

JUDICIAL COUNCIL MEETING

AGENDA

January 22, 2018

Council Room

Matheson Courthouse

450 South State Street

Salt Lake City, Utah 84111

9:00 a.m. – 12:00 p.m.

Chief Justice Matthew B. Durrant Presiding

1. 9:00 a.m. Welcome & Approval of MinutesChief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 9:05 a.m. Chair’s ReportChief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator’s Report Richard Schwermer
4. 9:20 a.m. Reports: Management CommitteeChief Justice Matthew B. Durrant
Liaison Committee..... Justice Thomas Lee
Policy and Planning.....Judge Derek Pullan
Bar Commission.....Rob Rice, esq.
(Tab 2 – Information)
5. 9:30 a.m. Legislative Update.....Jacey Skinner
(Information)
6. 9:50 a.m. Judicial Performance Evaluation Commission Report
..... Commissioner Gil A. Miller
(Information) Jennifer Yim
7. 10:05 a.m. Manti Land Purchase Judge David Mortensen
(Tab 3- Information) Alyn Lunceford
8. 10:15 a.m. LPP Committee Status Report.....Justice Deno Himonas
(Information) Cathy Dupont

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|-----|------------|---|--|
| 9. | 10:30 a.m. | WINGS Committee Report | Judge David Connors
Karolina Abuzyarova |
| | | (Tab 4 – Information) | |
| | 10:40 a.m. | Break | |
| 10. | 10:50 a.m. | Criminal Jury Instructions Committee Report | Judge James Blanch
Keisa Williams |
| | | (Information) | |
| 11. | 11:00 a.m. | Salt Lake County Harvard Study Consideration | Keisa Williams |
| | | (Tab 5 – Action) | |
| 12. | 11:15 a.m. | Policy on Naming Courthouses | Keisa Williams |
| | | (Tab 6 – Action) | |
| 13. | 11:20 a.m. | Code of Judicial Administration Rules 1-205, 3-104, 6-501 for final action .. | |
| | | | Nancy Sylvester |
| | | (Tab 7 – Action) | |
| 14. | 11:30 a.m. | Third District Court Judicial and Clerical Request..... | Shane Bahr |
| | | (Tab 8 – Action) | |
| 15. | 11:50 a.m. | Executive session | |
| 16. | 12:20 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.

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|--|---------------------------------|
| 1. Committee appointment
(Tab 9) | Language Access - Kara Mann |
| 2. Forms for final approval
(Tab 10) | Forms Committee – Brent Johnson |
| 3. Probation Policies 2.14, 4.15, and 4.18
(Tab 11) | Dawn Marie Rubio |

Note: Chief Justice Durrant will deliver his State of the Judiciary Address to the Legislature beginning at 2:15 p.m. and to the Senate at 2:45 p.m.

Transportation to the Capitol will be provided for Council members who are able to attend following the Judicial Council meeting.

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

December 18, 2017

Council Room

Matheson Courthouse

450 S. State St.

Salt Lake City, Utah 84111

9:00 a.m. to 12:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Attendees:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Toomey, Vice Chair
Hon. Augustus Chin
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Justice Thomas Lee
Hon. David Marx
Hon. Mary Noonan
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Todd Shaughnessy
Rob Rice, esq.
Hon. John Walton

Staff:

Richard Schwermer
Ray Wahl
Jeni Wood
Shane Bahr
John Bell
Cathy Dupont
Brent Johnson
Alyn Lunceford
Nini Rich
Dawn Marie Rubio
Jacey Skinner
Nancy Sylvester
Jessica Van Buren
Keisa Williams

Excused:

Guests:

Hon. James Brady
Randy Dryer
Hon. Ryan Evershed
Hon. Royal Hansen
Hon. Elizabeth Knight
Hon. Barry Lawrence
Alex Peterson
Hon. Andrew Stone

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

Chief Justice Matthew Durrant welcomed everyone to the meeting. Judge David Marx moved to remove the VAWA Grant from the consent calendar to allow the Justice Court Board to discuss the request further. Judge Paul Farr seconded the motion, and it passed unanimously.

Motion: Judge Kate Toomey moved to approve the minutes from the November 20, 2017 Judicial Council meeting. Judge David Marx seconded the motion, and it passed unanimously.

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

Chief Justice Durrant said he along with Rick Schwermer and others met with Governor Herbert regarding the courts budget. The issue of pre-trial reform was also discussed. Chief Justice Durrant thought the meeting went well. Chief Justice Durrant and Rick also met with JPEC, where they discussed certification issues.

3. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Richard Schwermer noted today is Heather Mackenzie-Campbell's last day. There has been an offer made to fill the Director of Audit position. Mr. Schwermer noted Terri Yelonek, the Seventh District TCE, is retiring and Travis Erickson has accepted that position. A job announcement for Travis' current TCE position in the Second District was posted and will close 1/12.

Mr. Schwermer discussed the issue of sexual harassment in the workplace. Mr. Schwermer said there are some classes offered on sexual harassment for court employees but not necessarily for judges. The Education Department will address this issue at future conferences. Justice Thomas Lee said there should be regular discussions with staff on how to report incidents.

Mr. Schwermer noted Camille Neider was nominated to the bench of the Second District Court replacing Judge West. Jacey Skinner recently graduated as a Toll Fellow. Mr. Schwermer distributed the Judicial Council budget as proposed by the Governor's budget.

4. COMMITTEE REPORTS:

Management Committee Report:

The committee's work is reflective in the minutes.

Liaison Committee Report:

Justice Thomas Lee reported that recently committee members met with Brent Johnson to discuss Senator Todd Weiler's draft bill on expungement issues. Regular meetings will commence on January 12.

Policy and Planning Meeting:

Judge Derek Pullan noted there are three rules (rule 3-101, 3-201, and 3-111) on the consent calendar that need to be addressed by the Judicial Council because of their substantive changes. Judge Pullan moved to remove the three rules from the consent calendar and add them to the Judicial Council agenda. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

Judge Pullan noted Policy & Planning meets on a monthly basis. Twice a year the Committee has an all-day meeting.

Nancy Sylvester discussed rule 3-101. Ms. Sylvester proposed that this rule go out for public comment. After brief discussion, the rule will go out for public comment in the spring, after JPEC completes their evaluation process, and after JPEC has had an opportunity to discuss it.

Ms. Sylvester next discussed rule 3-201. There was one comment received. Judge Higbee moved to approve rule 3-201 with an effective date of May 1, 2018. Judge Toomey seconded the motion, and it passed unanimously.

Ms. Sylvester addressed rule 3-111. After discussion, Judge Toomey moved to send rule 3-111 for public comment, Judge Higbee seconded the motion, and it passed unanimously.

Bar Commission Report:

Rob Rice addressed the survey the State Bar is conducting to determine how litigants decide whether to hire counsel for their cases. Mr. Rice noted the 2019 and the 2020 Summer Bar Conventions will be held in Park City.

5. FOURTH DISTRICT/JUVENILE COMMISSIONER NOMINEE: (Judge James Brady)

Chief Justice Durrant welcomed Judge James Brady. Judge Brady said the Fourth District and Juvenile Benches met to select a candidate to fill the commissioner position. The Fourth District Judges have selected Sean Peterson. Shane Bahr will make the appropriate contacts to inform him of the Judicial Council's decision.

Motion: Judge Toomey moved to approve Sean Peterson to fill the Fourth District commissioner position. Judge Noonan seconded the motion, and it passed unanimously.

6. HOMESLESS YOUTH COURT: (Judge Elizabeth Knight)

Chief Justice Durrant welcomed Judge Elizabeth Knight. Judge Knight described a new effort to provide better support to youth transitioning from State care. They recently changed the name from "homeless youth court" to "transition youth court." Judge Knight explained some of the processes and how the youth are selected. Judge Knight said the Homeless Youth Center provides amazing services to the youth, including case managers who assist with job placement and housing. Judge Knight said she receives reports on the youth and presides over all of the cases in the transition court. Because it has been determined this is not a Problem Solving Court under the Rules of Judicial Administration, its formation does not need Council approval.

7. ADR COMMITTEE UPDATE: (Judge Royal Hansen and Nini Rich)

Chief Justice Durrant welcomed Judge Royal Hansen and Nini Rich. Ms. Rich distributed recent mediation statistics. Judge Hansen noted the Committee is working on updating the Mediation Best Practices Guide. Judge Hansen reviewed changes to the Committee roster.

8. JUDICIAL CONDUCT COMMISSION UPDATE: (Alex Peterson)

Chief Justice Durrant welcomed Alex Peterson. Mr. Peterson reviewed personnel changes within the Commission. Mr. Peterson noted the Commission had slightly fewer

referrals. Mr. Peterson advised the Council the Commission has moved their office to Salt Lake City. The Commission is working with JPEC to provide training at conferences. Chief Justice Durrant thanked Mr. Peterson for all of his work.

9. BOARD OF JUVENILE COURT JUDGES UPDATE: (Judge Ryan Evershed and Dawn Marie Rubio)

Chief Justice Durrant welcomed Judge Ryan Evershed. Judge Evershed reviewed the Board's goals, which include judicial outreach and implementation of H.B. 239. Judge Evershed noted the Board is trying to identify gaps in services to better assess needs of the juveniles with one step being to meet with service entities in the community, such as schools. Staff and judges are involved in filming of a video that will be shown at intake to youth who are referred to the Court for a delinquency offense. The video will be ready sometime after the first of the year.

Judge Evershed thanked the AOC staff for their continued good work.

10. PROPOSED PROBATION POLICY PROCESS: (Dawn Marie Rubio and Brent Johnson)

Chief Justice Durrant welcomed Dawn Marie Rubio and Brent Johnson. Ms. Rubio discussed the proposed probation policy approval process. Ms. Rubio said after speaking with Brent Johnson, she proposes the Judicial Council approve all existing policies with the understanding that additional changes to policies would be forthcoming. Brent Johnson said they would like the juvenile courts to be allowed to continue their current practices knowing that some policy changes may be due to HB 239. The review process will take about 15-18 months, pending final Judicial Council approval.

Motion: Judge Higbee moved to approve that the juvenile courts continue to use their current policies, with all policies being presented to the Judicial Council within the next 15-18 months. Judge Toomey seconded the motion, and it passed unanimously.

11. HR POLICY. CODE OF PERSONAL CONDUCT 500: (Keisa Williams).

Chief Justice Durrant welcomed Keisa Williams. Ms. Williams briefly addressed a situation where an employee left a personal weapon in a state vehicle. Ms. Williams noted this amendment is for an internal policy so it would not need to go out for public comment. Ms. Williams noted Chris Palmer has reviewed and approved the proposed amendment. The amendment excludes judges. Judge Noonan would like Ms. Williams to address this proposal with the TCE's, and then move it to consent calendar if there are no other proposed changes.

Motion: Judge Noonan moved to address this proposal with the TCE's and move it to consent calendar if there are no other proposed changes. Justice Lee seconded and it passed unanimously.

12. POLICY ON NAMING COURTHOUSES: (Keisa Williams)

Ms. Williams distributed an edited version of the proposed policy. Chief Justice Durrant noted he is also concerned about transparency and fairness. Justice Lee recommends adding a statement that the final decision does not reside within the Judiciary. There was discussion as

to whether the Building Board would seek the input of the Judicial Council prior to naming a courthouse. Mr. Schwermer noted the Judicial Council was involved with the naming of the Matheson Courthouse.

Motion: Justice Lee moved to adopt a policy moving forward that courthouses are not named after individuals, and that the Building Board be asked to seek input from the Judicial Council if there is a proposal to name a courthouse that they are considering. Judge Toomey seconded the motion, and it passed unanimously.

13. ACCESS AND FAIRNESS SURVEY RESULTS: (Jessica Van Buren)

Chief Justice Durrant welcomed Jessica Van Buren. Ms. Van Buren noted the survey is completed in alternating years, in the summer. The first survey was completed in 2006. Ms. Van Buren noted the survey results are reported to the districts as well as to the Legislature. Mr. Schwermer said Ms. Van Buren puts a considerable amount of time into the survey and the results are valuable to the courts as a way to measure public perception of the courts.

14. FORMS COMMITTEE UPDATE AND PROCESS: (Randy Dryer and Brent Johnson)

Chief Justice Durrant welcomed Randy Dryer. Mr. Dryer said the Committee meets monthly with subcommittees meeting regularly as well. Mr. Dryer noted the Forms Committee is focusing primarily on Licensed Paralegal Practitioner (LPP) forms. Mr. Dryer said each month the Judicial Council will be given various forms for approval. Mr. Schwermer noted the consent calendar is the presumption for the Judicial Council's approval of forms, unless requested otherwise. Mr. Johnson said he does not believe the forms would need to go through a public comment process but that the rolling input process used by the MUJI committees may be appropriate. Mr. Dryer said other issues they seek guidance from the Council on are the following: 1) whether a pro se litigant may recover fees paid to an LPP under circumstances where a fee award would be otherwise allowable if the fees were incurred by a licensed attorney providing the same services; 2) what is the role of the Committee as future legal and policy issues are identified; and 3) what policy would the Judicial Council prefer as to translating forms in various languages.

Regarding question #1, it was suggested that the committee consult with the LPP committee regarding the court ordering fees to LPP's. At the present time, forms only reflect attorney fees, consistent with the current statutory provisions.

Regarding question #2, the committee was encouraged to bring either the Management Committee or Judicial Council any appropriate legal or policy issues through Brent.

Regarding question #3, Mr. Johnson recommends the Forms Committee prioritize on a case-by-case basis which forms need to be translated. Mr. Schwermer said the courts have certified Spanish interpreters as well as one Vietnamese interpreter. Ray Wahl noted there would not be any cost associated with translating forms if the staff interpreters are utilized. Mr. Rice questioned whether it could be the responsibility of the LPP if a form needs to be translated into a language, other than the common ones used in Utah.

Mr. Dryer noted the Forms Committee is creating a master list of forms with a numbering system.

15. SENIOR JUDGE CERTIFICATION: (Nancy Sylvester)

Ms. Sylvester briefly addressed the certification of Judge Paul Lyman as an active senior judge and Judge John Sandberg as an inactive senior judge.

Motion: Judge Toomey moved to approve Judge Paul Lyman as an active senior judge and Judge John Sandberg as an inactive senior judge. Judge DeCaria seconded the motion, and it passed unanimously.

16. SELF-REPRESENTED PARTIES COMMITTEE UPDATE: (Judge Barry Lawrence and Nancy Sylvester)

Chief Justice Durrant welcomed Judge Barry Lawrence. Judge Lawrence addressed the Committee's goals and projects. Judge Lawrence said there are a lot of programs established in the Third District Court. One of the challenges is that many of the programs are Salt Lake based and do not reach the rural districts. Judge Lawrence noted only 1% of collection cases have defendants that are represented by an attorney. Judge Lawrence said he would like to see additional resources be given to the Self-Help Center.

17. MUJI – CIVIL COMMITTEE UPDATE: (Judge Andrew Stone and Nancy Sylvester)

Chief Justice Durrant welcomed Judge Andrew Stone. Judge Stone said the Committee has been busy with new instructions. Judge Stone reviewed the Committee's work. Judge Stone presented the Judicial Council with a priority list as created by the Committee. Judge Walton suggested that it may be appropriate to provide an educational opportunity for District judges on the instructions and the work of the Committee.

18. ADJOURN

The meeting was adjourned.

Tab 2

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**January 9, 2018
Council room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
12:00 p.m. – 2:00 p.m.**

Members Present:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Toomey, Vice Chair
Hon. David Marx
Hon. Mary Noonan
Hon. Todd Shaughnessy

Staff Present:

Richard Schwermer
Ray Wahl
Jeni Wood
Shane Bahr
Cathy Dupont
Jim Peters
Kara Mann
Dawn Marie Rubio
Nancy Sylvester

Excused:

Guests:

Scott Gollaher – by phone
David Webb

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

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

Motion: Judge Kate Toomey moved to approve the December 12, 2017 Management Committee meeting minutes. Judge David Marx seconded the motion, and it passed unanimously.

2. ADMINISTRATOR’S REPORT: (Richard Schwermer)

Richard Schwermer mentioned the courts were authorized to carry forward \$2.5 million, but only carried forward \$2 million. After adjustments, there was an additional \$158,000 more that was carried forward than budgeted by the Council. Mr. Schwermer noted the choices before the committee are to wait until April or to allocate the funds now. Ray Wahl said the courts will overspend the senior judge budget with combined one-time and ongoing funding. After brief discussion, the committee agreed to postpone moving the funds and they would be just placed in the “reserve” category until April.

Judge Lyle Anderson from the Seventh District Court announced his retirement effective July 1. Mr. Schwermer mentioned by statute (Utah Code § 78A-10-104), the Governor’s Office must advertise this vacancy no later than January 12. Mr. Schwermer said an option is to try to transfer the position to the Third District. Mr. Schwermer said if Judge Anderson’s position was eliminated after his retirement, the districts caseload would be at approximately 102%. Judge

Shaughnessy said now is a prime time to review this possibility. Mr. Schwermer said this has been tried before, however, the existing statute was not in effect at that time. The current statute intends to prohibit this kind of transfer. Chief Justice Durrant said it might be possible to move the position from the Seventh District to the Third District during the open time-frame for applications. It was agreed that Mr. Schwermer should seek the input of the Presiding Judges in 7th District. After further discussion, Mr. Schwermer will make internal contacts then put this item on the January 22, 2018 Judicial Council agenda.

3. COMMITTEE APPOINTMENT: (Kara Mann)
Language Access Committee

Kara Mann introduced herself as the relatively new Language Access Coordinator. Ms. Mann briefly addressed the Language Access Committees recommendation to appoint Chris Kunej to serve on the committee. Ray Wahl complimented Kara Mann on her organization of the Language Access program.

Motion: Judge Toomey moved to approve the appointment of Chris Kunej to the Language Access Committee and to place this item on the December Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

4. THIRD DISTRICT COURT CLERICAL REQUEST: (Shane Bahr)

After reviewing various potential outcomes and visiting with the Third District, Mr. Bahr said there are basically two requests: 1) increase judicial positions; and 2) increase clerical positions. Mr. Schwermer noted the cost for one commissioner is \$199,100 and the cost for one juvenile court clerk is \$87,000. Combining those two positions would cover the cost of one judge position. Mr. Schwermer explained that there are three vacant clerical FTE's in Third District Juvenile that could be moved immediately. Mr. Schwermer recommended moving two clerical positions associated with the commissioner workload, the commissioner vacancy, and the three vacant clerical positions to the Third District.. Mr. Schwermer noted the courts have contributed .2 FTE judicial officers time for a fourth drug court in the Third District, which equates to \$90,000 annually, for Operation Rio Grande.

Motion: Judge Noonan moved to transfer the three vacant clerical positions from the Third District Juvenile to the Third District. Judge Noonan also recommended to move, when they become vacant, two clerical and one commissioner position and put on the Judicial Council agenda. Judge Toomey seconded the motion, and it passed unanimously.

5. POLICY ON NAMING COURTHOUSES: (Nancy Sylvester)

Nancy Sylvester presented the Policy & Planning Committees draft proposal for the policy of naming courthouses.

Motion: Judge Toomey moved to approve the proposed policy on naming courthouses and put this item on the Judicial Council agenda. Judge Shaughnessy seconded the motion, and it passed unanimously.

6. GRAMA REQUEST APPEAL - WEBB: (Nancy Sylvester)

Nancy Sylvester discussed Mr. Webb's appeal. Ms. Sylvester introduced David Webb. Mr. Webb addressed his GRAMA request. Mr. Webb explained that he is currently in litigation and he believes attorneys are state-actors. Mr. Webb would like to see the amounts of federal funding the Utah Supreme Court has received. Mr. Webb would like the materials before February 5. The Committee discussed the request and directed Ms. Sylvester to provide the grant letters to Mr. Webb. Ms. Sylvester stated she can get information for Mr. Webb.

7. GRAMA REQUEST APPEAL - GOLLAHER: (Nancy Sylvester)

Ms. Sylvester next addressed Scott Gollaher's GRAMA request appeal. Mr. Gollaher was contacted by phone to address his appeal. Mr. Gollaher was present by phone. Mr. Gollaher discussed his GRAMA request, which was initially denied in July 2017. Mr. Gollaher would like records from the Second District Court that address the courtroom audio system. Ms. Sylvester will follow up with this request.

8. PROBATION POLICIES 2.14, 4.11, 4.15, and 4.18: (Dawn Marie Rubio)

Ms. Rubio presented the proposed policies. Ms. Rubio is asking these be approved and moved to the Judicial Council consent agenda. Ms. Rubio said these are policies that have already been in place and reviewed by legal. Ms. Rubio noted these policies have been approved by the Board of Juvenile Court Judges.

Motion: Judge Toomey moved to approve policies 2.14, 4.15, and 4.18 and add them to the Judicial Council consent calendar and send policy 4.11 to the Board of Juvenile Court Judges for further review based on a recent Court of Appeals Decision. Judge Noonan seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the proposed agenda for the January 22, 2018 Judicial Council meeting.

Motion: Judge Toomey moved to approve the Judicial Council agenda as amended. Judge Shaughnessy seconded the motion, and it passed unanimously.

10. ADJOURN

The meeting was adjourned.

Policy and Planning Committee

**Executive Dining Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111**

**January 5, 2018
12:00 – 2:00 p.m.**

Draft

Members Present

Hon. Derek Pullan - Chair
Hon. Augustus Chin
Hon. Mary Noonan
Rob Rice
Hon. Kara Pettit (by phone)
Hon. John Walton (by phone)

Members Excused

Staff

Pam Johns – recording Secretary
Nancy Sylvester
Keisa Williams
Richard Schwermer- Court Administrator
Catherine Dupont
Judge Barry Lawrence

Guests

Kimball Parker- Parson Behle & Latimer

(1) Welcome and Approval of minutes.

Judge Derek Pullan welcomed the members to the meeting. Judge Pullan addressed the December 1, 2017 minutes. There being no changes, Rob Rice made a motion to approve the minutes as written. Judge Chin seconded the motion and it passed unanimously.

(2) BYU LawX Project for debt collection cases.

Mr. Parker is the Director of LawX, a BYU Legal Design Lab. The Lab has developed a new software program for pro se, debt collection defendants. The program is similar to Turbo Tax and will assist pro se parties in answering a complaint for a debt collection case in both the District and Justice Court. The program will be free to users. Mr. Parker is asking the courts to allow pro se litigants using the program to be able to email the PDF package to the court, rather than have to print the documents and hand-deliver or mail them. The documents submitted to the court would be formatted based on the online forms provided by the court. Mr. Parker walked the committee through a demonstration of the program.

Ms. Dupont asked if the software program would be available in different languages. Mr. Parker stated that the lab is currently working on a Spanish version and they are interested in other languages as well. Ms. Williams directed Mr. Parker to the Utah Court Certified Interpreter List on the court's website and encouraged him to use one of those interpreters to ensure any interpreters they use are familiar with legal terminology.

Judge Pullan noted that if the court allowed the documents to be filed via email, there would be question as to when the documents were officially deemed "filed" with the court. Is it the date/time the email is sent? Is it the date/time the clerk opens the email? What if it goes to a Spam folder?

Judge Lawrence said that the Self-represented Parties Committee has been looking at the issue of the high percentage of debt collection case defaults and was interested in what Mr. Kimball and his students were doing.

Mr. Schwermer noted that the courts are working to address e-filing for pro se litigants through a CORIS rewrite and the court's ODR program will likely be extended to debt collection cases in the near future. The Supreme Court will be discussing this program at its January 17th conference. Mr. Schwermer will attend and report back to this committee any guidance from the Court.

The committee discussed various filing options and the impact they might have on Utah Rules of Civil Procedure and in-house policies. Ms. Sylvester suggested to Mr. Kimball that the drop down list of districts should filter out the location data of other districts in the next drop down box. The committee asked Ms. Sylvester to be the direct contact with Mr. Parker to update him on the progress of his request and to work with him on any potential civil rules issues.

Judge Pullan thanked Mr. Parker for addressing the committee. The committee is supportive of the concept and will consider the request, although it may take some time for a full resolution of it.

(3) CJA 3-104. Presiding Judges. CJA 6-501. Reporting Requirements for Guardians and Conservators. CJA 1-205. Standing and Ad Hoc Committees.

Ms. Sylvester addressed CJA Rules 3-104, 6-501, and 1-205. The rules are back from public comment. They did not receive any comments.

A motion was made by Judge Noonan to approve the rules for submission to the Judicial Council with a recommendation that they be adopted as final. Mr. Rice seconded the motion and it passed unanimously.

(4) Policy on Naming Courthouses.

Judge Pullan addressed the revision of the policy on naming courthouses and the direction from the Judicial Council. Judge Pullan is opposed to naming courthouses after individuals because he thinks the law transcends any one individual, no matter how great the person's accomplishments. Judge Noonan noted that policies should not begin with a statement that the court does not have the authority to act.

After discussion, Judge Noonan moved to remove the first two sentences and send the revised policy to the Judicial Council for consideration and approval. Judge Chin seconded the motion and it passed unanimously.

(5) CJA 2-212. Communication with the Office of Legislative Research and General Counsel.

Ms. Sylvester addressed CJA Rule 2-212. Ms. Sylvester stated that the rule is ready for the committee's consideration. The rule originally went out for public comment in February 2017 and received a comment from the legislature. This committee reviewed the comment at its May 2017 meeting and adopted them into the draft rule but suggested that Ms. Sylvester work with the Appellate Court Administrator and the Supreme Court on a companion Supreme Court rule. Judge Pullan asked if the Supreme Court's rule (CJA 11-106) had been approved by the Supreme Court. Ms. Sylvester stated it had not. She wanted to get this committee's feedback before presenting both rules to the Court.

Judge Pullan and Judge Noonan indicated that the same language should be used in both rules to make them consistent. The committee asked that paragraph (1) in CJA 11-106 outlining the definition of proposed rules be added to CJA 2-212. The distribution list in paragraph (2) in CJA 11-106 should be reviewed for accuracy and should be consistent with CJA 2-212. Judge Noonan noted that the Judicial Council is not listed. "Proposed" should be used instead of "draft." "Email" should be used instead of "send."

Ms. Sylvester will revise the rules as directed and take this committee's comments to the Supreme Court for feedback and guidance.

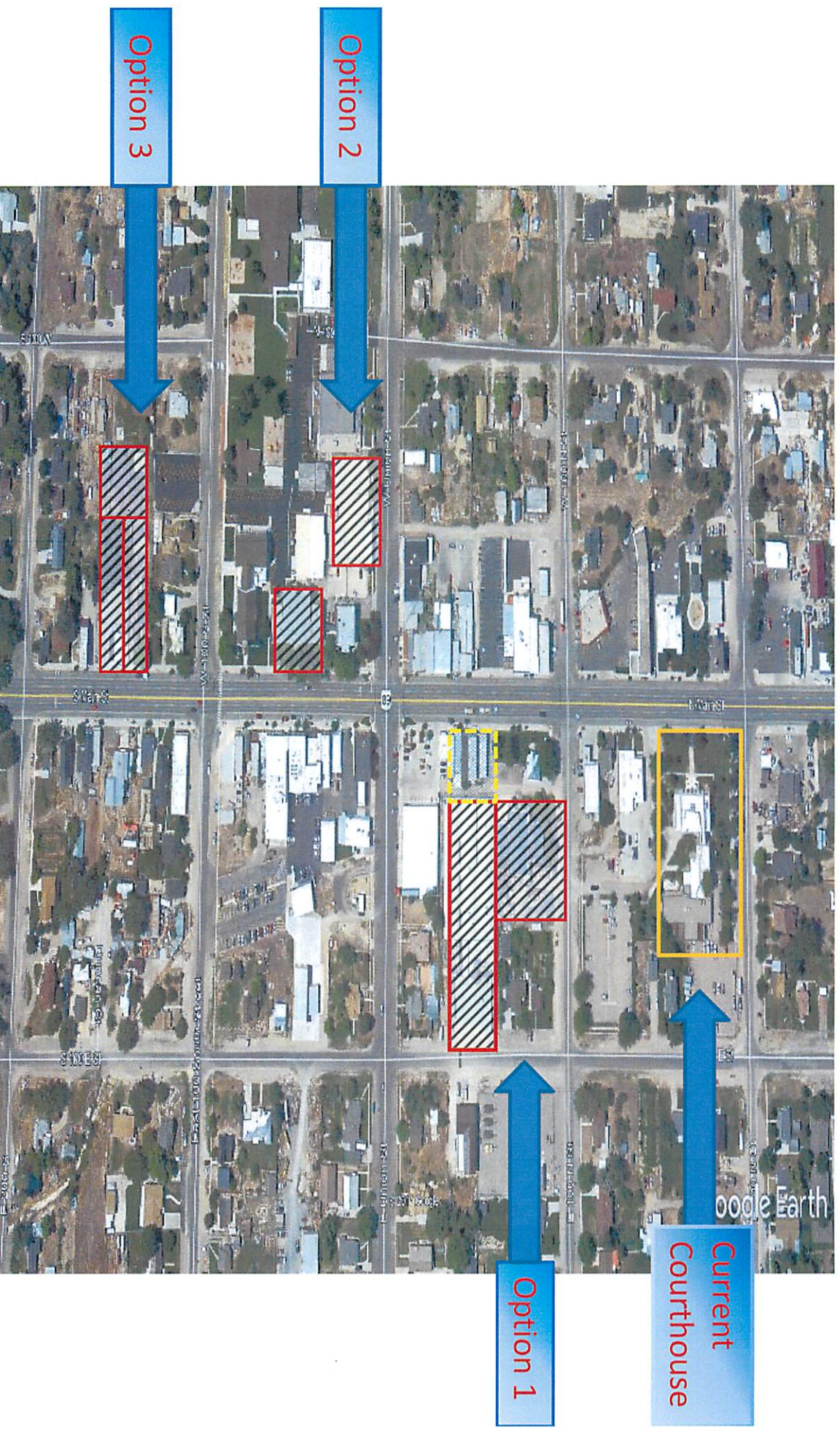
(6) Other Business

Judge Chin moved to adjourn the meeting, Mr. Rice seconded the motion and it passed unanimously.

The next meeting is scheduled for February 2, 2018 in the council room at 12:00. There being no other business the meeting was adjourned at 1:26 pm.

Tab 3

Sanpete County Manti Courthouse Site options

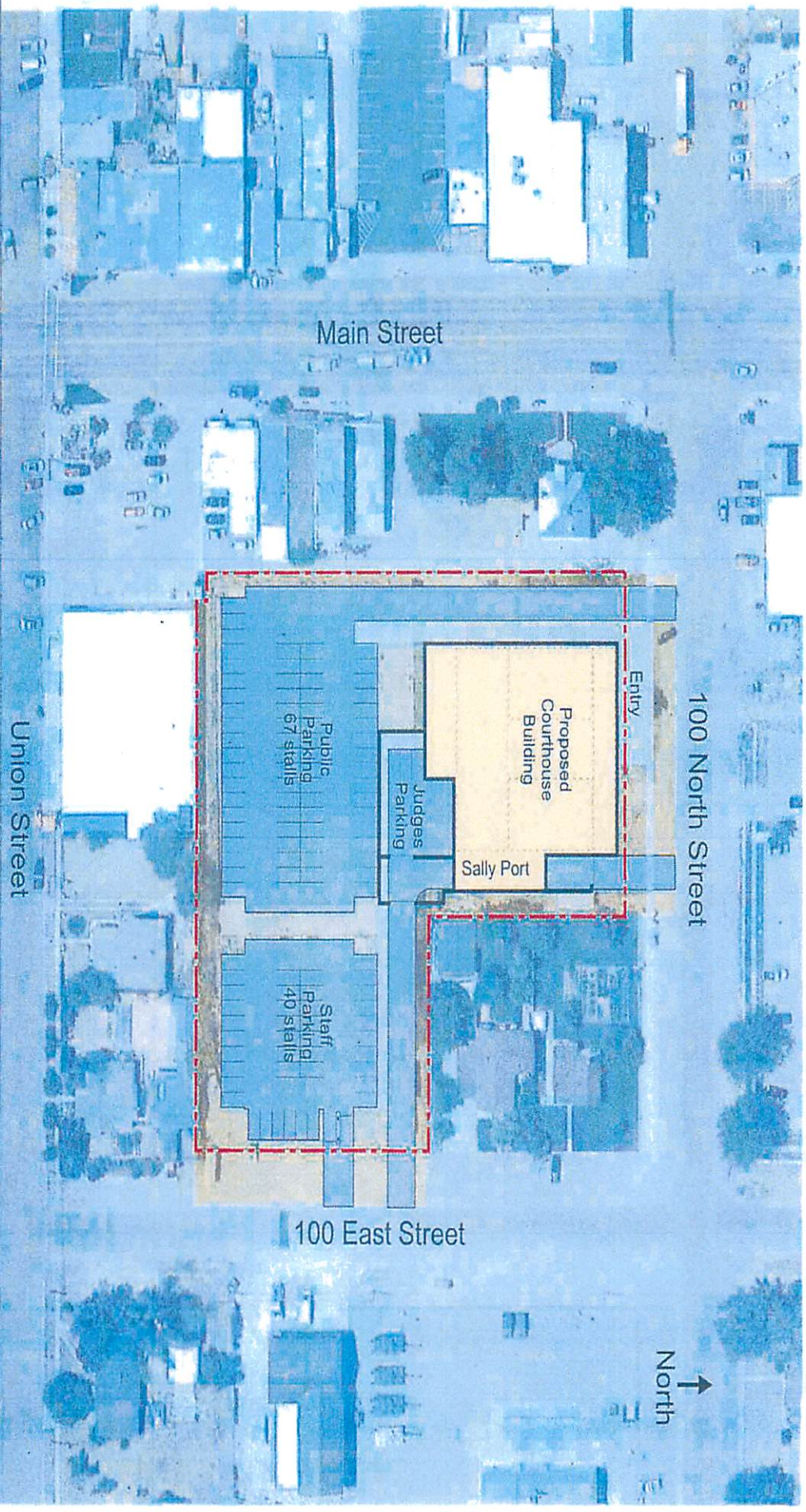


Sanpete County, Manti Courthouse

Purchase Options

• Option	Acres	Available	Cost
• Option 1	2.29	Yes	\$250,000
• Option 2	0.92	Maybe	\$550,000
• Option 3	1.33	Maybe	\$500,000

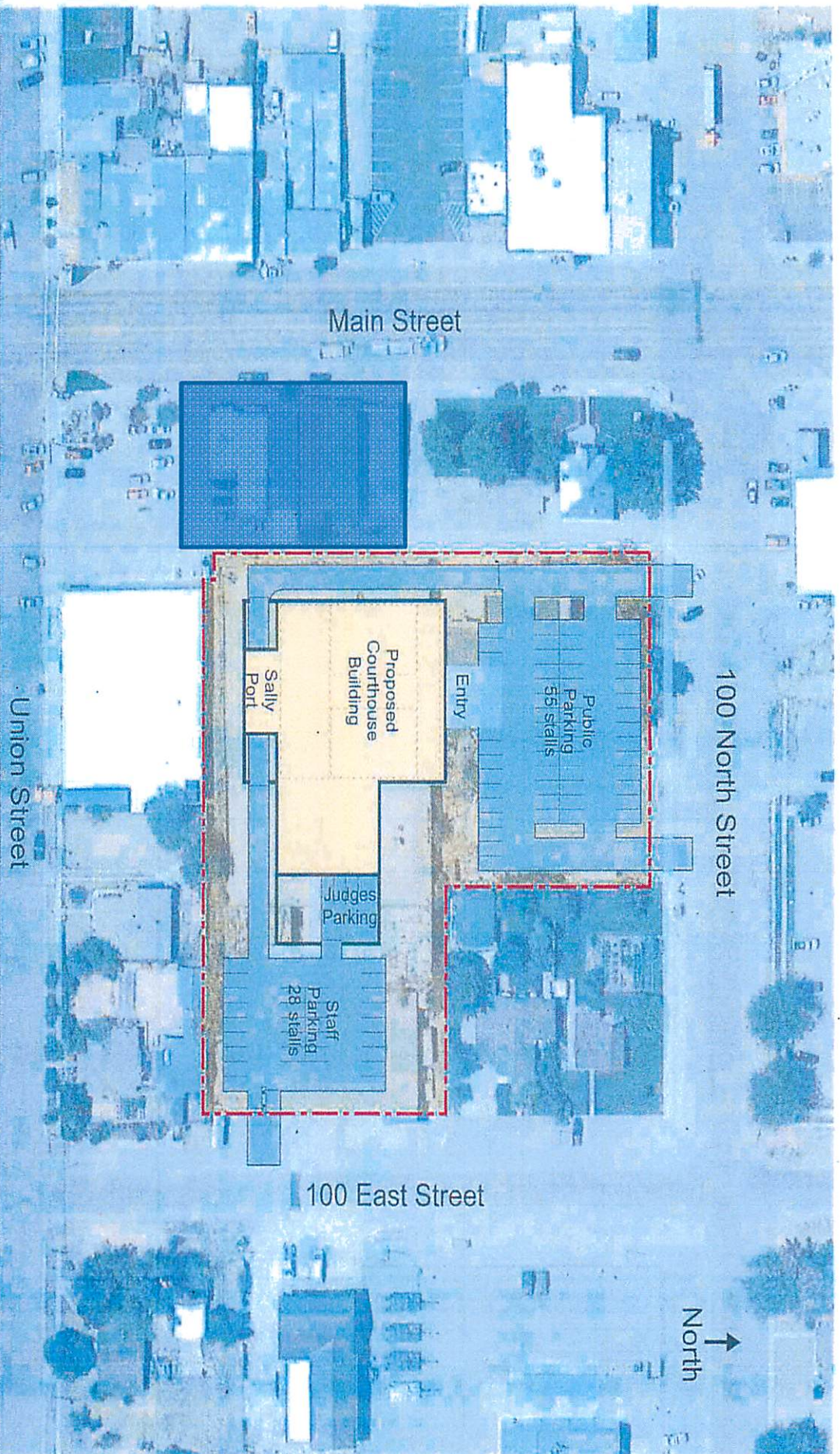
Manti Courthouse Layout Option 1



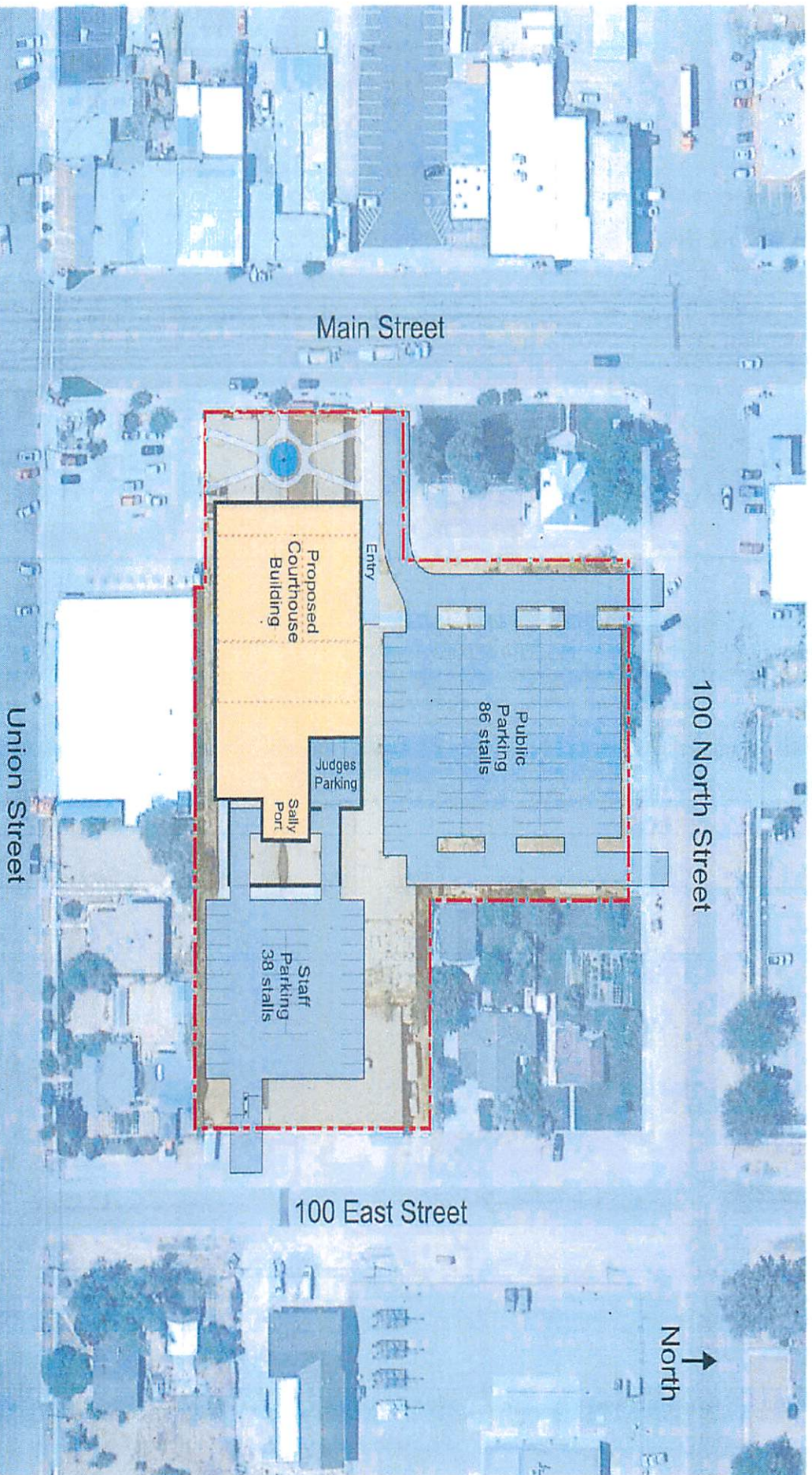
SITE LAYOUT STUDY 1

PROPOSED JUDGE COURTHOUSE, MANTI, ILL.

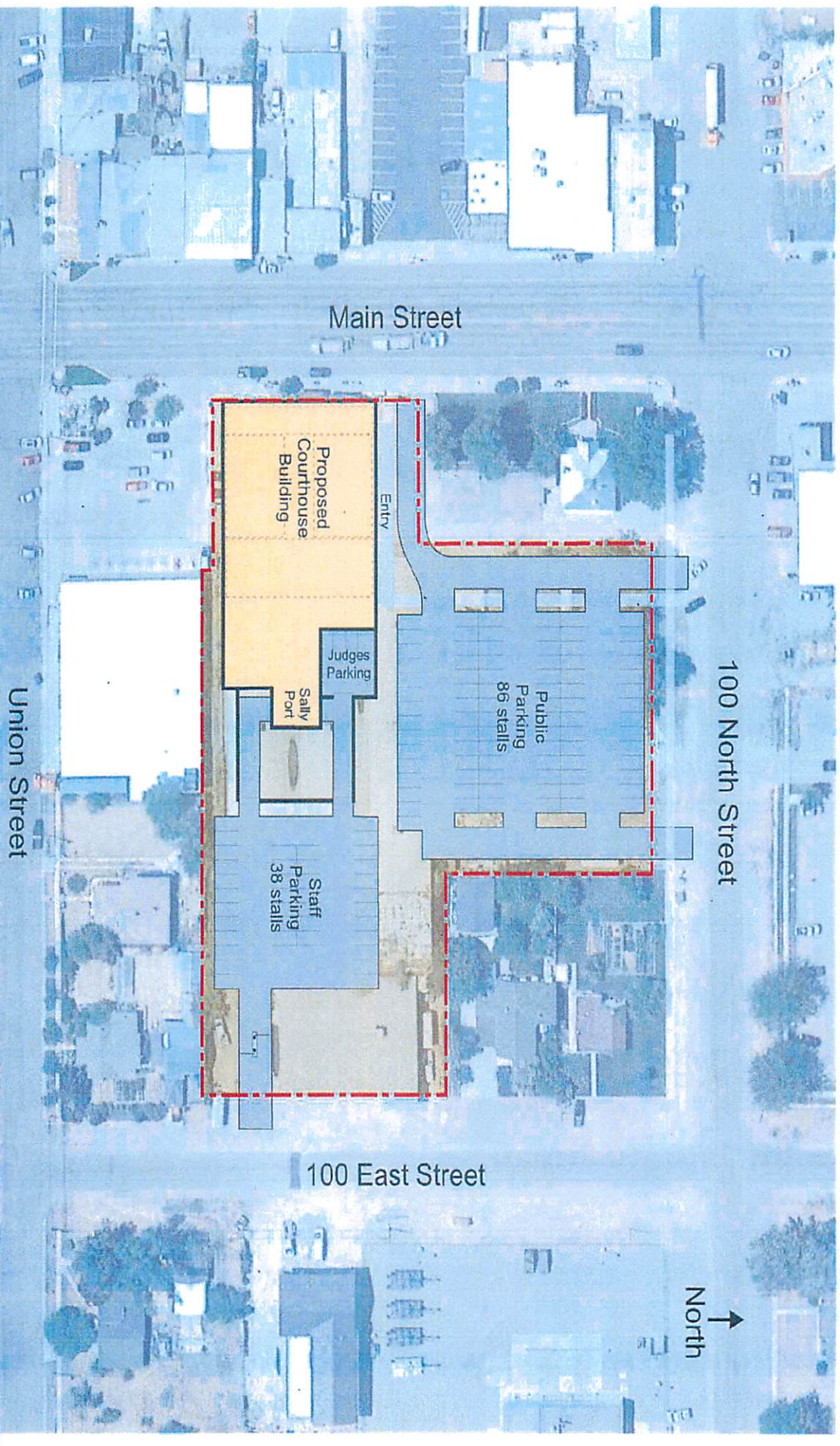
Manti Courthouse Layout Option 2



Manti Courthouse Layout Option 3



Manti Courthouse Layout Option 4



Tab 4

Utah WINGS Update

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS), <http://www.utcourts.gov/utc/wings>, is a multi-disciplinary problem solving body that relies on court-community partnerships to:

- Oversee guardianship practice;
- Address key policy issues;
- Improve the current system of guardianship and less restrictive alternatives;
- Engage in outreach, education;
- Enhance the quality of care and quality of life of vulnerable adults.

WINGS Executive Committee:

1. David Connors, Presiding Judge, Second District Court, WINGS Chair
2. Karolina Abuzyarova, WINGS and Court Visitor Program Coordinator
3. Kent Alderman, Elder law attorney, Elder Law Section of the Utah State Bar
4. Mary Jane Ciccarello, Co-Director, Borchard Foundation of Law and Aging
5. Nancy Sylvester, Associate General Counsel, Administrative Office of the Courts
6. Shannon Alvey, Director, Office of Public Guardian

Steering Committee:

1. Andrew Riggle, Policy Analyst, Disability Law Center
2. Daniel Musto, Director, Long-term Care Ombudsman
3. Dustin Hammers, Assistant Professor of Neurology, Neuropsychologist, Center for Alzheimer's Care, Imaging and Research, University of Utah Health Care
4. James Brady, Judge, Fourth District Court
5. James Toledo, Program Manager, Utah Division of Indian Affairs
6. Joanne Bueno Sayre, Probate Clerk, Third District Court
7. Kaye Lynn Wootton, Deputy Director, Medicaid Fraud Control Unit, Attorney General
8. Michelle Wilkes, Court Visitor Volunteer Coordinator
9. Nan Mendenhall, Director, Adult Protective Services
10. Nels Holmgren, Director, Utah Division of Aging and Adult Services
11. Wendy Fayles, Criminal Justice Mentor, National Alliance on Mental Illness

Utah WINGS activities and accomplishments are:

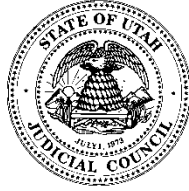
1. In November 2017 WINGS finished the grant from the Utah State University Center for Persons with Disabilities "Interagency Outreach Training Initiative" (\$30,000):
 - a. Trained 243 professionals and caregivers on advance life planning and guardianship around the state of Utah in FY 2017.
 - b. Organized a roundtable "Crossroads of Guardianship, Involuntary Commitment and Essential Treatment" on November 2, 2017 and produced an action plan: <http://www.utcourts.gov/utc/wings/wp-content/uploads/sites/33/2016/01/2017-11-02-Roundtable-Report-and-Action-Steps-1.pdf>

2. Secured the Elder Justice Innovation grant “WINGS Focus on Court Oversight” (\$30,000) from the Commission on Law and Aging of the American Bar Association and National Center for State Courts to:
 - a. Establish judicial response protocol in cases of abuse and neglect, and protocol of appointment of limited guardianship.
 - b. Develop judicial training materials: benchbook, benchcard, checklist with questions for guardianship hearing, flowchart of referral in cases of abuse, and online resources for judges.
3. Secured an ASPIRE grant (\$40,000) to provide life planning and guardianship advice to families with children with disabilities on SSI. ASPIRE stands for Achieving Success by Promoting Readiness for Education and Employment and is operating within the Utah State Office of Rehabilitation of the Department of Workforce Services.
4. Translated into Spanish the online training program on “Planning Ahead and Alternatives to Guardianship” and “Court Guardianship Process and Procedures”: <https://www.utcourts.gov/howto/family/gc/training.html>. Created and published online a third segment of the online training program “Serving as a Guardian and Conservator” that is in the process of being translated into Spanish.
5. In fall 2017 completed evaluation of the Court Visitor Program with the help of the graduate student of the Gerontology Interdisciplinary Program of the University of Utah.
6. Guardianship Signature Program had 91 appointments of pro bono or low bono attorneys to represent indigent respondents in guardianship proceedings in 2017.
7. WINGS outreach activities in 2017:
 - Presented on the Court guardianship resources and oversight at the White Collar Crime Conference of the Certified Fraud Examiners on October 13, 2017.
 - Presented at the panel “WINGS: State Interdisciplinary Networks Take Flight to Advance Guardianship Goals” at the National Guardianship Association Conference on October 16, 2017.
 - Presented on the Court guardianship oversight efforts in response to New Yorker article “How Elderly Lose their Rights” at the Utah Commission on Aging meeting on November 9th, 2017.

Activities in progress:

1. Conduct “Guardianship Basics” classes for district court judges in all districts until July 31, 2018 as part of the Elder Justice Innovation grant. Overview of the less restrictive alternatives, capacity evaluation, limited guardianship, and tools for court oversight.
2. Continue classes for ASPIRE families with children with disabilities until Sept. 30, 2018.
3. Follow up on the action steps of the roundtable “Crossroads of Guardianship, Involuntary Commitment and Essential Treatment”.
4. Provide training to the court clerks working on probate matters with the most updated information on Court guardianship resources available to the public.
5. Conduct outreach to minority communities with Court resources available in Spanish on advance life planning and guardianship: Consulate of Mexico in Salt Lake City, Minority Bar Association, United Communities, Utah Family Center, Utah Parent Center.

Tab 5




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: Keisa L. Williams 
Date: January 5, 2018
Re: Salt Lake County Study / Access to Justice Lab at Harvard Law School

The PSA Working Group is recommending that the Judicial Council approve a special randomized control trial (“RCT”) of the Public Safety Assessment (“PSA”) in Salt Lake County (“SLC”), to be conducted by the Access to Justice (“A2J”) Lab at Harvard Law School. The Council previously approved A2J Lab studies in Davis, Morgan, Weber, and Utah counties. Those evaluations would test the PSA’s effectiveness in Utah through randomized provision of its report and recommendation to judges at the probable cause review stage.

The SLC study would be different, taking advantage of the County’s robust pretrial services program. The A2J Lab has proposed to conduct the first direct test of the proposition that an arrestee interview, in conjunction with static-based criminal history data, does not improve pretrial outcomes in SLC. Under their study, pretrial staff and judges would always receive the PSA report and recommendation; they would randomly have access to interview responses alongside the PSA when making release decisions. The Working Group supports the SLC study because these interviews in SLC (and around the country) cost time and other resources, usually occur without counsel present, and may not actually predict failure better than administrative criminal history data. The A2J Lab’s framework would keep certain elements of the status quo. Judges will receive the same information about an arrestee from attorneys later on in the life of the case. They also would receive a limited set of interview responses from cases randomized to include those responses in the pretrial release decision: employment status, ties to the community, and length of residence in the area.

Because there has never been a direct study of a static tool against the same static tool supplemented by interview-based information, this study would tell us with a high degree of statistical accuracy whether SLC should continue investing in interviews.

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.

The following is an overview of how the SLC study would be different from the others.

Davis, Morgan, Weber, and Utah Counties:

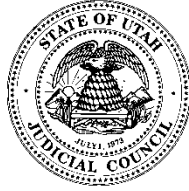
- PSA will be generated for every arrest but will only be provided to judges in randomly selected cases at the probable cause (“PC”) review stage.
 - For example:
 - PC IDs ending in an odd number – PSA will not be shown to judge
 - PC IDs ending in an even number – PSA will be shown to judge

Salt Lake County:

- PSA will be generated on every individual and provided to a pretrial release decision-maker in every case.
- A Salt Lake County Pretrial officer (the “Interviewer”) in the jail will conduct an interview with every defendant asking the following 5 questions:
 1. Are you employed?
 2. Where do you live?
 3. How long have you lived there?
 4. How long have you been in the area?
 5. Do you have any adult ties, i.e., personal references that live in the area, to the community?
- In randomly selected, even-numbered cases (again, using the PC ID), a Decision-maker can access the five (5) questions and answers collected by an Interviewer to use alongside the PSA at his/her discretion.
- The decision-maker will order release or further detention using the PSA report and/or interview answers as he or she sees fit.

Because the SLC study would be different from the others, it will require additional programming. The IT resources required must be deployed soon so that the RCT and PSA are ready for implementation once a new go-live date has been established. The Working Group is seeking approval from the Judicial Council to conduct the study, if the A2J Lab determines that it would be viable.

Tab 6



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 / Judicial Council
From: Keisa L. Williams 
Date: January 5, 2018
Re: Policy on Naming Courthouses

At the Judicial Council's December 18th meeting, the Council discussed Policy and Planning Committee's proposal on naming courthouses. After an extensive discussion, the Council requested an amendment making it clear that the Court's policy is that courthouses should be named after geographic locations only. The Policy and Planning Committee further revised the policy based on the Council's feedback. Attached is a revised draft for the Council's consideration and approval.

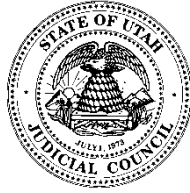
Encl. Draft Policy on Naming Courthouses

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.

Judicial Council Policy on Naming Courthouses

The Judicial Council's policy is that courthouses should be named after geographic locations.

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 *Nancy D. Sylvester*
Date: January 8, 2018
Re: Rules 1-205, 3-104, 6-501 for Final Action

The public comment period for Rules 1-205, 3-104, and 6-501 of the Utah Code of Judicial Administration has now closed. The proposals received no public comments.

CJA01-0205. Standing and ad hoc committees. Amend. Adds a justice court judge to the Standing Committee on Resources for Self-represented Parties.

CJA03-0104. Presiding judges. Amend. Moves and amends paragraph (c)(5) from Rule 7 of the Utah Rules of Criminal Procedure, which addresses the use of justice court judges as magistrates.

CJA06-0501. Reporting requirements for guardians and conservators. Amend. In conformity with [H.B. 214](#) (2017), removes the requirement that a non-parent co-guardian report to the court when another co-guardian is the parent of the protected person.

Following discussion, the Policy and Planning Committee voted to recommend that the Council adopt these rules. If the Council adopts them, the rules will be effective May 1, 2018.

Encl. CJA 1-205
CJA 3-104
CJA 6-501

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.

Rule 1-205. Standing and ad hoc committees.

Intent:

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

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

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

Applicability:

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

Statement of the Rule:

(1) Standing committees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(A)(xiv) Committee on Court Forms.

(1)(B) Composition.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B)(xiv) The Committee on Court Forms shall consist of one district court judge, one juvenile court judge, one justice court judge, one court clerk, one appellate court staff attorney, one representative from the Self-Help Center, the State Law Librarian, the Court Services Director, one member selected by the Online Court Assistance Committee, one representative from a legal service organization that serves low-income clients, one paralegal, one educator from a paralegal program or law school, one person skilled in linguistics or communication, and one representative from the Utah State Bar.

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

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

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

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

committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

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

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

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

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

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

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

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

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

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

Rule 3-104. Presiding judges.

Intent:

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

Applicability:

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

Statement of the Rule:

(1) Election and term of office.

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

(1)(B) Associate presiding judge.

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

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

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

(2) Court organization.

(2)(A) Court en banc.

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

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

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

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

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

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

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

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

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

48 (3) Administrative responsibilities and authority of presiding judge.

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

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

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

61 (3)(B) Coordination of judicial schedules.

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

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

66 (3)(C) Authority to appoint senior judges.

67 (3)(C)(i) The presiding judge is authorized to use senior judge coverage for up to 14 judicial days if a
68 judicial position is vacant or if a judge is absent due to illness, accident, or disability. Before assigning a
69 senior judge, the presiding judge will consider the priorities for requesting judicial assistance established
70 in Rule 3-108. The presiding judge may not assign a senior judge beyond the limits established in Rule
71 11-201(6).

72 (3)(C)(ii) The presiding judge will notify the State Court Administrator when a senior judge assignment
73 has been made.

74 (3)(C)(iii) If more than 14 judicial days of coverage will be required, the presiding judge will promptly
75 present to the State Court Administrator a plan for meeting the needs of the court for the anticipated
76 duration of the vacancy or absence and a budget to implement that plan. The plan should describe the
77 calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget
78 should estimate the funds needed for travel by judges and for time and travel by senior judges.

79 (3)(C)(iv) If any part of the proposed plan is contested by the State Court Administrator, the plan will
80 be reviewed by the Management Committee of the Judicial Council for final determination.

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

84 (3)(E) Outside agencies and the media.

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

89 (3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the court executive
90 shall represent the court and make statements to the media on matters pertaining to the total court and
91 provide general information about the court and the law, and about court procedures, practices and
92 rulings where ethics permit.

93 (3)(F) Docket management and case and judge assignments.

94 (3)(F)(i) The presiding judge shall monitor the status of the dockets in the court and implement
95 improved methods and systems of managing dockets.

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

98 (3)(F)(iii) Individual judges of the court shall convey needs for assistance to the presiding judge. The
99 presiding judge shall, through the State Court Administrator, request assistance of visiting judges or other
100 appropriate resources when needed to handle the workload of the court.

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

103 (3)(G) Court executives.

104 (3)(G)(i) The presiding judge shall review the proposed appointment of the court executive made by
105 the State Court Administrator and must concur in the appointment before it will be effective. The
106 presiding judge shall obtain the approval of a majority of the judges in that jurisdiction prior to concurring
107 in the appointment of a court executive.

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

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

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

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

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

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

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

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

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

(3)(J) Budgets. The court executive, in consultation with the presiding judge, shall oversee the development of the budget for the court. In contract sites, the court executive shall supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

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

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

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

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

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

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

147 (3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.

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

152 (3)(L) Cases under advisement.

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

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

161 (3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under
162 advisement for more than two months to the appropriate state level administrator and indicate the
163 reasons why the case or issue continues to be held under advisement.

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

166 (3)(M) Board of judges. The presiding judge shall serve as a liaison between the court and the Board
167 for the respective court level.

168 (3)(N) Supervision and evaluation of court commissioners. The presiding judge is responsible for the
169 development of a performance plan for the Court Commissioner serving in that court and shall prepare an
170 evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and
171 evaluation shall be maintained in the official personnel file in the Administrative Office.

172 (3)(O) Magistrate availability. The presiding judge in a district court shall consult with the justice court
173 administrator to develop a rotation of magistrates that ensures regular availability of magistrates within
174 the district. The rotation shall take into account each magistrate's caseload, location, and willingness to
175 serve.

Rule 6-501. Reporting requirements for guardians and conservators.

Intent:

To establish the requirements sufficient to satisfy the Utah Uniform Probate Code.

Applicability:

This rule applies to guardians and conservators with the following exceptions:

This rule does not apply if the ~~guardian or conservator~~ or coguardian is the parent of the ward.

Paragraph (1) does not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school.

Paragraph (1) does not apply to a conservator licensed under the Title 7, Chapter 5, Trust Business, to a guardian licensed under §75-5-311(1)(a), or to the Office of Public Guardian.

Paragraphs (6)(A), (6)(B) and (6)(C) do not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school. A person interested in the minor may request a report under Utah Code Section 75-5-209.

Paragraph (6)(D) does not apply to the guardian of a minor if the minor's estate is deposited in an account requiring judicial approval for withdrawal or if there is no estate. A person interested in the minor may request an accounting under Utah Code Section 75-5-209.

Statement of the Rule:

(1) Examination and private information record.

(1)(A) Before the court enters an order appointing a guardian or conservator, the guardian or conservator shall file a verified statement showing satisfactory completion of a court-approved examination on the responsibilities of a guardian or conservator.

(1)(B) After the court enters the order of appointment, the guardian or conservator shall file within 7 days a completed and verified Private Information Record form provided by the Administrative Office of the Courts. The guardian or conservator shall continue to keep the court apprised of any changes to the guardian or conservator's contact information.

(2) **Recordkeeping.** The guardian shall keep contemporaneous records of significant events in the life of the ward and produce them if requested by the court. The conservator shall keep contemporaneous receipts, vouchers or other evidence of income and expenses and produce them if requested by the court. The guardian and conservator shall maintain the records until the appointment is terminated and then deliver them to the ward, if there is no successor, to the successor guardian or conservator, or to the personal representative of the ward's estate.

(3) Definitions.

(3)(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.

(3)(B) "Interested persons" means the ward, if he or she is of an appropriate age and mental capacity to understand the proceedings, the ward's guardian and conservator, the ward's spouse, adult children, parents and siblings and anyone requesting notice under Utah Code Section 75-5-406. If no person is an interested person, then interested person includes at least one of the ward's closest adult relatives, if any can be found.

(3)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.

(3)(D) "Serve" means any manner of service permitted by Utah Rule of Civil Procedure 5.

(3)(E) "Report" means the annual report on the status of the ward required by Utah Code Section 75-5-209 and Section 75-5-312.

(3)(F) "Ward" means a minor or an incapacitated person for whom the court appoints a guardian or a protected person for whom the court appoints a conservator.

(4) **Report forms.** Subject to the requirements of Paragraph (5):

(4)(A) forms substantially conforming to the forms produced by the Utah court website are acceptable for content and format for the report and accounting filed under the Utah Uniform Probate Code;

(4)(B) a corporate fiduciary may file its internal report or accounting; and

(4)(C) if the ward's estate is limited to a federal or state program requiring an annual accounting, the fiduciary may file a copy of that accounting.

(5) **Report information.** The report, inventory and accounting shall contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period. Compliance with Paragraph (4) is presumed sufficient, but the court may direct that a report or accounting be prepared with content and format as it deems necessary.

(6) **Status reports.**

(6)(A) The guardian shall file with the appointing court a report on the status of the ward no later than 60 days after the anniversary of the appointment. The guardian shall file the report with the court that appointed the guardian unless that court orders a change in venue under Utah Code Section 75-5-313. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the guardian. The guardian may not file the report before the close of the reporting period. For good cause the court may extend the time for filing the report, but a late filing does not change the reporting period.

(6)(B) The guardian shall serve a copy of the report on all interested persons with notice that the person may object within 30 days after the notice was served.

(6)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge shall approve it.

(6)(D) If there is no conservator, the guardian shall file the inventory and accounting required of a conservator.

(7) **Inventory reports.**

(7)(A) Within 90 days after the appointment, the conservator shall file with the appointing court the inventory required by Utah Code Section 75-5-418. For good cause the court may extend the time for filing the inventory.

(7)(B) The conservator shall serve a copy of the inventory on all interested persons with notice that the person may object within 30 days after the notice was served.

(7)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge shall approve it.

(8) **Accounting reports.**

87 (8)(A) The conservator shall file with the appointing court an accounting of the estate of the ward no
88 later than 60 days after the anniversary of the appointment. The conservator shall file the accounting with
89 the court that appointed the conservator unless that court orders a change in venue under Utah Code
90 Section 75-5-403. The reporting period is yearly from the appointment date unless the court changes the
91 reporting period on motion of the conservator. The conservator may not file the accounting before the
92 close of the reporting period. For good cause the court may extend the time for filing the accounting, but a
93 late filing does not change the reporting period.

94 (8)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that
95 the person may object within 30 days after the notice was served.

96 (8)(C) If an interested person objects, the person shall specify in writing the entries to which the
97 person objects and state the reasons for the objection. The person shall file the objection with the court
98 and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The
99 judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in
100 order, the judge shall approve it.

101 | **(9) Final accounting.**

102 (9)(A) The conservator shall file with the court a final accounting of the estate of the ward with the
103 motion to terminate the appointment.

104 (9)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that
105 the person may object within 30 days after the notice was served.

106 (9)(C) If an interested person objects, the person shall specify in writing the entries to which the
107 person objects and state the reasons for the objection. The person shall file the objection with the court
108 and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The
109 judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in
110 order, the judge shall approve it.
111

Tab 8

Clerical Weighted Caseload Request Third District

The most recent clerical weighted caseload study shows Third District short 13.23 clerks. (See Exhibit 1.) If this disparity is equated in hours available for case related work as outlined by the clerical weighted caseload committee, it equals to 15,697 hours annually of work that current Third District clerks need to find time to do.

The same study shows:

- First District short 1 clerk
- Second District over by 1 clerk
- Third District short 13.23 clerks
- Third Juvenile over by 7 clerks
- Seventh District over by 2 clerks

Based on this information, we recommend the following in an attempt to equalize workloads:

Send 1 clerk from 2nd District to 1st District
Send 7 clerks from 3rd Juvenile to 3rd District
Send 2 clerks from 7th District to 3rd District

This request would require no additional funding, and makes workloads between districts more equitable. It makes little sense to spend hundreds of hours of manpower to complete the Clerical Weighted Case Load study and then not make the recommended adjustments.

As outlined in the overview of the most recent Judicial Support Staff weighted workload study, the purpose of the workload assessment reads as follows:

“The purpose of the judicial support staff workload assessment is to assist in determining how many court staff is needed to meet caseload demands and provide effective service to the public. The Workload Assessment uses three components to estimate clerical work time. It includes:

- 1) The amount of time available in a clerical year,
- 2) The amount of time required to complete various case types and related work tasks,
and
- 3) The yearly count of case filings.

Ideally, the clerical case load formula yields a total amount of time required to serve the public and process cases. This total amount of time is compared against existing resources to determine if and where staffing discrepancies exist.

The Utah Code of Judicial Administration Rule 4-402. Clerical resources, reads as follows:

Intent:

To analyze clerical workload in the juvenile and district courts. To establish effective staffing levels for each judicial district.

Applicability:

This rule applies to all trial court of record.

Statement of the Rule

(1) The state court administrator shall appoint a clerical weighted caseload committee consisting of personnel representing district and juvenile courts from urban and rural counties. The committee shall analyze clerical time required to process cases.

(2) Based upon the results of studies, the committee will recommend an effective range of clerical staffing levels for each judicial district. The committee will submit its findings to the state court administrator, who will present them with recommendations to the Judicial Council.

(3) Upon approval by the Judicial Council, the range of staffing levels will be used to establish effective clerical staffing levels for each judicial district

(4) The committee will review the study annually and update it as appropriate.

Since the intent of this rule is to establish effective staffing levels for each judicial district, then, the process of reallocating existing staff should now be the final step. The Third District requests that these changes be made as soon as possible.



Clerical Weighted Workload FY'17 Results

Trial Court Executive Meeting
August 4, 2017

2017 Clerical Weighted Caseload Committee Members

Clerical Weighted Caseload Committee Members	Representing
Alyson Brown <alysonb@email.utcourts.gov>	District Clerks of Court
Chris Jeppesen <chrisjj@utcourts.gov>	District & Juvenile Clerks of Court
Gary Fairman <garybf@email.utcourts.gov>	Juvenile Clerks of Court
Keri Sargent <keris@utcourts.gov>	District & Juvenile Clerks of Court
Libby Wadley <libbyw@utcourts.gov>	Online Training Program Support
Russell Pearson <russellp@utcourts.gov>	District & Juvenile TCE
Tracy Walker <tracyw@utcourts.gov>	District Clerks of Court
Kim Allard <kima@utcourts.gov>	Chair, AOC

Final FY'17

Fiscal Year 2017

(Filings 7/1/16 thru 6/30/17)

Clerical Weighted Caseload Summary Results
REVISED WGHTS and CALENDAR

Judicial District	Updated 4/13/17 Existing FTE	FTE Need	Min. Staff Adj. rounded nearest .5	Total FTE Need	FTE Difference	10% Deviation (Total FTE Need)	FTE Outside of Deviation
District 1	22.50	23.51	0.00	23.51	-1.01	2.35	
District 2	66.00	62.65	1.50	64.15	1.85	6.41	
District 2 Juvenile	21.50	21.63	0.00	21.63	-0.13	2.16	
District 3	136.50	149.73	0.00	149.73	-13.23	14.97	
District 3 Juvenile	49.50	41.05	1.00	42.05	7.45	4.20	3.25
District 4	60.50	59.29	0.50	59.79	0.71	5.98	
District 4 Juvenile	24.50	22.22	2.00	24.22	0.28	2.42	
District 5	34.00	33.22	1.00	34.22	-0.22	3.42	
District 6	10.00	9.54	0.50	10.04	-0.04	1.00	
District 7	15.00	11.50	1.00	12.50	2.50	1.25	1.25
District 8	15.50	15.31	0.00	15.31	0.19	1.53	
	455.50	449.64	7.50	457.14	-1.64		4.50

Utah State Courts

CLERICAL WEIGHTED WORKLOAD EXISTING FTE

The existing FTE is derived from counts of position control or DPR numbers (AOC Human Resource list for payroll purpose).

Positions counted (vacant or occupied) include team managers, case managers, judicial assistants, receptionists, accounting technicians, traffic referees and divorce education clerks.

Positions not counted include clerks of court, court executives, support services coordinators, operations managers or administrative assistants.

Fiscal Year 2017 (Filings 7/1/16 thru 6/30/17)

Clerical Weighted Caseload Summa REVISED WGHTS and CALEN

Judicial District	Updated 4/13/17 Existing FTE	Final		Prelim	
		FTE Need		FTE Need	
District 1	22.50	23.51		23.76	
District 2	66.00	62.65		61.89	
District 2 Juvenile	21.50	21.63		21.86	
District 3	136.50	149.73		149.63	
District 3 Juvenile	49.50	41.05		41.22	
District 4	60.50	59.29		59.81	
District 4 Juvenile	24.50	22.22		22.84	
District 5	34.00	33.22		33.30	
District 6	10.00	9.54		9.40	
District 7	15.00	11.50		11.80	
District 8	15.50	15.31		15.16	
	455.50	449.64		450.67	

CLERICAL WEIGHTED WORKLOAD MINIMUM STAFFING ADJUSTMENT

In 2006, the Clerical Weighted Caseload Committee determined that a staffing adjustment be applied to low volume district and juvenile court locations to show a minimal need of two full time equivalent employees.

This staffing adjustment ensures sufficient court staff to care for court business and provide quality public service.

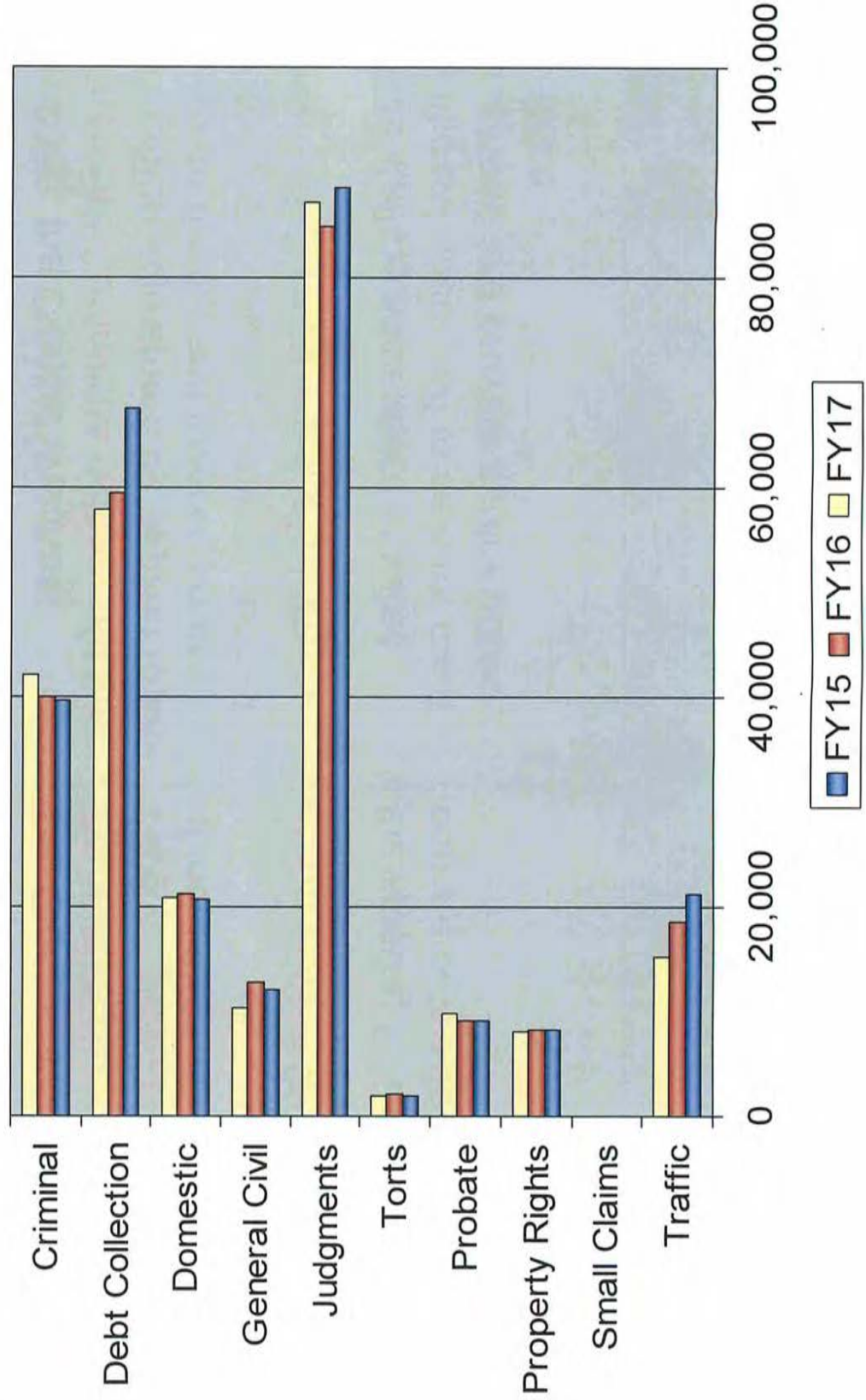
CLERICAL WEIGHTED WORKLOAD 10% DEVIATION RANGE

The Clerical Weighted Caseload Committee proposed and adopted in 2006 an allowable deviation of +/- 10% of identified FTE need for each District.

The District is not viewed as over/under staffed unless the difference between the existing FTE and FTE need fall outside of the deviation range.

District Court Case Filings

FY15	FY16	FY17	16-17 Change	% Change
269,143	256,604	253,691	-2,913	-1%

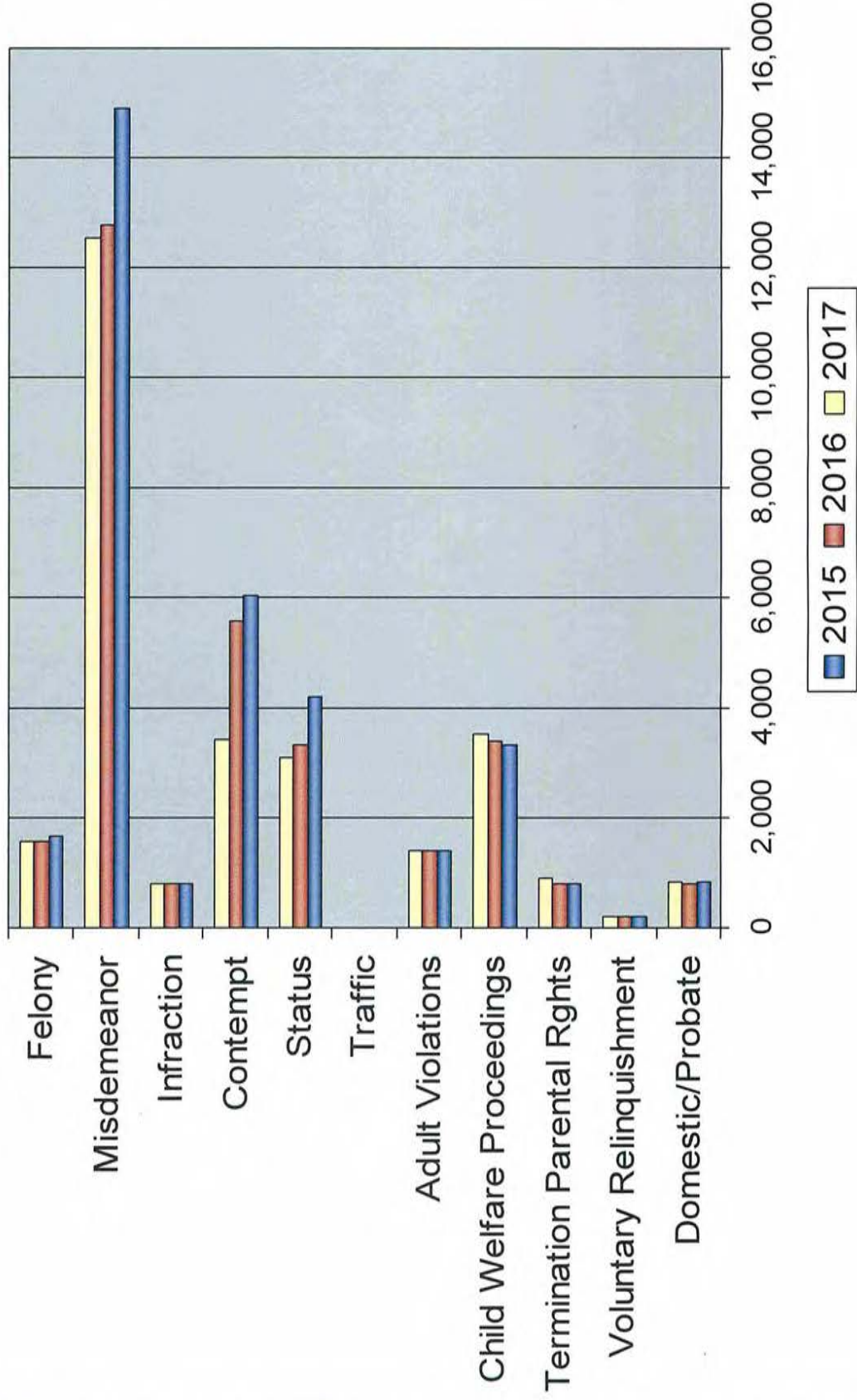




Utah State Courts

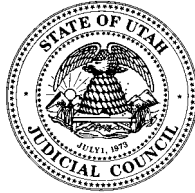
Juvenile Court Referrals

2015	2016	2017	16-17 Change	% Change
34,129	30,641	28,274	-2,367	-8%



Tab 9

Language Access Committee



Administrative Office of the Courts

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

December 19, 2017

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

MEMORANDUM

TO: Management Committee

FROM: Kara J. Mann *Kara J. Mann*

RE: Language Access Committee Appointment

Currently, there is a vacancy on the Language Access Committee which must be filled by a certified interpreter in accordance with CJA Rule 1-205(1)(B)(ix). Gabriela Grostic was serving on the committee as a certified interpreter; however, she recently accepted a work transfer out of state and resigned her membership.

At this time the Language Access Committee is comprised of the following members:

- Michelle Draper, Chair, ASL interpreter
- Jenifer Andrus, Ph.D., Assistant Professor of Rhetoric and Writing
- Judge Su Chon, Third District Court
- Mary Kaye Dixon, Judicial Assistant
- Amine El Fajri, Approved interpreter
- Monica Diaz Greene, Attorney, Utah Juvenile Defender Attorneys
- Megan Haney, Third District Probation Officer
- Judge Michael Leavitt, Fifth District Juvenile Court
- Randall McUne, Attorney
- Miguel Medina, Third District Staff Interpreter
- Russ Pearson, TCE, Eighth District
- Lynn Wiseman, Clerk of Court, Second District
- Judge Kelly Schaeffer-Bullock, Highland Justice Court

An email was sent to all certified interpreters on the spoken language interpreter roster to announce the vacancy on the Language Access Committee. A subsequent email was sent out to certified interpreters encouraging them to apply for the vacancy and to provide a voice for

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

certified interpreters on the committee. Through this recruitment process, the Language Access Committee has the following two candidates to submit for consideration.

- Chris Kunej, certified Serbian interpreter
- Pablo Silveira, certified Spanish interpreter

Each candidate's statement of interest and résumé are enclosed for your consideration. Additionally, Mr. Kunej and Mr. Silveira are not currently serving and have never served on another committee.

Encl. Chris Kunej statement of interest and résumé
Pablo Silveira statement of interest and résumé

Chris Kunej
652 South 700 East
Salt Lake City, UT 84102
Phone: (801) 521-4253
email: kundrablue1@yahoo.com

Kara Mann
Utah Administrative Office of the Courts
Salt Lake City, UT

11/08/2017

Re.: Cover Letter for position of Language Access Committee Member

Dear Kara,

My resume is enclosed, so I will not write much here about my qualifications besides some of the following highlights; I have a formal linguist education (BA equivalent) and have had journal papers published on the subject of interpreting/translating and judicial court interpreting/logistics/procedures. I ran and operated a language center in Croatia, have 15+ years of interpretation/translation/language teaching experience, am a certified court interpreter in about a dozen US states and do federal Immigration court interpreting. I am an Adjunct Professor at Brigham Young University (BYU) teaching language courses and a diplomatic interpreter for the US Dept. of State.

My goal as a committee member would be to meaningfully participate in its work and to serve the Utah AOC and its interpreters. The rare languages that I work with allow me to frequently work all over the US. During this time I meet various states' "Access to Justice" coordinators and am able to learn much about how they operate. I feel this experience could be useful to the committee. I would like to utilize my knowledge to help the Utah Court interpreter program to continue to be among the best in the nation. Together we can create an environment where both the interpreters and the Court work together in unison towards a common goal.

I am a loyal, reliable person who can also offer a few bad jokes and some great Croatian home cooking.

Best Regards,
Chris Kunej

SUMMARY OF QUALIFICATIONS / LINGUISTIC ACHIEVEMENTS:

- The *first ever* Utah state Certified Court Interpreter for the BCS (Bosnian/Croatian/Serbian) language (certified by the National Center for State Courts). Also officially certified in states of Alabama (Master level), South Dakota, North Dakota, Idaho, Wisconsin, Ohio, Missouri, Colorado and Illinois.
- Published article about judicial interpreting in the National Association of Judiciary Interpreters and Translators (NAJIT) professional publication "Proteus", 2015 Fall Volume XXVIII, No. 3
- University of Zagreb education in English Language and Literature/Language Teaching and Translation
- 15 yrs of Linguist (translation/interpretation and foreign language program mngmnt/instructor experience)
- US citizen and rare native speaker of both the BCS (Bosnian/Croatian/Serbian) language as well as English
- Comprehensive former Yugoslavia regional culture awareness through 20 years of residing in Croatia (1975-1987 and 1997-2005)
- Certified/licensed as a medical BCS interpreter by the Utah Department of Commerce
- Academic publishing on translation; one journal article was used as course material at Germany's University of Tübingen in 2008 (yearly enrollment 24,000); also published translations
- Recipient of Utah State Governor's Award for Excellence on May 2013

PROFESSIONAL EXPERIENCE:**8/2016-present****University Adjunct Professor****Brigham Young University (BYU), Provo, Utah**

- Teaching "Advanced Language Proficiency through Cultural Studies: Serbian/Croatian" at this educational institution that is among top 50 colleges in the US. Winter semester 2017 had 23 enrolled students.
- Developed curriculum for the class.

8/2015-present**Federal Language Consultant****US Dept. Of Defense, Defense Logistics Agency
Defense Language and National Security
Education Office (DLNSEO)**

- Background check authorized. Intermittent language consultant for the BCS (Bosnian/Croatian/Serbian) languages for the US government via the NLSC.

1/2014-present**Linguist; Interpreter/Translator****Social Security Administration Office of
Disability Adjudication and Review (SSA ODAR)**

- Background check authorized. Actively interpreting for federal Social Security hearings. Have done so via several agencies that were awarded contract: **LIS Solutions, Trusted Translations, inLingua Utah**

10/2013-present**Certified BCS (Bosnian/Croatian/Serbian) Court Interpreter****Utah State Courts and other US Courts**

- Actively interpreting in Utah District Courts, Utah Justice Courts, various depositions, medical assessments and numerous other US state courts; over 200 assignments served

07/2013-present**Contract Diplomatic Interpreter****US Department of State
Office of Language Services**

- Was tested on interpretation of the BCS (Bosnian/Croatian/Serbian) language, received clearance
- Placed on the official roster of interpreters for the BCS (Bosnian/Croatian/Serbian) language

05/2013-present

Linguist; Contract Interpreter/Translator/Reviewer

Lionbridge Federal

Lionbridge Life Sciences

- Underwent investigation for Public Trust clearance and cleared to work for DHS/ICE
- Was tested thoroughly on knowledge of the BCS (Bosnian/Croatian/Serbian) language and simultaneous/consecutive/sight interpretation. Passed all three with high marks

09/2012-present

Contract Medical Interpreter

CommGap International

Language Services, SLC UT

- Medical English-BCS interpreting for clients at medical facilities; over 100 appointments interpreted.
- Assessing language skills of potential future BCS language interpreters

09/2012-present

Linguist; Contract Translator/Interpreter

U.S. Translation Company

Salt Lake City, Utah

- Translating & Interpreting; an example assignment was 3 days of simultaneous work for a client in Las Vegas, Nevada in 2013; interpreter booths for 8 different languages, approx. 1,000 in attendance

04/2004-09/2005

Director of Language Center/Instructor

Silver Parchment LLC

Zagreb, Croatia

- Conceived, developed and administered language learning course materials and tests for English
- Taught language classes to adults in various levels of proficiency, 800+ class hours
- Translated a multitude of contract translations of numerous types, interpreted

12/1999-03/2004

Linguist; Translator/Interpreter

EuroCon LLC

Zagreb, Croatia

- Extensive translating and simultaneous/consecutive interpreting in numerous fields and branches

11/1999-03/2004

Senior Language Instructor/Translator

Berlitz Language Center

Zagreb, Croatia

- Language instruction for adults (various proficiency); 3,000+ class hours, translating/interpreting
- As a senior instructor held workshops for other instructors for staff development

05/1999-02/2005

Translator/Linguistic Consultant

(REFERENCE LETTER AVAILABLE)

University of Zagreb,

College of Civil Engineering

Zagreb, Croatia

- Translated the published textbook "*International Structural Steel Sections, Design Tables According to Eurocode 3*" (Approx. 700 pages) from Croatian to English

FINANCE/ACCOUNTING WORK:

04/2007-present

Financial Analyst/Status Examiner

Utah State Government

Salt Lake City, UT

- Currently employed at the Utah Department of Workforce Services; previously held positions at the Utah State office of Education and the Utah Higher Education Assistance Authority

EDUCATION:

University of Zagreb, College of Humanities and Social Sciences

Zagreb, Croatia; 2004

-BA equivalent English Language and Literature/Language Teaching and translation

-Credential evaluation and authentication report issued by WES- World Education Services, New York

Santa Monica College

-Business Administration; earned 13 semester credits.

Santa Monica, CA

1997

To Whom It May Concern:

I am petitioning to be considered to be part of the Language Access Committee. I believe that I could contribute to the conversation through sharing valuable input as a result of ample experience, and know that I would simultaneously benefit from taking part in the bureaucratic realm of the Utah Court system.

Preparation and Qualifications

As a certified interpreter, I can provide a new perspective on the current environment for interpreters, a perspective that, coupled with the right ideas and hard work, can facilitate viable action and improvement. Having worked in all eight districts and having worked alongside more than one hundred judges, both in juvenile court as well as in district court, I have the experience necessary to properly represent interpreters from all over the state. This experience allows me to contribute new perspectives regarding concerns and anxieties among interpreters. I can also contribute through making suggestions for the improvement of interpreters' work, our interaction with Court personnel, and our communication with the individuals we assist. Despite having ideas and visions based on personal experience, I am open to listening, discussing, and embracing other opinions and ideas that will be for the benefit of interpreters, the administration, and the system.

Interest in the Committee

I am interested in being part of the committee because I am a firm supporter of the goals as outlined in the strategic plan. Due to years of experience interacting with individuals in the court system, I am fully aware of the importance of trust between interpreters and their clients. As interpreters, we facilitate social justice for the people we serve; this requires reaching out to the community and promoting awareness regarding court proceedings. In addition to this, quality interpretation should be the cornerstone of the pursuits of the committee in order to serve the larger purpose of court proceedings. On the flipside, I can attest that interpreters work more efficiently and effectively when clients are well prepared. As a member of the committee, and in accordance with the strategic plan, I hope to encourage the fulfillment of these goals through discussion as well as action.

With these goals in mind, the role of the Language Access Committee can be summed as seeking to improve the interpretation arm of the Utah State Courts system. In addition to improving the system itself, this Committee serves as intermediary through facilitating conversation between the AOC and interpreters. The committee seeks to appropriately balance the interests and various actors, keeping in mind that all actors should have their interests heard and considered. As a member of the Language Access Committee, I hope to better represent fellow interpreters, to serve the larger administration, and to strengthen the program.

Best regards,

Pablo Silveira

PABLO U. SILVEIRA

**CERTIFIED SPANISH INTERPRETER/TRANSLATOR
BUSINESS CONSULTANT/COACH/TRAINER**

AREAS OF STRENGTH

- *Spanish/English/Portuguese Fluency.
Native language: Spanish.
- *Superior interpersonal communication and people skills.
- *Results oriented, pro-active, self motivated.
- *Highly organized.
- *Employment authorization in USA, Europe, Mexico, Central & South America

EDUCATION

2011-2013 UDIMA/Madrid, Spain

- *M.B.A./Marketing and Distribution.

2007-Present State of Utah/Utah, USA

- *Court Certified Spanish Interpreter/Translator.

1991-1994 Universidad de la República/Uruguay

- *B.S. Business Management, Minor in Sales & Marketing

1979-1987 Alianza Uruguay-USA/Uruguay

- *English Language/Proficiency level.



WORK EXPERIENCE

2007-Present Certified Spanish Interpreter/Translator

- *Over 5,000 hours of service hours with Justice, State and Federal Courts, Law Firms. Over 500 hours of Conference Interpreting. (Conferences, Conventions, Seminars, etc.)

2007-Present Instructional Solutions Inc. (Orem, Utah)

- *Business Consultant, Trainer and Coach for companies with high volume of spanish speaking employees. Over 1,000 hours of service as Trainer/Coach/Consultant.

2002-2006 America Obras y Reformas. (Spain)

- *Owner/Manager. Construction Company with 8 employees and over 40 clients.

1994-2002 Gatan SRL. (Uruguay)

- *Owner/Manager. Construction Company with 12 employees and over 100 clients.

1992-1994 Equity Laboratories S.A. (Uruguay)

- *Sales and Marketing Manager. Chemical Company, 12 Sales Rep., over 1.000 clients.

1989-1990 LDS Church

- *Full time Missionary in Argentina.

PERSONAL INFORMATION

*Phone/Fax : Cell: (801) 687-4116/Fax: (801) 375-2986

*Email : pusilveira@yahoo.com

*Website: provo.certifiedspanishinterpreters.com

Last Updated October 10th, 2014

Tab 10

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Certificate of Service
(Utah Rule of Civil Procedure 5)

Case Number

Judge

Commissioner (domestic cases)

I certify that I served a copy of

_____ (document
name), which was filed with the court on _____ (date). I delivered the
document as indicated below.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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_____ Signature ► _____
 Date _____
 Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Certificate of Service on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Date

Signature ►

Printed Name

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

Judicial District _____ County
Court Address _____

<p>_____ Plaintiff/Petitioner v. _____ Defendant/Respondent</p>	<p>Proof of Completed Service (Utah Rule of Civil Procedure 4)</p> <p>_____ Case Number _____ Judge _____ Commissioner (domestic cases)</p>
---	--

1. The following documents were served by the method described below (Choose all that apply.):
- [] Summons (File or attach copy.)
 - [] Complaint or Petition
 - [] Amended Complaint or Petition
 - [] Notice of Divorce Education Requirements
 - [] Notice of URCP 26.1 Disclosure and Discovery Requirements in Domestic Relations Actions
 - [] Notice of URCP 26.3 Disclosure Requirements in Unlawful Detainer Actions
 - [] Parenting Plan
 - [] Order to Show Cause
 - [] Other: _____ (describe)
 - [] Other: _____ (describe)

Complete paragraph 2, or paragraphs 3 and 4.

Service by Mail

(Service by mail requires a signed receipt. Attach the receipt.)

2. ☐ I served the following person by sending a copy of the documents listed in Paragraph (1) by mail or commercial courier service to:

Name of Addressee

Address

City, State, Zip

I have attached a signed receipt proving delivery. It was signed by:

- ☐ the addressee personally.
☐ someone authorized by appointment or by law to receive service of process on behalf of the addressee.

Service by Third Person

3. ☐ I am over the age of 18, and
- I am not a party or an attorney for a party to this action.
 - I have not been convicted of a felony violation of a sex offense (Listed in Utah Code 77-41-102(16)).
 - I am not a respondent in a protective order proceeding (Utah Code 78B-7-101 et seq.).

4. ☐ On _____ (date), I went to _____

_____ (address),
and I delivered the documents listed in paragraph 1 to

_____ (name),
who is (Check one.):

- ☐ the named defendant/respondent.
☐ the named plaintiff/petitioner.

- ☐ a person of suitable age and discretion residing at that address, which is the named party's residence. (Describe why the person lives at the named party's residence and why they are of suitable age and discretion.)

- ☐ an agent authorized by appointment or by law to receive service of process on behalf of the named party.

If serving a corporation, partnership, or an unincorporated association

- ☐ an officer, a managing agent, general agent.

OR

- ☐ an agent authorized by appointment or by law to receive service of process and by also mailing a copy of the complaint and summons to the named party.

If serving a city or town

- ☐ the city/town recorder.

If serving a county

- ☐ the county clerk.

If serving the state

- ☐ the attorney general, and to

_____ (name
of any other person or agency required by statute to be served) at

_____ (address).

If serving a department or agency of the state

- ☐ a member of named party's governing board, executive employee or secretary.

If the document was served in some other way

- ☐ Other (Describe how the document was served.)

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Proof of Service on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Signature ► _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Acceptance of Service (Utah Rule of Civil Procedure 4(d)(3))
_____ Plaintiff/Petitioner	_____ Case Number
v.	_____ Judge
_____ Defendant/Respondent	_____ Commissioner (domestic cases)

1. I have received the summons and complaint or petition in this case.
2. I understand that service is effective on the date I sign this document.
3. I know I can still respond to the complaint or petition in this case.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Acceptance of Service on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #:_____)

☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #:_____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Consent to Email Service and Notification (Utah Rule of Civil Procedure 5)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

1. I understand all documents in this case must be served on me either by mail, hand delivery, or electronic means. (Utah Rule of Civil Procedure 5). I agree to have all documents served on me by email at _____ (email address).
2. I understand I must maintain this email address and check it every day while the case is pending with the court. I understand that if I do not respond in time to documents emailed to me or if I fail to attend a scheduled hearing, the court may rule against me or may rule in favor of another party.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and served a copy of this Consent to Email Service and Notification on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Summons (To be served in Utah)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

The State of Utah to

_____ (party's name):

A lawsuit has been filed against you. You must respond in writing by the deadline for the court to consider your side. The written response is called an Answer.

[The Spanish text is meant to be an example only. It is not yet a translation of the English text]

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición.

Deadline!

Your Answer must be filed with the court and served on the other party **within 21 days** of the date you were served with this Summons.

If you do not file and serve your Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party can get what they asked for, and you do not get the chance to tell your side of the story.

Read the complaint/petition

The Complaint or Petition has been filed with the court and explains what the other party is asking for in their lawsuit. Read it carefully.

Answer the complaint/petition

You must file your Answer in writing with the court **within 21 days** of the date you were served with this Summons. You can find an Answer form on the court's website:

www.utcourts.gov/howto/answer/.

Serve the Answer on the other party

You must mail or hand deliver a copy of your Answer to the other party (or their attorney or licensed paralegal practitioner, if they have one) at the address shown at the top left corner of the first page of this Summons.

Heading!

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición.

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición.

Si a la persona

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder.

Casos de Desalojo

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.

El periodo de tiempo

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Reclamos menores

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.

This notice:

A <language> version of this document is available on the court's website:
www.utcourts.gov

Would be provided on the form in these languages:

- Arabic
- Mandarin
- Persian
- Portuguese
- Vietnamese

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Summons (To be served outside Utah)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

The State of Utah to

_____ (party's name):

A lawsuit has been filed against you. You must respond in writing by the deadline for the court to consider your side. The written response is called an Answer.

[The Spanish text is meant to be an example only. It is not yet a translation of the English text]

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición.

Deadline!

Your Answer must be filed with the court and served on the other party **within 30 days** of the date you were served with this Summons.

If you do not file and serve your Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party can get what they asked for, and you do not get the chance to tell your side of the story.

Read the complaint/petition

The Complaint or Petition has been filed with the court and explains what the other party is asking for in their lawsuit. Read it carefully.

Answer the complaint/petition

You must file your Answer in writing with the court **within 30 days** of the date you were served with this Summons. You can find an Answer form on the court's website:

www.utcourts.gov/howto/answer/.

Serve the Answer on the other party

You must mail or hand deliver a copy of your Answer to the other party (or their attorney or licensed paralegal practitioner, if they have one) at the address shown at the top left corner of the first page of this Summons.

Heading!

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición.

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Si a la persona

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Casos de Desalojo

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El periodo de tiempo

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<p>Finding help The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.</p>	<p>En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos.</p> <p>Reclamos menores En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.</p>
---	---

This notice:

A <language> version of this document is available on the court's website:
www.utcourts.gov

Would be provided on the form in these languages:

- Arabic
- Mandarin
- Persian
- Portuguese
- Vietnamese

Tab 11

Section 2.14 Direct File for Criminal Proceedings

Policy:

This policy identifies the offenses that qualify for direct filing in District Court.

Scope:

This policy provides information to all probation officers of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-701](#)

Procedure:

1. The district court shall have exclusive original jurisdiction over all minors 16 years of age or older charged with murder or aggravated murder including any offenses arising from the same criminal episode. The district court shall have jurisdiction over any subsequent felony, misdemeanor, or infraction, committed by the minor.
2. The juvenile court will regain jurisdiction and any authority previously exercised over the minor if there is an acquittal, a finding of not guilty, or a dismissal of the qualifying charge(s) in the district court.

History: Revised and Approved July 14, 2017
Effective August 1, 2017

Section 4.15 Probation Responses to Compliant and Non-Compliant Behavior

[Table of Contents](#)

Policy:

The probation department's focus is to ensure compliance with the terms and conditions of the probation order and other court orders, while balancing individual accountability, competency development, and community safety. The probation department is similarly committed to providing incentives to encourage and reinforce positive behaviors. Probation officers shall utilize Evidence Based Practices (EBP) to reinforce positive behaviors and discourage negative behaviors.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

- Utah Rules of Judicial Administration
Probation Supervision-[Rule 7-304](#)
- Utah Rules of Juvenile Procedure
Violation of Probation and Contempt by a Minor - [Rule 51](#)
- UCA 78A-6-1101
- Addendum 4.15.1- Probation Response Matrices to Compliant and Non-Compliant Behavior

Procedure:

1. Each probation officer has the responsibility to use EBP strategies to assist in minor's compliance with the terms and conditions of probation and other court orders. Probation officers shall respond to a youth's compliant and/or non-compliant behavior in a prompt, consistent, and proportional manner (see addendum [4.15.1](#) & [4.15.2](#)).
2. The probation officer shall employ appropriate incentives for compliant behavior in accordance with the recommendations in the Incentives Response Matrix, (see addendum [4.15.1](#)) The probation officer shall document the incentives that were employed to reward compliant behavior in case notes and court reports.
3. The probation officer shall employ appropriate interventions/sanctions

for non-compliant behavior in accordance with the recommendations in the Non-Compliant Behavior Response Matrix. (see Addendum 4.15.2) The probation officer shall document the interventions/sanctions that were employed to hold the youth accountable for non-compliant behavior in case notes and court reports.

4. The probation officer should review the case with the probation supervisor or designee to determine whether there are additional sanctions that should be applied when attempts to correct the non-compliant behavior are unsuccessful.
5. The probation officer shall review the case with the probation supervisor or designee prior to filing an order to show cause or contempt petition. The probation officer shall document the interventions/sanctions that were employed to address the non-compliant behavior in case notes and court reports.

History: Effective date April 7, 2006 - Revised July 8, 2016

Advisory Committee Note: Paragraphs (2) and (3) of this policy require the mandatory use of the Probation Response Matrices when addressing compliant and non-compliant behavior. Probation officers have discretion in determining which incentives or interventions/sanctions outlined in the matrices to employ.

Incentives Matrix

STEP 1: Identify the youth's level of compliance and/or accomplishment. The *beginning level* focuses on incentives when the youth is meeting expectations with their compliance toward their court orders/obligations. The *intermediate level* focuses on the youth's behavior change among the "Big Four" (Antisocial Behavior, Antisocial Personality, Antisocial Attitude, and Antisocial Peers) and the "Other Four" (School/work, Leisure/Recreation, Substance Abuse, and Family). The *advanced level* focuses on acknowledging behavior when the youth identifies competence in skills and abilities to refrain from getting into trouble and reducing their risk factors.

Beginning: Accountability and Compliance	Intermediate Evidence Based/Case Planning Big Four and Other Four	Advanced Demonstrates Competence and Reduction of Risk
<ul style="list-style-type: none"> • Attending scheduled appointments • Avoiding persons possessing, using, and/or selling drugs/alcohol • Completed community service hours • Complying with curfew, home restrictions, or house arrest • Enrolled in school and/or program • Following home rules • Following rules/direction of your court worker • Made payments toward restitution and/or fines • Negative UA results • Refrained from possessing a dangerous weapon • Refrained from staying out overnight • Submitted photo, fingerprint, and DNA • Successful search of self or possessions • Wearing neutral clothing (non-gang/drug/alcohol) • Other 	<ul style="list-style-type: none"> • Achieving a higher level in a program • Active participation in therapy/counseling • Associating with positive peers • Avoiding negative peers • Completion of a Carey Guide/BIT • Creating case plan goals • Engaging with family • Good grades and or attendance • Improved physical health/hygiene • No contact with victim • Participation in pro-social activities • Positive reports from collateral agencies • Taking prescription medications • Thinking about consequences before acting • Time free of non-compliant behavior • Using coping skills • Using positive communication skills • Other 	<ul style="list-style-type: none"> • Accomplishing a case plan goal • Continuation in a pro-social activity • Displaying appreciation for others • Express genuine remorse • Finding employment/remaining employed • Graduating from High School/obtaining GED • Identifies and works with support system • Initiating meetings with others (school/probation/programs) • Leadership role for pro-social activities/events • Membership in a positive organization • No referrals for delinquent/non-compliant behavior • Positively contributing to family/home • Successfully completing a program • Using skills to deal with difficult situations • Using consequential thinking skills • Other

Incentives Matrix

(continued)

STEP 2: Reward the youth with a proportionate incentive for their identified level of compliance/accomplishment outlined below or as identified by the youth. Incentives should be awarded promptly; within hours or days. The list below provides examples of suggested responses; it is not all-inclusive. Award the youth with the incentive that will have the most impact on pro-social behavior.

Level 1 Response	Level 2 Response	Level 3 Response
<ul style="list-style-type: none"> • Allow special supervised outing • Allow extra time on the computer • Credit toward community service hours* • Earned free time with pro-social peers • Permission to attend/participate in a community event • Permission for travel/extended travel • Recognition by worker/parent/school • Receive personal hygiene supplies • Reward coupon or punch on a punch card • Send a positive letter to youth's home • Transportation access/credit/passes • Verbal praise to youth and/or parent • Other incentive individualized to youth 	<ul style="list-style-type: none"> • Allow an overnight with approved friend • Apply community service hours toward restitution* • Certificate of achievement • Extend curfew • Field trips with staff (college tour, hiking, etc.) • Hold an appointment by phone • Reduction in supervision • Recognition given in Court • Reduce time on home restriction/house arrest • Reduction in community service hours* • Reduce frequency of drug testing • Storyboard/wall of fame/fish bowl raffle • Other incentive individualized to youth 	<ul style="list-style-type: none"> • Allow youth to have input on probation appointments • Court level of completion • Early Discharge* • Graduation ceremony • Invitation to serve on agency leadership council • Invitation to monthly recognition ceremony • Job shadowing/apprenticeship opportunity • Letter of support/job recommendation • Modification of probation terms* • Restoration of non-suspended driving privileges • Waiving/reducing fines* • Other incentive individualized to youth

*Will require court action

STEP 3: Document the accomplishment and the incentive awarded to the youth in case notes and in court reports.

Non-Compliant Behavior Matrix

Step 1: Determine the seriousness of the current non-compliant behavior: Minor; Medium; Serious.

Minor: (Lapse in judgment)	Medium: (Multiple minor violations with no response to consequences)	Serious: (Ongoing, willful disregard of expectations)
<ul style="list-style-type: none"> • Association with anti-social peers • Curfew violation (worker notified by parents) • Failed to attend school/work • Failed to complete community service/restitution • Failed to comply with worker directives • Failed to contact worker • Failed to enroll in treatment/program • Failed to notify worker about police contact • Missed appointment with treatment/program • Use of illegal substances (parent/guardian report) 	<ul style="list-style-type: none"> • Association with anti-social peers • Curfew/home restriction/truancy violation • Fail to contact worker • Fail to notify worker about police contact • Failure to attend school/work • Failure to complete community service/restitution • Failure to comply with worker directives • Failure to return home overnight • Missed appointments with required program/treatment/skill provider • Non-compliant with court ordered program (suspension). • Positive UA/failure to submit • Physical violence/aggressive behavior (no injury) 	<ul style="list-style-type: none"> • Association with anti-social peers • Contact with victim • Curfew/home restriction/habitual truancy • Fail to contact worker • Fail to notify worker about police contact • Failure to complete community service/restitution • Failure to return home overnight/AWOL • Multiple missed appointments with required program/treatment/skill provider • Non-compliant with court ordered program • Positive UA/failure to submit/adulteration to sample • Physical violence/aggressive behavior (injury) • Physical violence/aggressive behavior (no injury) • Unsuccessful discharge from program/intervention for lack of attendance/participation/behavior

Step 2: Using the youth's risk level (Determined from PSRA) and the seriousness of the non-compliant behavior determined in step 1, use the table below to determine the presumptive response (Level 1, 2, or 3). In determining whether or not to decrease/increase the presumptive response, the following factors should be considered: Impact on victim; impact on the community; and if the violation is consistent with the youth's pattern of behavior.

	Low	Moderate	High
Minor	1	1	2
Medium	1	2	3
Serious	2	3	3

Non-Compliant Behavior Matrix

(continued)

STEP 3: Use the information from Step 1 and 2 to determine the appropriate level of response. Use the least restrictive response for the desired behavioral change utilizing the principles of risk, need, and responsivity. Responses to violations by low risk youth are preferably handled through school and /or parent consequences, and should involve minimal contact with the juvenile system. If there is an increase in drug testing, case contact, community service hours, or other restrictions, the increase should be the least restrictive, in amount or duration, to achieve the desired outcome. The determined response should be applied within hours or days (promptly) and not weeks or months.

Level 1 Response	Level 2 Response	Level 3 Response
<ul style="list-style-type: none"> Carey Guides/BITS/NCTI/ Decisional Balance Sheet Curfew or home restriction(s) Increase community services Increase contact/Motivational Interview Increased frequency of drug testing (as needed) Letter/essay/homework assignment Letter of apology Problem-solving session with worker Restriction of activities/privileges Review case plan School monitoring sheets School/parent/guardian consequences Verbal or written warning 	<ul style="list-style-type: none"> Any Level 1 responses that are appropriate Community service/fines/fees* Develop education plan with school Home restriction/day reporting In-court review hearing Increase frequency of treatment Increase of special programming – example ART/NCTI Mental health/substance abuse assessment No Contact Directive* Psychological* Staff with others Work crew for completion of hours/structure 	<ul style="list-style-type: none"> Any Level 1 or Level 2 responses that are appropriate Intensive outpatient or inpatient treatment* Multi agency staffing/community based placement* Order to Show Cause/Contempt Re-assess risk and create new case plan Specialty Court*

* Indicates response that requires court Action

Note: Per Juvenile Court Policy 4.15 Probation Response to Compliant and Non-Compliant Behavior: The probation officer shall review the case with the probation supervisor to determine whether there are additional sanctions that should be applied when attempts to correct the non-compliant behavior are unsuccessful.

STEP 4: Document the non-compliant behavior and identified response in case notes in CARE and in court reports. If needed, complete a re-assessment and incorporate needed changes in the case plan.

Section 4.18 Probation Officer Audio/Video Recordings

Policy:

Probation officers complete audio/video recordings for quality assurance, training and advancement purposes. This policy outlines the process for audio/video recording interviews with youth and how these recordings should be secured.

Scope:

This applies to all probation staff of the Utah State Juvenile Court.

Authority:

- [Probation Officer Career Track Quality Assurance Guidelines and Documentation Requirements – Utah State Juvenile Court Education Career Track](#)
- [Code of Judicial Administration 4-202.02](#)

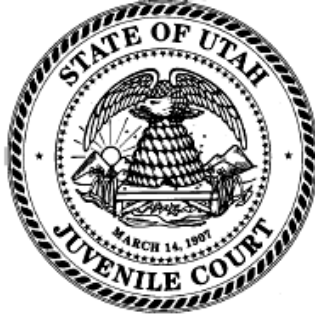
Procedure:

1. Probation officers shall obtain the necessary signatures on the Audio/Video Interview Release Form before recording an interview. (See Addendum 4.18.1)
 - 1.1 This form and any associated recordings shall be stored together in a secured location such as a locked file cabinet or a password protected computer file.
 - 1.2 Audio/Video recordings shall be retained no longer than 5 years from the recording date. The probation officer's immediate supervisor shall be responsible for the retention and destruction of the recordings.
2. The probation officer's immediate supervisor shall be responsible to maintain the security of all audio/video recordings.
3. The audio/video recording shall only be used for evaluative and training purposes outlined in the Probation Officer Career Track Guidelines and Instructions document. The recording is classified as a protected record.

4. If the minor's court record is expunged the recordings shall be destroyed at the time of expungement.

Addendum 4.18.1 Audio/Video Interview Release Form

History: Effective October 5, 2016



AUDIO/VIDEO INTERVIEW RELEASE FORM

I hereby give permission for images of my child(ren) to be captured via audio/video, during the activity listed below.

I understand and acknowledge that juvenile court employees will see these images and/or interviews, and that I am waiving any rights of compensation or ownership thereto.

Members of the public WILL NOT see these images.

Activity(ies) at which audio/video interviews were taken:

Name of Participant(s) (please print): _____

Name of Parent/Guardian (please print): _____

Phone Number of Parent/Guardian: _____

Parent/Guardian's Signature

Date

Probation Officer's Signature

Date