San Diego California, May 3, 2004

“Family Law: Making Appropriate Choices When Legal Issues Arise,” Pediatric Grand Rounds at Primary Children’s Medical Center, Salt Lake City, UT, March 18, 2004

“Access to Justice in Utah – Time for a State Plan: Who We Are, Where We Are, and What More We Could Do”, Presented at the Fordham Access to Justice Workshops, Utah State Bar , January 16, 2004

“Access to Justice Debate” Moderator of Panel Discussion, S.J. Quinney College of Law, January 15, 2004

“Access to Justice In Utah – Time for a Comprehensive Plan,” Brown Bag presentation at S.J.Quinney College of Law and Continuing Legal Education presentation at Community Legal Center, Fall, 2003

“Law for Mental Health Professionals” presented at the University of Utah School of Medicine Psychiatry Residents’ Seminar, Fall, 2003 and Fall, 2005

“Relation of Externships to University Service-Learning Objectives, or, How Extern Programs Can Lead Law Schools to Civic Engagement?” presented at Catholic University’s Learning From Practice Externship Conference II, March, 2003.

“Proposal: The Externship Classroom Component Requirement: An Idea Whose Time Has Passed?” Respondent at Catholic University’s Learning from Practice Externship Conference II March, 2003

“A Comprehensive Plan for Public Interest Law in Utah” presented as a Brown Bag at S.J.Quinney College of Law, Fall, 2002

“Teaching Client Interviewing – Demonstration and Discussion” presented at the AALS Clinical Section Conference, May, 2002

“What Makes Us Different, What Makes Us the Same” panelist presented at the Rocky Mountain Clinical Conference, October 6, 2001

“Bad News Counseling” presented as S.J. Quinney College of Law Downtown CLE, May, 2001

“Client Counseling as Teaching — an Alternative Paradigm” presented at AALS Workshop of Clinical Legal Education, Scholarship in Process, May, 2000

“Current Challenges in Your Practices – the Student Perspective: presented at S.J.Quinney College of Law CLE for Clinical Supervisors, September, 2000

“Places of Externships in the Clinical and Law School Curriculum” presented at the Catholic University’s Learning From Practice Conference, March, 1998

“Helping Students Explore Personal and Professional Satisfaction” presented at the Catholic University’s Learning From Practice Conference, March, 1998

“Attorney Satisfaction: What Tools Can We Give Our Students to Help Them Find Personal and Professional Satisfaction” presented at the American Association of Law Schools’ Annual Meeting during the Joint Program of the Clinical Legal Education and the Litigation Sections, January 7, 1998

“Medical Paradigms for Counseling: Giving Clients Bad News” Paper presented at the UCLA and University of London’s Institute for Advanced Legal Studies “Conference on Conception Paradigms in Clinical Legal Education, October 23-26, 1997

"Comments on the Fischer (Polygamist) Adoption Case Decided by the Utah Supreme Court" presented at Sunstone Symposium, Summer, 1991

"The Judicial Clinic: Structure, Supervision and Curriculum" presented at American Association of Law Schools Annual Meeting, Clinical Section Meeting (Washington D.C.), January, 1991

"Do Courts Have a Role in Assuring Quality?" speech presented at American Association on Mental Retardation Region IV Conference (Salt Lake City), October, 1988

"Review of Utah Family Law in Light of Disparate Impact on or Treatment of the Genders", oral testimony presented to Utah Gender Justice Task Force (Vernal, and Moab), July & August, 1987

"Representing the Elderly Client of Questionable Competence" at American Bar Association National Conference on Professionalism, Workshop on: Ethical Issues in Dealing with the Elderly Client (Denver), June, 1987

## PROFESSIONAL MEMBERSHIPS

MASSACHUSETTS STATE BAR, Admitted January, 1977 (presently retired)

UTAH STATE BAR, Admitted January, 1985

AMERICAN BAR ASSOCIATION, member

AMERICAN ASSOCIATION OF LAW SCHOOLS

Clinical Legal Education Section, Member

Professional Responsibility Section, Member

Poverty Law Section, Member

## SERVICE

### **University of Utah**

University Promotion & Tenure Advisory Committee –

July, 2014 - 2017

University Background Review Committee

2012 - 2017

Interim Chair / Receiver, Department of Ballet –

August 2011 – June 2014

Academic Policy Advisory Committee,

June 2010 – June 2012

Academic Senate

- Immediate Past-President and ex officio member of Executive Committee,
- President, Chair of Executive Committee, and ex officio member of all Senate Committees
- President Elect and ex officio member of Executive Committee,

July 1998 - July 1999

July 1997 - July 1998

July 1996 - July 1997

<ul style="list-style-type: none"> <li>• Executive Committee, member,</li> <li>• College of Law Representative,</li> <li>• Ad Hoc Committee to Study Dispute Resolution Processes,</li> <li>• Senate President's Designee as Ex Officio Member of Senate Dispute Resolution Committees,</li> <li>• Consolidated Hearing Committee, Member, one of five Panel Chairs,</li> </ul>	<p>July 1995 - July 1996  July 1994 - July 1997  1998 -2004  July 1999 – 2008</p>
<p>General Institutional Review Board, Member  Chair,  Presidential Search Committee,  Search Committee for Associate V.P. for Faculty,  Bennion Center, Advisory Committee, Class Committee, Futures Committee  Institutional Structure Working Group  Student Commission,  Chair, Advisory Committee to Dean of Graduate School, Regarding Dismissed Student, 1993 Discrimination Grievance Hearing Panel, Member,  Administrative Review Committee for Office of Equal Opportunity, Member,  Equal Opportunity and Affirmative Action Commission,</p>	<p>2004 - 2009  Sept. 1988 - April, 2001  July, 2000 -April, 2001  2003-2004  Spring 2000  1989 - 1993, 1999 – 2009,  2010-2011  1998-2000  Sept. 1988 - Sept. 1991</p>
<p>1987, 1989  Member, 1989</p>	
<p><b>S. J. Quinney College of Law</b></p>	
<p>Coach, Extramural Teams in Negotiation and/or Advocacy in Mediation  Retention, Promotion &amp; Tenure Committee – Chair  Retention &amp; Promotion Subcommittee regarding non-tenure track faculty – member  Tenured Faculty Review Committee  Curriculum Committee, Member  Chair</p>	<p>2003 - 2011  2005 – 2008  2010 - 2011  2004 - 2005  1988 – 2001 and 2004 – present  1998 - 2001  2001 - 2003</p>
<p>Admissions Committee  Recruitment Committee</p>	<p>2003 – 2004 and 2010-2011</p>
<p><b>Legal Community – Public Service Agencies</b></p>	
<p>Victims' Legal Clinic, Advisory Board Member,  Rocky Mountain Innocence Center, Board Member,  Utah Legal Services, Inc., Board Member,  Disability Law Center (then known as Legal Center for People with Disabilities, Inc.),  Board Member and Legal Panel Member,</p>	<p>2005 - 2011  1999 – May, 2012  1985 - 1994  1990 - 1995</p>
<p><b>Legal Community – Bar and Court</b></p>	
<p>Utah State Bar, Ethics Advisory Opinion Committee, Member,  Secretary  Utah State Court Standing Committee on Resources for Self-Represented Parties,  Access to Justice Planning Council,  State Law Library Steering Committee,  Utah State Bar, Guardian ad Litem volunteer representative for children,  Utah State Bar, Delivery of Legal Services Committee,  Utah State Bar, Friend of Court volunteer in domestic violence cases,  Utah State Bar, Delivery of Legal Services Committee Advisory Board, Member,  Utah Legislative Ad Hoc Committee on the Role of Court Commissioners, Member,</p>	<p>2002 – present  2009 – October 2011  2005 – Dec 2010  2004 - 2006  Fall, 2003  1997 - 2002  1998 - 1999  1995 - 1998  1993 - 1995  1993</p>
<p><b>Other Community</b></p>	
<p>Utah Parent Center, Board Member,  President of Board,  Developmental Disabilities Inc., (now DDI-Vantage) Board Member,  President of Board,</p>	<p>2004 - 2009  2005 - 2006  1988 – 1993  1989 - 1993</p>
<p><b>American Association of Law Schools</b></p>	
<p>Committee on Clinical Legal Education,  Clinical Section, Member,</p>	<p>2009 – 2012 and 1994 - 1997  1988 - Present</p>



· Extern Committee Co-Chair,	1992 - 1994
· Executive Committee Member,	1995 – 1998

**American Bar Association**

Accreditation Site Visitor	
University of Montana	Spring, 2017
John Marshall Law School,	Spring, 2009
Arizona State University College of Law,	Spring, 2006
Indiana University, School of Law – Bloomington,	Fall, 2003
Lewis & Clark College of Law,	Spring, 2002
Pennsylvania State University, Dickenson College of Law,	Spring, 2001
University of Oklahoma	

**Pro Bono Brief Service**

Family Law Clinic volunteer – providing brief advice twice monthly,	January 2007 – present
Pro Se Project volunteer – providing limited scope representation in court	July 2014 – present
Pro Bono volunteer on Utah State Bar list for referrals	2015 - present
Pro Bono volunteer for Self Help Center	2016 - present

**Pro Bono Cases of Note or Undertaken with Student Assistance**

*In Re: Adoption of J P J (C)*, Wyoming Third District Court, Sweetwater Co, No. A-01-2

- Regained custody of minor son for father whose paternity had been adjudicated in home state TN many months prior to mother’s placement of 9-month old with Utah agency for adoption. Father had neither consented to adoption nor been given notice, and when he traveled Utah (with paternity degree) agency told him he had no rights.

*C W, minors K & J W.; M C, minor C C, v. Adoption Center of Choice, Inc.*, Utah Third Dist. Court, Civil No. 020908640 (removed to U.S. Dist. Court)

- Represented adjudicated fathers and their children in suit against Utah adoption agency for tortious interference with familial relationship. Agency brought mother and children from Tennessee without notice to or consent from fathers and placed them for adoption in Utah and Wyoming.
- Case settled by payment of damages to clients
- Five clinic law students assisted with research and client contact
- Law student completed Note regarding case: John Bluth, Can an Unmarried Biological Father Recover His Child and Damages?, 2002 UTAH L. REV. 577.

*In re: E.H.* 2004 UT App. 419, 103 P.3d 177 (Utah Ct. App., 2004) cert granted, 2005

- Represented birth mother in trial and on appeal to vacate relinquishment for adoption for fraud, misrepresentation, and agency approval of an unsuitable family
- Court of Appeals reversed trial court’s refusal to enforce stipulation that psychologist custody evaluator’s decision that child’s best interests required return to birth mother

*In re: E.H.* 2006 UT 36, 553 Utah Adv. Rep. 13, 137 P.3d 809 (Utah, 2006)

- On certiorari before the Utah Supreme Court, the Court held that the stipulation to comply with the psychologist custody evaluator’s decision was not an unconstitutional delegation of judicial power and that the birth mother had standing to be heard on the child’s best interest where she has selected this family to adopt her child and had discovered post-relinquishment problems.

*In re Guardianship of Minors D and O H M*, Utah Third District Court No. 043901278

*In re Guardianship of Minor M. A.A.*, Utah Third District Court No. 043901275

- At request of student volunteer with IRC, supervised student and successfully obtain reconsideration of trial court’s denial of motion to waive filing fee for indigent refugee families obtain guardianship of minor nephews in their care

*Payne v. Payne*, Utah Third District Court No. 034300338

- On referral from ULS and at request of student volunteer, supervised student in divorce case raising UCCJEA and Hague Convention jurisdictional issues on behalf of low- income client
- Successfully argued for Utah to retain jurisdiction.
- Divorce granted with client receiving sole custody and alimony 2004 - 2008

*In re: Baby Boy F.*, Utah Fourth District Court No. 042400316

- On referral from ULS and LAS represented married birth parents regarding adoption relinquishment

*In re: A Children*, Utah Third District Juvenile Court,

- Successfully enforced Juvenile Court custody judgment and regained custody of children following parental interstate kidnapping (custodial interference). October - December, 2007.



Nov. 2, 2017

To Whom It May Concern:

I am writing to apply for membership in the Utah State Courts Standing Committee on Resources for Self-Represented Parties. I have a long history of public service to the profession and judiciary in Utah, including membership on the boards of And Justice for All, the Disability Law Center, and very early in my career the Salt Lake Legal Aid Society. Most recently, I have been serving as a member of the Signature Program, working with the College of Law's pro bono program to provide representation for people who are the subject of guardianship proceedings and who do not otherwise have access to a lawyer. This experience has been enormously rewarding for myself and for my students.

I am committed to the ability of people to be able to make use of the resources of the justice system. I would be honored to serve on the Standing Committee on Resources for Self-Represented Parties.

Sincerely,

Leslie P. Francis  
Distinguished Alfred C. Emery Professor of Law  
University of Utah S.J. Quinney College of Law

Leslie Pickering Francis

Short Form CV [Includes Publications and Service After 2000; talks omitted]

Formal Education:

Wellesley College, Philosophy, 1963-67, B.A., 1967 (B.A. with High Honors; Phi Beta Kappa).  
University of Michigan, Philosophy, 1967-73, Ph.D., 1974.  
St. Hilda's College, Oxford 1971-73.  
Georgetown Law Center, Summer, 1968.  
University of Utah College of Law, J.D., 1981 (Order of the Coif).

Professional Employment at University of Utah:

Distinguished Professor of Philosophy and Law, 2008—  
Associate Dean for Faculty Research & Development, College of Law, 2012—2015  
Director, Center for Law & Biomedical Sciences, College of Law, 2012--  
Professor, College of Law, 1987- present (Alfred C. Emery Chair, 2000--); Associate Professor, College of Law, 1982-1987.  
Assistant Professor, Philosophy, 1976-1986; Associate Professor, 1986-94; Professor, 1994-present; chair, 2003-2011  
Adjunct Professor, Political Science, 1979-  
Adjunct Professor, Internal Medicine (Division of Medical Ethics), 1990--  
Adjunct Professor, Family & Preventive Medicine (Division of Public Health), 2009--

Professional Employment Elsewhere:

Law Clerk, Judge Abner Mikva, U.S. Court of Appeals, D.C. Cir. 1981-82.  
Assistant Professor, Philosophy, Ohio State University, 1974-77.  
Visiting Assistant Professor, Philosophy, UCLA, summer 1977.  
Assistant Professor, Philosophy, California State University, Los Angeles, 1973-74.  
Teaching Fellow, Philosophy, University of Michigan, 1967-70; 1972-73.

Academic Honors, Fellowships, Prizes:

Vice-President (elected), Pacific Division, American Philosophical Association, 2014-2015; President, 2015-2016  
Beaufort Visiting Fellow (honorary; non-stipendiary), Lady Margaret Hall, University of Oxford, Jan-June 2012  
Visiting Scholar, Uehiro Centre for Practical Ethics, Oxford University, Jan.-June 2012  
International Society for Philosophy of Law and Social Philosophy (IVR), Secretary-General, 2015-2019; vice-president (elected), 2011-2015  
Distinguished Professor, Philosophy and Law, University of Utah, 2008--  
Rosenblatt Prize for Excellence, University of Utah, 2000  
American Law Institute (elected member, 1985; life member, 2010).  
Hastings Center, Fellow (elected 2011)  
Phi Beta Kappa (elected 1967).  
Phi Kappa Phi.  
B.A. with High Honors, Durant Scholar, Wellesley College.  
Rackham Prize Fellowship, University of Michigan and Ford Foundation, 1970-71.  
National Endowment for the Humanities, Summer Stipend, 1976.  
Utah Law Review, 1979-81; Articles Editor, 1980-81.  
Leary Scholar, University of Utah College of Law, 1978-79, 1979-80, 1980-81.  
Order of the Coif, 1981.  
Stephen Pierre Traynor Legal Writing Prize, University of Utah College of Law, 1981.  
Humanities Center Faculty Fellow, University of Utah, 1989-90.

Licensure: Utah State Bar # 3930 (admitted 1982)

Grants and Contracts:

National Science Foundation, Law & Social Sciences Program, postdoctoral fellowship to study legal issues facing adults with autism (\$200,000; 2013-2015)

Office of the National Coordinator for Health Information Technology, "Non HIPAA Covered Entities," principal investigator on subcontract for study, 2010.

University of Utah Seed Grant (co-principal investigator with Margaret P. Battin), "Ethics and Infectious Disease," 2005, \$40,000.

National Endowment for the Humanities, Summer Seminar for College and University Teachers: Ethics and the End of Life (coprincipal investigator with Margaret P. Battin) (2004), \$200,000.

Professional Publications:

Books:

Francis, LP. and Francis, JG. 2017. *Privacy: What Everyone Needs to Know*. New York: Oxford University Press.

Francis, LP., ed. 2017. *Handbook of Reproductive Ethics*. New York: Oxford University Press.

Battin, Margaret P., Leslie P. Francis, Jay A. Jacobson & Charles Smith, *The Patient as Victim and Vector: Bioethics and Infectious Disease*, Oxford University Press, 2009.

*Death, Dying, and the Ending of Life*, edited by Margaret P. Battin, Leslie P. Francis, and Bruce L.

Landesman. *International Library of Medicine, Ethics, and Law*. Ashgate, 2007.

Rosamond Rhodes, Anita Silvers, and Leslie P. Francis, eds. *Blackwell Guide to Medical Ethics*, Oxford and New York: Blackwell's, 2006.

Leslie P. and John G. Francis. *Land Wars: Property, Community and Land Use in an Interconnected World*, Lynne Rienner Publishers, 2003.

*Americans with Disabilities: Implications for Individuals and Institutions*, ed. Leslie Francis and Anita Silvers, Routledge, 2000.

Chapters in Books:

Francis, L.P. 2017. Promoting Equality in and through the Paralympics. *Philosophy: Sport*. Ed. R. Scott Kretchmar. *Macmillan Interdisciplinary Handbooks* Farmington Hills, MI: Macmillan Reference USA, 2017. pp. 245-262.

Francis, Leslie P. 2017. Feminist Philosophy of Law, Legal Positivism, and Non-ideal Theory. In Ann Garry, Serene Khader, and Alison Stone, ed. *The Routledge Companion to Feminist Philosophy*. New York: Routledge, pp. 701-712.

Francis, L.P. 2017. Transparency. In Koonz, Linda, ed. *Information Privacy in the Evolving Healthcare Environment*, 2d ed. HIMSS.

Francis, L.P. 2017. Is Surrogacy Ethically Problematic? In Francis, L.P., ed. *Handbook on Reproductive Ethics*. New York: Oxford University Press, pp. 388-406.

Francis, L.P. 2017. Introduction: the state of reproductive ethics today. In Francis, L.P., ed. *Handbook on Reproductive Ethics*. New York: Oxford University Press, pp. 1-42.

Silvers, A., and Francis, LP. 2017. Reproduction as a Civil Right. In Francis, L.P., ed. *Handbook on Reproductive Ethics*, Oxford University Press, pp. 182-205.

Silvers, A., and Francis, LP. 2017. Human and civil models of rights: Healthy and ill disabled and access to health care. In *Human Rights and Disability: Interdisciplinary Perspectives*. Ed. John-Stewart Gordon, Johann-Christian Poder, and Holger Burckhart. Abington, Oxon., UK: Routledge, pp. 132-153.

Francis, L.P., Silvers, A., & Stein, M.A. 2017. Disability and Health Law, in Allison Hoffmann & I. Glenn Cohen, eds. *Handbook of Health Law*. New York: Oxford University Press, pp. 375-398.

Silvers, A & Francis, L.P. Human and Civil Models of Rights: Health and Ill Disabled and Access to Healthcare, in *Global Bioethics, Human Rights and Disability*, ed. John-Stewart Gordon, <http://www.humanrightsanddisability.com/> (in press).

Francis, L.P. Risk Management and Conflicts of Interest. Ch. 6 in *Ethics and Risk Management*, ed. Lina Svedin. Charlotte, N.C.: Information Age Publishing.

Silvers, A. & Francis, L.P. 2016. Death, Dying and the Disabled. *Oxford Handbook of Ethics at the End of Life*, ed. Stuart Youngner & Robert Arnold. Oxford University.

Francis, L.P. 2015. Benefit and Harm. *Encyclopedia of Global Bioethics*, ed. Henk ten Have. Springer.

Francis, Leslie P. & Francis, John G. 2014. Trafficking in Human Beings: Partial Compliance Theory, Enforcement Failure, and Obligations to Victims, pp. 171-205, in Meyers, Diana, ed., *Poverty, Agency, and Human Rights*. New York: Oxford University Press.

Francis, Leslie P. & Francis, John G. 2013. Informatics and Public Health Surveillance, in *Bioinformatics Law: Legal Issues for Computational Biology in the Post-Genome Era*, ed. Jorge Contreras & James Cuticcia (American Bar Association).

Francis, Leslie P. 2013. Transparency, Ch. 7 in *Information Privacy in the Evolving Healthcare Environment*, ed. Linda Koontz, HIMSS.

Francis, Leslie P. 2013. On Privacy, in *Human Rights and the Problem of Legal Injustice*, ed. Joao Mauricio Adeodato, editora Noesis Ltda (Brazil), 2013.

Silvers, Anita and Francis, Leslie P. 2010. Thinking about the good: reconfiguring metaphysics (or not) for people with cognitive disabilities. In Eva Feder Kittay & Licia Carlson, eds. *Cognitive Disability and its Challenge to Moral Philosophy* (Wiley-Blackwell).

Francis, L.P. 2009. Understanding Autonomy in Light of Intellectual Disability, pp. 200-215 in *Disability and Disadvantage*, ed. Kimberley Brownlee and Adam Cureton. Oxford University Press.

Francis, L.P. & Francis, J.G. 2010. International Criminal Courts, the Rule of Law, and the Prevention of Harm: Building Justice in Times of Injustice, pp. 58-74 in Larry May & Zach Hoskins, eds., *International Criminal Law and Philosophy* (Cambridge: Cambridge University Press).

M.P. Battin, Leslie P. Francis, Charles B. Smith, and Jay A. Jacobson, The Patient as Victim and Vector: The Theoretical Challenge of Infectious Disease, in R. Rhodes, A. Silvers, & Leslie P. Francis, *Blackwell Guide to Medical Ethics*, Oxford and New York: Blackwell's, 2006, pp. 269-289.

Leslie P. Francis. Discrimination in Medical Practice, in Rosamond Rhodes, Anita Silvers, and Leslie P. Francis, *Blackwell Guide to Medical Ethics*, Oxford and New York: Blackwell's, 2006, pp. 162-180.

Jay A. Jacobson, M.P. Battin, Jeffrey Botkin, Leslie P. Francis, James Mason, & Charles B. Smith, Vertical Transmission of Infectious Disease and Genetic Disorders, in Marcel Verweij and Angus Dawson, eds., *Public Health Ethics*, Oxford: Oxford University Press, forthcoming 2006.

Francis, Leslie P., M.P. Battin, J. Botkin, J. Jacobson, and C. Smith. Infectious Disease and the Ethics of Research: the Moral Significance of Communicability, in Matti Hayry, Tuija Takala, and Peter Herissone-Kelly, eds. *Ethics in Biomedical Research: International Perspectives*, Amsterdam and New York: Rodopi, 2006.

Francis, L.P. Disability, in Frey and Wellman, eds., *A Companion to Applied Ethics* (Blackwell's 2002)

Edited Journal Issue

Technology and New Challenges for Privacy. 2014. *Journal of Social Philosophy* 45(3).

Blog: regular blogger for HealthLawProf, Bill of Health, PhilosophyTalk

Articles (peer reviewed or law review):

Francis, Leslie P., & Anita Silvers. 2017. Reading *Alexander v. Choate* Rightly: Now is the Time. *Laws* 227142, [http://www.mdpi.com/journal/laws/special\\_issues/health\\_care\\_law](http://www.mdpi.com/journal/laws/special_issues/health_care_law).

Francis, Leslie P., & John G. Francis. 2017. Data Re-use and the Problem of Group Identity. *Studies in Law, Politics, & Society* 73: 143-167.

Francis, Leslie P. 2017. The Significance of Injustice for Bioethics (Keynote address). *Teaching Ethics* 17(1): 1-9.

Botkin, Jeffrey R., Leslie P. Francis & Nancy C. Rose. Concerns About Justification for Fetal Genome Sequencing. *American Journal of Bioethics* 17, no. 1: 23-25.

Francis L. Silvers A. Perspectives on the meaning of "disability. *AMA Journal of*

- Ethics*. 2016;18(10):1025-1033.
- Francis, Leslie P. 2016. Presidential address: Applied Ethics, a misnomer for a field? *Proceedings of the American Philosophical Association* 90: 44-58.
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#### Selected Service Activities:

Professional:

Philosophy:

President, Pacific Division, American Philosophical Association, 2015-2016



Member, Executive Committee, IVR (International Society for the Philosophy of Law and Social Philosophy), 2008--; Vice-President, elected 2011-2015; Secretary-General 2015-2019  
Chair, APA Committee on Career Opportunities and Placement, 2008-2011  
Member, APA Board of Officers, 2008-2011, 2014-2016  
Chair, Program Committee, Pacific Division, American Philosophical Association, 2003-04  
Chair, Executive Committee, Pacific Division, American Philosophical Association, 1998-2000  
Chair, University of Utah Department of Philosophy, 2003-2009  
Member, Board of Trustees, Utah Humanities Council, 2007--2013

Law:

Member, National Committee on Vital and Health Statistics, 2006-2014; co-chair, privacy, confidentiality and security subcommittee, 2008—2014; member, working group on data access and use, 2014—  
Member, Office of the National Coordinator for Health Information Technology, PCOR Research Data Use work group  
Chair-elect, AALS Section for Law, Medicine & Health Care, 2014-2015; Chair, 2015-2016  
Member, Board of Trustees, Disability Law Center (Utah), 2006-2015; President Elect, 2007-2009, President, 2009—2011  
Member, Board of Trustees, And Justice for All, 2009-2015; chair, 2013-2015  
Member, Committee to Review Judicial Code of Ethics, Utah Judicial Council, 2007-08  
Member, Task force on privacy and electronic court records, Utah State Judicial Council, 2003-04  
Commissioner, American Bar Association Commission on the Legal Problems of the Elderly, 1997-2000

Bioethics:

Elected Fellow, Hastings Center, 2011--  
Member, Ethics Committee, American Society for Reproductive Medicine, 2005—(reappointed 2008, 2012, 2015)  
Member, Utah Health Data Committee, 2002—2012 (reappointed 2006 by Governor Huntsman); Committee Chair, 2010—2012.  
Member, Medicare Coverage Advisory Panels, Executive Committee; Co-chair, Drugs and Therapeutics Panel, 1999-2003.  
Member, Ethics Committee, Primary Children's Medical Center, 1996--  
Organizer, Bioethics summer retreat, 2007 (with Craig Klugman)

Manuscript Reviewer: Cambridge University Press, Oxford University Press, Philosophy Research Archives, Ethics, Hypatia, University of California Press, University of Utah Press, Prentice Hall, Holt Rinehart & Winston, Wadsworth, many others.

Editorial Board, *Journal for the Philosophy of Sport*, *Journal of Social Philosophy*

University:

University Senate, elected member, 2004-2008; executive committee, elected member, 2004-2008; elected member, 2010—  
Research Committee, 2008--; Chair, 2009—  
IRB, 1983—2015  
Conflict of Interest Committee, 2010--.

To: Management Committee of the Judicial Council

Re: Letter of Interest to be on the Committee on Resources for Self-Represented Parties

Date: October 20<sup>th</sup> 2017

From: Judge Catherine J. Hoskins

I would like to submit my request to be considered an applicant for the above-mentioned committee. I believe my background as a regularly practicing attorney as well as a justice court judge will help to be a great asset to the committee. The following are various pro bono projects that I have been involved in over the years:

-Co-Chair of the Second District Pro Bono Committee: I have co-chaired the Second District Pro Bono Committee with Judge West for over four years. This committee has helped me to understand the pro bono needs in the Second District and then develop and tailor programs based on very limited resources.

-Farmington Protective Order Calendar: As a practicing attorney I have volunteered at various times on a monthly basis for this program. The purpose of this calendar is to provide a free attorney to help the Petitioner where a protective order has been temporary granted be argued in front of the Commissioner.

-Wills for Heroes: I have volunteered through the Bar's Program when it has come to Davis County to offer estate planning assistance to fireman and police.

-Safe Harbor: I have taken pro bono divorce and custody cases for women of domestic violence.

-Mediation: As a court certified domestic mediator, I am required to conduct three pro bono mediation a year. In addition, two years ago, I volunteered every month at a junior high in Kaysville and performed their truancy mediations. This program was created as a last step before the students are sent to Juvenile Court

-Justice Court Program: I have been working with Judge Hamilton to develop a pro bono arraignment calendar in Justice Court. I currently have the program working(somewhat) in Clinton and am working to get it established at the Layton Second District Court. As part of the program, I have gotten CLE approval for the attorneys that come and do the training and the program is recognized under the Bar's malpractice.

-Family Law Calendar: Starting in January Commissioner Conklin is attempting to mirror the program in Salt Lake for self-represented litigants in family cases. I have agreed to volunteer on the calendar and help schedule other attorneys. Family law and criminal law are the two areas of law where it is difficult to find assistance to meet the ever-growing need.

Earlier this week I heard an attorney arguing that in order for his case to go to trial in March his client would need an additional \$200,000.00 to cover her legal expenses. The problem is he will spend

every penny, nickel, dime of that money. There is a huge disparity of need as most people, myself included could not afford to spend \$300,000 on one divorce. On the other hand, attorneys still need to pay their overhead and there should be a balance between those competing needs. The skill sets I have acquired over the years would be an asset to the committee and I ask that I be given the opportunity to join. Thank you for your consideration.

Catherine J. Hoskins, J.D.

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471 West Heritage Park Blvd, Suite 1  
Layton, UT 84041

Phone: 801-593-1065  
Email: catherine@hoskinslegal.com

**Education**

University of Oregon College of Law – Juris Doctorate December, 2001

University of Utah University BA Major History, May, 1999

Brigham Young University Idaho, Associates Degree, December, 1996

**Employment**

Clinton Justice Court Judge:

July 2015-present

Syracuse Justice Court Judge:

September 2014- present

Hoskins Legal Solutions PLLC.

January 2003- to present

- Domestic practice
  - o Defend and prosecute all areas of domestic practice to include adoption, divorce, paternity, and guardianship.
  - o Consult for other attorneys regarding custody dispute matters, and what community resources are available.
- Special Master and Guardian ad Litem
  - o Work with high conflict parents to find and implement what is in the best interest of their children.
  - o Work to keep high conflict court cases out of court and help parents develop skills needed to be successful as a co-parent.
  - o Job requires the ability to deal with a lot of different personalities in high conflict situations. Have to address highly emotional feelings and concerns in order to work toward a common goal, and preventing people from becoming positional to settle.
- Small business and civil litigation matters
  - o Small business consulting on legal issues, corporate formation, tax planning, and marketing strategies, and general business planning.
- Mediator
  - o Mediate domestic, landlord tenant, real estate, probate and small claims matters
  - o Certified on the Utah Court's Roster

Law Office of Pattie S. Christensen

November 2002 to November 2003

- Worked as an associate attorney in an estate planning firm.
- Provided estate planning for individuals and other attorneys.
- Set up small business, and consulted with businesses on a wide range of issues, such as tax planning, asset protection and compliance issues.

Wingo, Rinehart and McConkie

April 2002- November 2002

- Served as an associate attorney while waiting to be admitted to the bar.
- Primarily did divorce and family law work,

- Researched and wrote appellate briefs, and managed personal injury cases.

University of Oregon  
Office of Student Affairs

- Represented students before the Judicial Affairs for violations of the student conduct code.
- Assisted students with formal complaints against professors and the University
- Attended legislative meetings with the University that affected the students

Heritage Foundation, Washington D.C.  
August 1998-December 1998

- Intern for the President
- Helped research and prepared the Index of Economic Freedom
- Assisted in organizing and planning annual shareholders meeting

Lin Lyn Trading, North Salt Lake Office, Bangladesh Office  
January 1996-June 1999, January 1998-May 1998

- Coordinated international shipments
- Drafted requests for variances to U.S. Customs Regulations
- Managed overseas operations
- Located items to be imported overseas for local customers

**Pro Bono Services**

- Farmington Legal Aid Clinic
- Protective Orders, Farmington
- Family Law Clinic
- Safe Harbor Domestic Cases
- Small Claims Mediation, Justice Court
- Participated in Wills for Heroes in Davis County
- Mentor for the students at the University of Utah School of Law
- Mentor for new lawyers to the Utah State Bar, currently on 4<sup>th</sup> lawyer
- Participated in Utah Bar Law Day, teaching about the legal system to local schools

**Community Involvement**

- Written funding grants for elementary schools in Davis County
- Assist Safe Harbor in locating grants for funding
- Community Council Creekside Elementary, 2012-2014
- AYSO certified Coach, 2005-present
- BSA Merit Badge Counselor

**Additional Trainings and Certifications**

- University of Oregon, Mediator- 2001
- Private Guardian ad Litem Training and Certification-2006
- Domestic Mediation Training- 2007
- Taught CLE on Family Law Practice for the Utah Bar- 2008
- Legal Elite, Family Law: 2012, 2013, 2014
- Truancy Mediation Certified- 2013
- New Judges Orientation September 2014 Part 1

-New Judges Orientation January 2015 Part 2

**Committees and Organizations**

- Davis County Bar President, 2011-2014
- Co-Chair Second District Pro Bono Committee 2013-
- Second District Judicial Nominating Committee 2012-2016
- Member of the Rex E. Lee Inns of the Court 2009-
- Divorce Procedures Subcommittee Member, 2013-
- Davis County Bar Member 2010-
- Justice Court Board of Public Trust and Confidence 2015-
- Small Claims Committee 2016-
- Education Committee 2017-



James Peters <jamesp@utcourts.gov>

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## Re: Committee on Resources for Self-Represented Parties

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Brook Sessions <brooksessions@gmail.com>  
To: James Peters <jamesp@utcourts.gov>

Fri, Oct 20, 2017 at 5:35 PM

Jim,

I am interested in serving on the committee on Resources for Self Represented Parties. About a year ago the committee was seeking a new member and Judge Cathy Roberts offered to do it for a few months. That turned into more than a few. At the time I wasn't sure if I would have time to serve on the committee so I didn't volunteer. I have time to serve on the committee and I am willing to do so if selected.

I am currently serving on the following committee:

- Chair of the Trust and Confidence Committee.
- Fine and Bail Schedule soon to be Fine Committee.

Attached is my Resume. Let me know if you need any further information.

Brook

On Fri, Oct 13, 2017 at 3:41 PM, James Peters <jamesp@utcourts.gov> wrote:

Good afternoon! The Judicial Council's Standing Committee on Resources for Self-Represented Parties is in need of a justice court judge beginning December 2017. The vacancy arises from Judge Catherine Roberts' upcoming retirement. The committee is governed by Utah Code of Judicial Administration Rules [1-205\(1\)\(B\)\(viii\)](#) and [3-115](#) and meets every other month, typically on the second Friday, from 12 to 2 p.m. The committee's charge is found in Rule 3-115, which states:

The committee shall study the needs of self-represented parties within the Utah State Courts, and propose policy recommendations concerning those needs to the Judicial Council....[It] shall: provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs; assess available services and forms for self-represented parties and gaps in those services and forms; ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals; recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and develop an action plan for the management of cases involving self-represented parties.

More information about the committee's work may be found [here](#) and the committee's membership may be found [here](#). You may also contact Nancy Sylvester ([nancyjs@utcourts.gov](mailto:nancyjs@utcourts.gov)) or Judge Barry Lawrence ([blawrence@utcourts.gov](mailto:blawrence@utcourts.gov)) for further information. If you are interested in serving on this committee, please send a statement of interest and list of current and past committee assignments to me by close of business on Friday, October 20. A resume or CV is helpful but not required. The Board of Justice Court Judges will then review the information it receives and make recommendations to the Management Committee of the Judicial Council. Once appointments have been finalized, I will notify everyone who applied of the decision. Please let me know if you have any questions. Thank you!

Best regards,  
Jim

--  
This e-mail is a private communication and may contain confidential information. If you are not the intended recipient, please note that any disclosure, copying, distribution or use of the information contained in or attached to this e-mail is strictly prohibited. Please notify the sender of the delivery error by replying to this e-mail and then delete this e-mail. Thank you.

# RÉSUMÉ MR. BROOK J. SESSIONS

520 N Main Street  
Suite #208  
Heber City UT 84032  
Work: (385) 208-1933

**OBJECTIVE:** To be a part of the community and to better myself as a judge to serve the people of Utah with fairness, compassion and equality.

## **EDUCATION:**

**Active Member of the Utah State Bar, USB #6136. Inactive Member of the Oregon State Bar, OSB #91539.**

**J.D.** University of Oregon School of Law, 1991.  
Top Half of Class.  
Third Year Class Representative.  
Participated in People's Law School.  
Litigated cases with The Lane County Prosecution Clinic.

**B.S.** Utah State University, 1988.  
Major; Business Administration/Finance.  
Minor; Economics.  
Member of the USU Business Partners Program.

## **LEGAL EXPERIENCE:**

**Wasatch County Justice Court Judge:** August 2015-present.

**Private Practice,** Brook Sessions, P.C., 2012-present.

Mediation Services, and Bankruptcy

**Private Practice,** with Harris & Carter L.L.C., 1992-2012.

Diverse General Civil Trial Practice

**Judicial Clerk,** The Honorable Allan C. Bonebrake, 1991-1992.

Washington County Circuit Court; Worked as Bailiff, Jury supervision, Court clerk, research and opinion drafting.

**Prosecution Clinic,** Lisa Schickish, Supervisor, Spring 1991.



**Mr. Brook J. Sessions**

Page Two

Résumé

**PERSONAL:**

I am married and five children. I love skiing and trying to keep up with my son on a snowboard. I enjoy competing in triathlons, participating in other sports, outdoor activities and watching RSL games. I love hiking or going out riding my dirt bike and exploring Utah. I enjoy finding new hobbies, continuing my education through The Great Courses and spending time with my family. My wife and I love to travel and when we are home, I enjoy cooking.

**REFERENCES:**

Mr. Scott Williams  
3450 Triumph Blvd. Ste 102  
Lehi UT 84043  
(801) 636-1335

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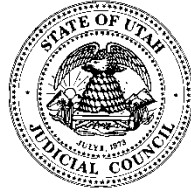
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The Honorable Judge  
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# Tab 11



# Administrative Office of the Courts

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

## MEMORANDUM

Richard H. Schwermer  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Management Committee  
**From:** Keisa L. Williams *Keisa Williams*  
**Date:** November 14, 2017  
**Re:** Rules for Public Comment

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The Policy and Planning Committee recommends the following proposed amendments to the Utah Code of Judicial Administration. The circumstances are outlined below. The Policy and Planning Committee recommends that these rules be included on the Judicial Council's consent calendar for public comment.

**Rule CJA 4-202.02. Records Classification.** Amend. Allows a minor's full name to be listed on any type of protective order, rather than initials only on adult protective orders and a full name on child protective orders.

The proposed amendment, at line 139, deletes the word "child," allowing the use of the full name of a minor (rather than initials) on adult protective orders. Currently, the full name of a minor is classified as private on adult protective orders, but public on child protective orders. Law enforcement agencies have been unable to enforce adult protective orders involving minors because the initials are not sufficient to identify the exact child requiring protection. This issue was brought to light following an FBI audit.

**Rule CJA 4-501.03. Qualification of ADR Providers.** Amend. Updates the language of the rule to reflect the broadened scope of the new ADR ethics exam.

The proposed amendment, at lines 36-37, reflects the broader scope of the new ADR ethics exam approved by the ADR Committee in January 2017. The previous exam only covered the Code of Ethics for ADR Providers found in the Utah Court-Annexed Dispute Resolution Rules. However, mediators are subject to compliance with not only those court rules, but also the Utah Alternative Dispute Resolution Action, the Utah Uniform Mediation Act, and the Code

**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.**

of Judicial Administration Rule 4-510.03. The new ethics exam covers all of those standards and requirements. This amendment reflects that broadened scope.

**Rule CJA 4-202.09. Miscellaneous.** Amend. Strikes language requiring filers to certify that all non-public information has been omitted or redacted from public records.

The proposed amendment at lines 40-41, removes the requirement for filers to certify that the document they are filing does not include any non-public information. The Standing Committee on Court Forms recommended this change because the certification has no value. If the filer does not include a certification, there are no consequences. If the filer includes an incorrect certification, there are no consequences. If this amendment is not made, the Standing Committee on Court Forms will be required to review every form to ensure relevant forms include this certification.

**Rule CJA 3-407. Accounting.** Amend. Amends the membership of the Accounting Manual Review Committee to reflect current practice.

The proposed amendment at lines 20-21, changes the membership of the Accounting Manual Review Committee to reflect current practice. The Accounting Manual Review Committee proposed this change because the co-chairs are listed as the finance and budget managers, but those positions no longer exist in the AOC. The Director of Finance chairs the committee and has done so for some time.

Encl. CJA 4-202.02  
CJA 4-501.03  
CJA 4-202.09  
CJA 3-407

1 **Rule 3-407. Accounting.**

2 Intent:

3 To establish uniform procedures for the processing, tracking, and reporting of accounts  
4 receivable and trust accounts.

5 Applicability:

6 This rule applies to the judiciary.

7 Statement of the Rule:

8 (1) Manual of procedures.

9 (1)(A) The administrative office shall develop a manual of procedures to govern accounts  
10 receivable, accounts payable, trust accounts, the audit thereof, and the audit of administrative  
11 procedures generally. The procedures shall be in conformity with generally accepted principles  
12 of budgeting and accounting and shall, at a minimum, conform to the requirements of this Code  
13 and state law. Unless otherwise directed by the Judicial Council, the manual of procedures and  
14 amendments to it shall be approved by the majority vote of the state court administrator, the  
15 court administrators for each court of record, and the finance manager.

16 (1)(B) There is established an accounting manual review committee responsible for making and  
17 reviewing proposals for repealing accounting policies and procedures and proposals for  
18 promulgating new and amended accounting policies and procedures. The committee shall  
19 consist of the following minimum membership:

20 (1)(B)(i) ~~the finance manager and the budget manager~~ director of the finance department, who  
21 shall serve as ~~co-chairs~~ chair and shall vote only in the event of a tie;

22 (1)(B)(ii) four support services coordinators who will serve a three year term, and may repeat;

23 (1)(B)(iii) two accountants or clerks with accounting responsibilities from each of the trial courts  
24 of record who will serve a three year term, and may repeat;

25 (1)(B)(iv) a trial court executive who will serve a three year term;

26 (1)(B)(v) a clerk of court who will serve a three year term;

27 (1)(B)(vi) a clerk with accounting responsibilities from an appellate court who will serve a three  
28 year term, and may repeat;

29 (1)(B)(vii) one court services field specialist, who has an indefinite term;

30 (1)(B)(viii) the audit director or designee, who shall not vote; and

31 (1)(B)(ix) the director of the state division of finance or designee, who shall not vote.

32 (1)(C) Unless designated by office, members of the committee shall be appointed by the state  
33 court administrator. The department of finance shall provide necessary support to the  
34 committee.

35 (1)(D) New and amended policies and procedures recommended by the committee shall be  
36 reviewed by the court executives prior to being submitted to the Judicial Council or to the vote of  
37 the administrators and the finance manager. The Court Executives may endorse or amend the

38 draft policies and procedures or return the draft policies and procedures to the committee for  
39 further consideration.

40 (2) Revenue accounts.

41 (2)(A) Deposits; transfers; withdrawals. All courts shall deposit with a depository determined  
42 qualified by the administrative office or make deposits directly with the Utah State Treasurer or  
43 the treasurer of the appropriate local government entity. The Supreme Court, Court of Appeals,  
44 State Law Library, administrative office, district court primary locations and juvenile courts shall  
45 deposit daily, whenever practicable, but not less than once every three days. The deposit shall  
46 consist of all court collections of state money. District court contract sites and justice courts  
47 having funds due to the state or any political subdivision of the state shall, on or before the 10th  
48 day of each month, deposit all funds received by them in the preceding month in a qualified  
49 depository with the appropriate public treasurer. The courts shall make no withdrawals from  
50 depository accounts.

51 (2)(B) Periodic revenue report. Under the supervision of the court executive, the clerk of the  
52 court shall prepare and submit a revenue report that identifies the amount and source of the  
53 funds received during the reporting period and the state or local government entity entitled to  
54 the funds. Juvenile courts and primary locations of the district courts shall submit the report  
55 weekly to the administrative office. District court contract sites shall submit the report at least  
56 monthly, together with a check for the state portion of revenue, to the administrative office.  
57 Justice courts shall submit the report monthly, together with a check for the state revenue  
58 collected, to the Utah State Treasurer.

59 (2)(C) Monthly reconciliation of bank statement. The administrative office shall reconcile the  
60 revenue account upon receipt of the weekly revenue report from the courts and the monthly  
61 bank statements.

62 (3) Trust accounts.

63 (3)(A) Definition. Trust accounts are accounts established by the courts for the benefit of third  
64 parties. Examples of funds which are held in trust accounts include restitution, child support,  
65 and bail amounts.

66 (3)(B) Accounts required; duties of a fiduciary. District court primary locations and juvenile  
67 courts shall maintain a trust account in which to deposit monies held in trust for the benefit of  
68 the trustor or some other beneficiary. Under supervision of the court executive, the clerk of the  
69 court shall be the custodian of the account and shall have the duties of a trustee as established  
70 by law. All other courts of record and not of record may maintain a trust account in accordance  
71 with the provisions of this rule.

72 (3)(C) Monthly reconciliation of bank statement. Each court shall reconcile its ledgers upon  
73 receipt of the monthly bank statement and submit the reconciliation to the administrative office.

74 (3)(D) Accounting to trustor. The courts shall establish a method of accounting that will trace the  
75 debits and credits attributable to each trustor.

76 (3)(E) Bail forfeitures; other withdrawals. Transfers from trust accounts to a revenue account  
77 may be made upon an order of forfeiture of bail or other order of the court. Other withdrawals  
78 from trust accounts shall be made upon the order of the court after a finding of entitlement.

79 (3)(F) Interest bearing. All trust accounts shall be interest bearing. The disposition of interest  
80 shall be governed by Rule 4-301.

81 (4) Compliance. The administrative office and the courts shall comply with state law and the  
82 manual of procedures adopted by the administrative office.

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

2 **Intent:**

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

4 **Applicability:**

5 This rule applies to the judicial branch.

6 **Statement of the Rule:**

7 (1) **Presumption of Public Court Records.** Court records are public unless otherwise classified by  
8 this rule.

9 (2) **Public Court Records.** Public court records include but are not limited to:

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

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

13 (2)(C) appellate filings, including briefs;

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

15 (2)(E) audit reports;

16 (2)(F) case files;

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

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

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

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

24 (2)(K) financial records;

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

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

28 (2)(L)(ii) attorney name;

29 (2)(L)(iii) case number;

30 (2)(L)(iv) case status;

31 (2)(L)(v) civil case type or criminal violation;

32 (2)(L)(vi) civil judgment or criminal disposition;

33 (2)(L)(vii) daily calendar;

34 (2)(L)(viii) file date;

35 (2)(L)(ix) party name;

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

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



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

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

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

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

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

50 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open  
51 hearings;

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

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

55 (2)(W) probation progress/violation reports;

56 (2)(X) publications of the administrative office of the courts;

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

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

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

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

64 (2)(CC) record of a request for a record;

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

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

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

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

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

78 (3) **Sealed Court Records.** The following court records are sealed:

79 (3)(A) records in the following actions:  
80 (3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion of  
81 proceedings, which are private until sealed;  
82 (3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the  
83 conclusion of proceedings, which are private until sealed; -  
84 (3)(A)(iii) Section 76-7-304.5, Consent required for abortions performed on minors; and  
85 (3)(A)(iv) Section 78B-8-402, actions for disease testing;  
86 (3)(B) expunged records;  
87 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code  
88 Section 77-23a-15;  
89 (3)(D) records showing the identity of a confidential informant;  
90 (3)(E) records relating to the possession of a financial institution by the commissioner of financial  
91 institutions under Utah Code Section 7-2-6;  
92 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;  
93 (3)(G) records designated as sealed by rule of the Supreme Court;  
94 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of any  
95 legal proceedings; and  
96 (3)(I) other records as ordered by the court under Rule 4-202.04.  
97 **(4) Private Court Records.** The following court records are private:  
98 (4)(A) records in the following actions:  
99 (4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;  
100 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;  
101 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed; and  
102 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed;  
103 and  
104 (4)(B) records in the following actions, except that the case history; judgments, orders and  
105 decrees; letters of appointment; and the record of public hearings are public records:  
106 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders, except that  
107 an action for consortium due to personal injury under Section 30-2-11 is public;  
108 (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;  
109 (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;  
110 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;  
111 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;  
112 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement  
113 Act;  
114 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;  
115 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and  
116 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph  
117 (B);

118 (4)(C) an affidavit supporting a motion to waive fees;  
119 (4)(D) aggregate records other than public aggregate records under subsection (2);  
120 (4)(E) alternative dispute resolution records;  
121 (4)(F) applications for accommodation under the Americans with Disabilities Act;  
122 (4)(G) jail booking sheets;  
123 (4)(H) citation, but an abstract of a citation that redacts all non-public information is public;  
124 (4)(I) judgment information statement;  
125 (4)(J) judicial review of final agency action under Utah Code Section 62A-4a-1009;  
126 (4)(K) the following personal identifying information about a party: driver's license number, social  
127 security number, account description and number, password, identification number, maiden name and  
128 mother's maiden name, and similar personal identifying information;  
129 (4)(L) the following personal identifying information about a person other than a party or a victim  
130 or witness of a crime: residential address, personal email address, personal telephone number; date of  
131 birth, driver's license number, social security number, account description and number, password,  
132 identification number, maiden name, mother's maiden name, and similar personal identifying information;  
133 (4)(M) medical, psychiatric, or psychological records;  
134 (4)(N) name of a minor, except that the name of a minor party is public in the following district and  
135 justice court proceedings:  
136 (4)(N)(i) name change of a minor;  
137 (4)(N)(ii) guardianship or conservatorship for a minor;  
138 (4)(N)(iii) felony, misdemeanor, or infraction;  
139 (4)(N)(iv) child protective orders; and  
140 (4)(N)(v) custody orders and decrees;  
141 (4)(O) nonresident violator notice of noncompliance;  
142 (4)(P) personnel file of a current or former court personnel or applicant for employment;  
143 (4)(Q) photograph, film, or video of a crime victim;  
144 (4)(R) record of a court hearing closed to the public or of a child's testimony taken  
145 under URCrP 15.5:  
146 (4)(R)(i) permanently if the hearing is not traditionally open to the public and public access  
147 does not play a significant positive role in the process; or  
148 (4)(R)(ii) if the hearing is traditionally open to the public, until the judge determines it is  
149 possible to release the record without prejudice to the interests that justified the closure;  
150 (4)(S) record submitted by a senior judge or court commissioner regarding performance  
151 evaluation and certification;  
152 (4)(T) record submitted for in camera review until its public availability is determined;  
153 (4)(U) reports of investigations by Child Protective Services;  
154 (4)(V) victim impact statements;  
155 (4)(W) name of a prospective juror summoned to attend court, unless classified by the judge as  
156 safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

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

159 (4)(Y) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure; and

160 (4)(Z) other records as ordered by the court under Rule 4-202.04.

161 (5) **Protected Court Records.** The following court records are protected:

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

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

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

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

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

172 (5)(F) court security plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

196 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;  
197 (5)(S) record of a Children's Justice Center investigative interview before the conclusion of any  
198 legal proceedings;  
199 (5)(T) presentence investigation report;  
200 (5)(U) except for those filed with the court, records maintained and prepared by juvenile  
201 probation; and  
202 (5)(V) other records as ordered by the court under Rule 4-202.04.

203 (6) **Juvenile Court Social Records.** The following are juvenile court social records:  
204 (6)(A) correspondence relating to juvenile social records;  
205 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance  
206 abuse evaluations, domestic violence evaluations;  
207 (6)(C) medical, psychological, psychiatric evaluations;  
208 (6)(D) pre-disposition and social summary reports;  
209 (6)(E) probation agency and institutional reports or evaluations;  
210 (6)(F) referral reports;  
211 (6)(G) report of preliminary inquiries; and  
212 (6)(H) treatment or service plans.

213 (7) **Juvenile Court Legal Records.** The following are juvenile court legal records:  
214 (7)(A) accounting records;  
215 (7)(B) discovery filed with the court;  
216 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings,  
217 orders, decrees;  
218 (7)(D) name of a party or minor;  
219 (7)(E) record of a court hearing;  
220 (7)(F) referral and offense histories  
221 (7)(G) and any other juvenile court record regarding a minor that is not designated as a social  
222 record.

223 (8) **Safeguarded Court Records.** The following court records are safeguarded:  
224 (8)(A) upon request, location information, contact information, and identity information other than  
225 name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a,  
226 Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;  
227 (8)(B) upon request, location information, contact information and identity information other than  
228 name of a party or the party's child after showing by affidavit that the health, safety, or liberty of the party  
229 or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform  
230 Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family  
231 Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;  
232 (8)(C) location information, contact information, and identity information of prospective jurors on  
233 the master jury list or the qualified jury list;

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

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

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

239 (8)(E)(ii) date of birth, driver's license number, social security number, account description  
240 and number, password, identification number, maiden name, mother's maiden name, and similar  
241 personal identifying information.  
242

1 **Rule 4-202.09. Miscellaneous.**

2 **Intent:**

3 To set forth miscellaneous provisions for these rules.

4 **Applicability:**

5 This rule applies to the judicial branch.

6 **Statement of the Rule:**

7 (1) The judicial branch shall provide a person with a certified copy of a record if the  
8 requester has a right to inspect it, the requester identifies the record with reasonable specificity,  
9 and the requester pays the fees.

10 (2)(A) The judicial branch is not required to create a record in response to a request.

11 (2)(B) Upon request, the judicial branch shall provide a record in a particular format if:

12 (2)(B)(i) it is able to do so without unreasonably interfering with its duties and  
13 responsibilities; and

14 (2)(B)(ii) the requester agrees to pay the additional costs, if any, actually incurred in  
15 providing the record in the requested format.

16 (2)(C) The judicial branch need not fulfill a person's records request if the request  
17 unreasonably duplicates prior records requests from that person.

18 (3) If a person requests copies of more than 50 pages of records, and if the records are  
19 contained in files that do not contain records that are exempt from disclosure, the judicial branch  
20 may provide the requester with the facilities for copying the requested records and require that  
21 the requester make the copies, or allow the requester to provide his own copying facilities and  
22 personnel to make the copies at the judicial branch's offices and waive the fees for copying the  
23 records.

24 (4) The judicial branch may not use the form in which a record is stored to deny or  
25 unreasonably hinder the rights of persons to inspect and receive copies of a record.

26 (5) Subpoenas and other methods of discovery under state or federal statutes or rules of  
27 procedure are not records requests under these rules. Compliance with discovery shall be  
28 governed by the applicable statutes and rules of procedure.

29 (6) If the judicial branch receives a request for access to a record that contains both  
30 information that the requester is entitled to inspect and information that the requester is not  
31 entitled to inspect, it shall allow access to the information in the record that the requester is  
32 entitled to inspect, and shall deny access to the information in the record the requester is not  
33 entitled to inspect.

34 (7) The Administrative Office shall create and adopt a schedule governing the retention and  
35 destruction of all court records.

36 (8) The courts will use their best efforts to ensure that access to court records is properly  
37 regulated, but assume no responsibility for accuracy or completeness or for use outside the  
38 court.

39 (9)(A) Non-public information in a public record. The person filing a public record shall omit  
40 or redact non-public information. ~~The person filing the record shall certify that, upon information~~  
41 ~~and belief, all non-public information has been omitted or redacted from the public record.~~ The  
42 person filing a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court  
43 social record shall identify the classification of the record at the top of the first page of a  
44 classified document or in a statement accompanying the record.

45 (9)(B) A party may move or a non-party interested in a record may petition to classify a  
46 record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social or  
47 to redact non-public information from a public record.

48 (9)(C) If the following non-public information is required in a public record, only the  
49 designated information shall be included:

50 (9)(C)(i) social security number: last four digits;

51 (9)(C)(ii) financial or other account number: last four digits;

52 (9)(C)(iii) driver's license number: state of issuance and last four digits;

53 (9)(C)(iv) address of a non-party: city, state and zip code;

54 (9)(C)(v) email address or phone number of a non-party: omit; and

55 (9)(C)(vi) minor's name: initials.

56 (9)(D) If it is necessary to provide the court with private personal identifying information, it  
57 must be provided on a cover sheet or other severable document, which is classified as private.



1 Rule 4-510.03. Qualification of ADR providers.

2 Intent:

3 To establish eligibility and qualification requirements for inclusion on the Utah Court Approved  
4 ADR Roster including additional requirements for designation as a Divorce Roster Mediator,  
5 Master Mediator and Domestic Mentor.

6 Applicability:

7 This rule applies in the district court.

8 Statement of the Rule:

9 (1) To be eligible for the roster, an applicant must:

10 (1)(A) submit a written application to the Director setting forth:

11 (1)(A)(i) a description of how the applicant meets, or will meet within a reasonable time, the  
12 requirements specified in paragraph (2)(A), if applicable;

13 (1)(A)(ii) the major areas of specialization and experience of the applicant, such as real estate,  
14 estates, trusts and probate, family law, personal injury or property damage, securities, taxation,  
15 civil rights and discrimination, consumer claims, construction and building contracts, corporate  
16 and business organizations, environmental law, labor law, natural resources, business  
17 transactions/commercial law, administrative law and financial institutions law;

18 (1)(A)(iii) the maximum fees the applicant will charge for service as a provider under the ADR  
19 program; and

20 (1)(A)(iv) the judicial districts in which the applicant is offering to provide services and the  
21 location and a description of the facilities in which the applicant intends to conduct the ADR  
22 proceedings;

23 (1)(B) agree to complete and annually complete up to six hours of ADR training as required by  
24 the Judicial Council;

25 (1)(C) submit an annual report to the Director indicating the number of mediations and  
26 arbitrations the ADR provider has conducted that year; and

27 (1)(D) be re-qualified annually.

28 (2) To be included on the roster as a mediator:

29 (2)(A) all new applicants to the court roster must also have successfully completed at least 40  
30 hours of court-approved basic formal mediation training in the last three years. This training  
31 shall be under a single training course from a single, court-approved training provider. The  
32 applicant must also complete 10 hours of experience in observing a court qualified mediator  
33 conduct mediation, and 10 hours in either conducting mediations singly or co-mediating with a

34 court qualified mediator, or meet such other education, training and experience requirements as  
35 the Council finds will promote the effective administration of the ADR program;

36 (2)(B) successfully pass an examination on the ~~Code of Ethics for ADR providers~~ ethical  
37 requirements for mediators on the Utah Court Roster;

38 (2)(C) agree to conduct at least three pro bono mediations each year as referred by the Director;  
39 and

40 (2)(D) be of good moral character in that the provider has not been convicted of a felony, a  
41 misdemeanor involving moral turpitude, or any other serious crime, and has not received  
42 professional sanctions that, when considered in light of the duties and responsibilities of an ADR  
43 provider, are determined by the Director to indicate that the best interests of the public are not  
44 served by including the provider on the roster.

45 (3) To be included on the court roster for qualified divorce mediators:

46 (3)(A) All new applicants to the roster of divorce mediators must also have an additional 32  
47 hours of court-approved training specific to the skills, Utah laws, and information needed to  
48 conduct divorce mediation. This training shall be under a single training course from a single,  
49 court-approved provider.

50 (3)(B) All applicants must have a minimum of 6 hours of training specific to domestic violence  
51 and screening for domestic violence which may be included in the court approved 32 hour  
52 training referred to above.

53 (3)(C) New applicants to the court roster of divorce mediators are required to have acquired  
54 experience specific to divorce mediation. This is in addition to the 20 hours of experience  
55 required for the court roster of basic mediators. The additional experience includes having  
56 observed a minimum of two divorce mediations, co-mediating two divorce mediations and  
57 having been observed conducting two divorce mediations. Each of these includes debriefing  
58 and analysis afterward with a mediator who has Domestic Mentor status. The Domestic Mentor  
59 may charge a fee for this service.

60 (3)(D) The Director will maintain and make available a list of those mediators who have  
61 Domestic Mentor status.

62 (4) To be included on the roster as a Master Mediator, the provider must also have completed  
63 300 hours in conducting mediation sessions.

64 (5) To be included on the roster as a Domestic Mentor, the provider must also have completed  
65 300 hours in conducting mediation in domestic cases and completed a domestic mentor  
66 orientation.

67 (6) To be included on the roster as an arbitrator, the provider must also:

68 (6)(A) have been a member in good standing of the Utah State Bar for at least ten years, or  
69 meet such other education, training and experience requirements as the Council finds will  
70 promote the effective administration of the ADR program;

71 (6)(B) be of good moral character in that the provider has not been convicted of a felony, a  
72 misdemeanor involving moral turpitude, or any other serious crime, and has not received  
73 professional sanctions that, when considered with the duties and responsibilities of an ADR  
74 provider are determined by the Director to indicate that the best interests of the public are not  
75 served by including the provider on the roster; and

76 (6)(C) agree to conduct at least one pro bono arbitration each year as referred by the Director.

77 (7) To be re-qualified as a mediator, the provider must, unless waived by the Director for good  
78 cause, demonstrate that the provider has conducted at least six mediation sessions or  
79 conducted 24 hours of mediation during the previous year.

80 (8) To be re-qualified as an arbitrator, the provider must, unless waived by the Director for good  
81 cause, demonstrate that the provider has conducted at least three arbitration sessions or  
82 conducted 12 hours of arbitration during the previous year.

83 (9) A provider may be sanctioned for failure to comply with the code of ethics for ADR providers  
84 as adopted by the Supreme Court or for failure to meet the requirements of this rule or state  
85 statute. The committee shall inform the public of public sanctions against a provider promptly  
86 after imposing the sanction.

87 (9)(A) Public sanctions may include singly or with other sanctions:

88 a written warning and requirement to attend additional training;

89 (9)(A)(i) require the mediator to allow the Director or designee to observe a set number of  
90 mediation sessions conducted by the mediator;

91 (9)(A)(ii) suspension for a period of time from the court roster; and

92 (9)(A)(iii) removal from the court roster.

93 (9)(B) Private sanctions may include singly or with other sanctions:

94 (9)(B)(i) admonition;

95 (9)(B)(ii) re-take and successfully pass the ADR ethical exam.

96 (10) The committee shall approve and publish procedures consistent with this rule to be used in  
97 imposing the sanction. The complainant shall file a written and signed complaint with the  
98 director. The director shall notify the provider in writing of the complaint and provide an  
99 opportunity to respond. The director may interview the complainant, the provider and any parties  
100 involved. Upon consideration of all factors, the director may impose a sanction and notify the  
101 complainant and the provider. If the provider seeks to challenge the sanction, the provider must  
102 notify the director within 10 days of receipt of the notification. The provider may request

- 103 reconsideration by the director or a hearing by the Judicial Council's ad hoc committee on ADR.
- 104 The decision of the committee is final.

# Tab 12

## **Section 4.14 Electronic Case Record Audit**

**Policy:** This policy provides guidelines for probation department supervisors to audit electronic case records to ensure policy compliance and proper case management.

**Scope:** This policy applies to all probation supervisors of the Utah State Juvenile Court.

**Authority:** Utah Code of Judicial Administration 4-202.

### **Procedure:**

1. Each supervisor will use the approved audit form to conduct audits of electronic case records. (See addendum 4.14.1)
2. Each month, the supervisor will randomly audit at least one case from each probation officer's caseload under their supervision.
  - 2.1 The supervisor shall choose the case to be audited.
  - 2.2 The results of the audit shall be shared with the probation officer.
  - 2.3 The probation officer will correct any deficiencies in the electronic record within 30 days.
3. At least quarterly, the Chief Probation Officer will review a sampling of case audits conducted by the supervisor(s).

---

**History:** Effective September 1, 2002- Revised October 27, 2017

## Section 4.14 Electronic Case Record Audit

**Policy:** This policy provides guidelines for probation department supervisors to audit electronic case records to ensure policy compliance and proper case management.

**Scope:** This policy applies to all probation supervisors of the Utah State Juvenile Court.

**Authority:** Utah Code of Judicial Administration Rule 4-202

### Procedure:

1. Each supervisor will use the approved audit form to conduct audits of electronic case records. (See addendum 4.14.1)
2. Each month, the supervisor will randomly audit at least one case from each probation officer's caseload under their supervision.
  - 2.1 The supervisor shall choose the case to be audited.
  - 2.2 The results of the audit shall be shared with the probation officer.
  - 2.3 The probation officer will correct any deficiencies in the electronic record within 30 days.
- ~~3. It is the responsibility of the supervisor to include audit results in the probation officer's performance evaluation and performance plan, if necessary.~~
- 4-3. At least quarterly, the Chief Probation Officer will review a sampling of case audits conducted by the supervisor(s).
  - ~~4.1 It is the responsibility of the Chief Probation Officer to include this duty in each supervisor's performance evaluation and performance plan, if necessary.~~

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**History:** Effective September 1, 2002- Revised July 12, 2013

Revised 10/3/2017 by Policy Group  
Chiefs approved 10/19/2017  
TCE's

## Section 4.14 Electronic Case Record Audit

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### **Policy:**

This policy provides guidelines for probation department supervisors to audit electronic case records to ensure policy compliance and proper case management.

### **Scope:**

This policy applies to all probation supervisors of the Utah State Juvenile Court.

### **Authority:**

### **Procedure:**

1. Each supervisor will use the approved audit form to conduct audits of electronic case records. (See [addendum 4.14.1](#))
2. Each month, the supervisor will randomly audit at least one case from each probation officer's caseload under their supervision.
  - 2.1 The supervisor shall choose the case to be audited.
  - 2.2 The results of the audit shall be shared with the probation officer.
  - 2.3 The probation officer will correct any deficiencies in the electronic record within 30 days.
3. It is the responsibility of the supervisor to include audit results in the probation officer's performance evaluation and performance plan, if necessary.
4. At least quarterly, the Chief Probation Officer will review a sampling of case audits conducted by the supervisor(s).
  - 4.1 It is the responsibility of the Chief Probation Officer to include this duty in each supervisor's performance evaluation and performance plan, if necessary.

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**History:** Effective September 1, 2002- Revised July 12, 2013



[Close Window](#)

# Utah State Courts

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## Policy 4.17 Collection of Fines and/or Restitution

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### Table of Contents

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#### Policy:

The probation department shall not collect or receipt any fines or restitution ordered by the court or assessed through non-judicial handling.

#### Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

#### Authority:

Utah State Courts Accounting Manual Receipting Policy, Paragraph 22

#### Procedure:

1. The probation officer shall direct all payments to a court clerk.
  - o 1.1 In the event that a clerk is not available, the probation officer shall direct the minor to obtain a money order, cashier's check, or personal check and mail it to the court.
    - 1.2.1 The minor will be directed to place the money order, cashier's check, cash or personal check in the envelope, seal it, and place it in the drop box.
  - o 1.2 If a "drop box" is provided at the courthouse, the probation officer may provide the minor with an envelope and write the case number on the outside.
  - o 1.3 The probation officer shall not handle the money order, cashier's check, cash or personal check.
2. The probation officer shall inform the minor that once the payment is received by a clerk, a receipt will be mailed to his/her residence.

History: Effective 07/13/08

[Table of Contents](#) | [Previous](#)

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Page Last Modified: 7/31/2017  
[Return to Top](#) | [Close Window](#)

## Policy 4.17 ~~Collection~~ Fines and/or Restitution Obligations

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### **Policy:**

The probation department shall not collect or receipt any fines or restitution ordered by the court or assessed through nonjudicial handling.

### **Scope:**

This policy applies to all probation staff of the Utah State Juvenile Court.

### **Authority:**

Utah State Courts Accounting Manual Receipting Policy, ~~Paragraph 22~~  
Section 2, Receipting

Utah Courts Juvenile E-Payment System

<https://pubapps.utcourts.gov/JuvenileEpaymentWEB/>

### **Procedure:**

1. The probation officer shall not ~~handle the~~ accept any payments e.g., money orders, cashier's checks, financial transaction cards, cash or personal checks.
2. ~~1.~~ The probation officer shall ~~direct~~ refer patrons to make all payments to a court clerk the clerical department or via the courts online payment system (Utah Courts Juvenile E-Payment System).
  - ~~o 1.1 In the event that a clerk is not available, the probation officer shall direct the minor to obtain a money order, cashier's check, or personal check and mail it to the court.~~
  - ~~o 1.2 If a "drop box" is provided at the courthouse, the probation officer may provide the minor with an envelope and write the case number on the outside.~~
    - ~~o 1.2.1 The minor will be directed to place the money order, cashier's check, cash or personal check in the envelope, seal it, and place it in the drop box.~~
  - ~~o 1.3 The probation officer shall not handle the money order, cashier's check, cash or personal check.~~
2. The probation officer shall inform the minor that once the payment is received by a clerk, a receipt will be mailed to his/her residence.

**History:** Effective 07/13/08

Revised: Policy Group 10/3/2017 Chiefs approved 10/19/2017

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