

## JUDICIAL COUNCIL MEETING

### AGENDA

**April 16, 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 Minutes..... Chief Justice Matthew B. Durrant  
(Tab 1 – Action)
2. 9:05 a.m. Chair’s Report..... Chief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator’s Report .....Richard Schwermer
4. 9:20 a.m. Reports: Management Committee ..... Chief Justice Matthew B. Durrant  
Liaison Committee.....Justice Thomas Lee  
Policy and Planning ..... Judge Derek Pullan  
Bar Commission..... Rob Rice, esq.  
(Tab 2 – Information)
5. 9:30 a.m. Legislative Policy Discussion ..... Jacey Skinner  
(Information)
6. 9:40 a.m. FY2019 Spending Recommendations.....Richard Schwermer  
(Action)
7. 10:15 a.m. Judicial Performance Evaluation Commission Report .....Jennifer Yim  
(Information) John P. Ashton
8. 10:35 a.m. Senior Judge Certifications ..... Nancy Sylvester  
(Tab 3 – Action)
- 10:45 a.m. Break
9. 10:55 a.m. Appellate Mediation Program Report..... Michelle Mattson  
(Tab 4 – Information)

- |     |            |   |
|-----|------------|---|
| 10. | 11:15 a.m. | New Justice Court Judge Certification ..... Jim Peters<br>(Action)                          |
| 11. | 11:25 a.m. | Board of Justice Court Judges Report..... Judge Reuben Renstrom<br>(Information) Jim Peters |
| 12. | 11:40 a.m. | Executive Session   |
| 13. | 12:00 p.m. | Adjourn   |

### **Consent Calendar**

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

- |    |   |  |  |
|----|---|--|--|
| 1. | Committee appointments                            | Pretrial Release and Supervision Committee - Keisa Williams<br>(Tab 5) | MUJI – Civil Committee - Nancy Sylvester<br>Self-Represented Parties Committee - Nancy Sylvester |
| 2. | Forms for final approval<br>(Tab 6)               |  | Forms Committee – Brent Johnson  |
| 3. | Probation Policies 2.17, 2.18, and 4.5<br>(Tab 7) |  | Dawn Marie Rubio   |
| 4. | HR Code of Personal Conduct 500<br>(Tab 8)        |  | Keisa Williams   |

# Tab 1



## JUDICIAL COUNCIL MEETING

### Minutes

March 9, 2018

Hyatt Place

1819 South 120 East

St. George, Utah 84790

12:30 p.m. – 4:00 p.m.

*Chief Justice Matthew B. Durrant, Presiding*

#### Attendees:

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

#### Excused:

Justice Thomas Lee

#### Staff:

Richard Schwermer  
Ray Wahl  
Shane Bahr  
Cathy Dupont  
Jim Peters  
Dawn Marie Rubio  
Jacey Skinner  
Jeni Wood

#### Guests:

John Baldwin  
Jim Bauer  
Dickson Burton  
Judge David Connors  
Brett Folkman  
John Lund  
Justice Paige Petersen  
Judge Andrew Stone

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

Chief Justice Matthew Durrant welcomed everyone to the meeting. Chief Justice Durrant noted Justice Paige Petersen is attending on behalf of Justice Thomas Lee.

**Motion:** Judge Kate Toomey moved to approve the minutes from the February 26, 2018 Judicial Council meeting. Judge Kara Pettit seconded the motion, and it passed unanimously.

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

Chief Justice Durrant thanked all of the individuals who were involved with the legislative session this year. Chief Justice Durrant thanked Judge David Connors for speaking at our appropriations committee meeting on the Court Visitor Program. Chief Justice Durrant thanked Jacey Skinner for her endless energy in supporting the courts during this session.

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

Richard Schwermer said that following a recent meeting with the Speaker and other Legislators, the new pretrial release program, with a minor change to the MOU, would move forward. Mr. Schwermer said the courts will begin using the new program in April or May. Mr. Schwermer reported district court filings overall are up 1%; justice court filings overall were up 5%, including an 11% increase of traffic citations; and juvenile court filings were down 11%, with that decrease attributed to a reduction of 70% in contempt filings. The decrease in contempt filings is due to the changes from H.B. 239.

State auditors recently conducted an AOC audit including controls in place for purchases, cash disbursement, payroll and surcharges. There will be an audit exit meeting within the next couple of weeks. Mr. Schwermer noted the new director of audit for the Courts, Julie Wrigley, started last week. Ms. Wrigley comes from the State Auditor's Office.

Mr. Schwermer next discussed the cases under advisement issue and noted a work-group has been created consisting of representatives from various court levels. The work-group will address rule and policy changes to assist judges in meeting the 60-day guideline, and will report back to the Council shortly.

**4. COMMITTEE REPORTS:**

***Management Committee Report:***

The committee's work is reflected in the minutes.

***Liaison Committee Report:***

Judge Paul Farr said the committee will meet in a couple of weeks to finalize their work with this legislative session. Judge Farr noted Jacey Skinner has been a great asset.

***Policy and Planning Meeting:***

Judge Derek Pullan highlighted a few tasks the committee is working on. They include forming a subcommittee to review the new Human Resources professional appearance policy; addressing court security rules; and monitoring the Law X project. Judge Pullan noted the committee will be working with Judge Fuchs to review and amend the problem-solving court rules.

***Bar Commission Report:***

Rob Rice thanked Judge Toomey for her attendance at the Bar Commission to discuss the LPP program. The State Bar approved \$37,000 request to pay consultants to draft validated certification tests for LPP program. Chief Justice Durrant asked Mr. Rice to thank the Bar Commissioners for their continued hard work.

**5. BUDGET UPDATE: (Richard Schwermer)**

Mr. Schwermer said the courts partnership with the Bar is invaluable. Mr. Schwermer distributed and reviewed the Judicial Council FY19 Budget Request. Mr. Schwermer noted that Judge Connors and Lisa Towner presented to our appropriations committee regarding the Court Visitor Program, which was approved with permanent on-going funds. Shane Bahr noted there is a Court Visitor Volunteer Recognition scheduled in the Supreme Court rotunda on Monday March 13 at 3:00 pm if anyone would like to attend.

Mr. Schwermer said Chris Palmer testified several times before various committees on behalf of the counties court security funds request. Jacey Skinner said the appropriations committee was aware the court security request came from the counties and not the courts. The \$500,000 one-time appropriation by the Legislature, along with the increased traffic citations will assist in additional funding for court security in the counties.

The jury/witness/interpreter program has an annual deficit of approximately \$1 million. The program was funded with \$2 million one-time funding and \$1 million on-going funds. Ray Wahl said Governor Herbert and the Board of Examiner always supported additional ongoing funds for this program rather than funding the deficit in with one-time monies.

The only request not funded was the one-time funding for a replacement server. The Council will address options for this replacement and other hardware replacement issues at the April meeting. Judge Pullan would like to review the plan that tracks the estimated life span of the courts' computers and systems.

**6. LEGISLATIVE UPDATE: (Jacey Skinner)**

Chief Justice Durrant welcomed Jacey Skinner. Ms. Skinner provided a summary of the legislation this year. There was a record of over 1,300 bill requests, with over 500 passing; and there were 58 resolutions passed.

Ms. Skinner invited several legislators to come to the court to attend hearings and meet with judges so they can learn how the courts operate. Ms. Skinner requested judges let her know if they are interested in having legislators come to their courtrooms. Ms. Skinner explained several bills that passed, including H.B. 198 Attorney General Amendments; S.B. 171 Intervention as a right. Ms. Skinner discussed HB 248 Compensatory Service in Lieu of Fine Amendments that passed requiring a community service option for misdemeanors. Judge David Connors said this might be difficult when someone is convicted of multiple levels of charges because one fine is imposed for all convictions in a case. H.B. 239 was amended to address truancy, custody status, and what charges would need to go to the prosecutor before being sent to the probation officer.

Ms. Skinner next addressed the new DUI law that reduces the legal limit to .05, effective in December 2018.

There were several bills addressing guardianship cases. Judge Connors explained that the district court must appoint both parents as co-guardians when their disabled child turns 18 years old, unless a parent is unwilling or unable in S.B. 182 Guardianship Amendments.

Mr. Schwermer thanked Ms. Skinner for a terrific job. Mr. Schwermer said having Jacey Skinner and Cathy Dupont's perspective from previously working at the Capitol with the Legislature was a great asset. Mr. Schwermer additionally thanked Judge David Connors, Judge Paul Farr, Judge Thomas Higbee, Judge Mary Noonan, Judge Kara Pettit, Ray Wahl, Brent Johnson, Shane Bahr, Dawn Marie Rubio, Jim Peters, John Bell, Kim Allard's department, Katie Gregory and Krista Airam for their legislative support.

## **7. TCE REPORT: (Jim Bauer and Brett Folkman)**

Chief Justice Durrant welcomed Jim Bauer and Brett Folkman. Mr. Bauer noted he recently moved from Michigan, where he worked in their court system. He noted the Utah court system is very advanced; including the merit selection of judges, well-developed governance structure, technology, and the self-help center.

### **TCE Update**

- 2017 TCE appointments: Krista Airam - Second Juvenile Court, Mark Urry - Fourth District Court, Joyce Pace - Fifth District Court, and Travis Erickson moved from the Second Juvenile TCE position to the Seventh District TCE position.
- Districts filled 100 clerical, 35 probation and 10 law clerk positions in 2017.
- Coaching/Performance Management Protocol Replaced Annual Performance Evaluations.
- As part of the court's education and succession planning, staff continue to attend the court skills academy, mid-management academy and the Michigan State University Judicial Administration program.

### **District Court**

- Electronic Submissions of Probable Cause Affidavits
- Status of CLE webcasts to courthouses
- Court Security contracts
- Cases under advisement reporting

### **Juvenile Court**

- H.B. 239 implementation dates: August 1, 2017 and July 1, 2018
  - Impact on Districts
  - NJ Funding Status
- Third Juvenile received OJJDP funding through the Center for Children and Family Futures for National Evaluation and Technical Assistance for Family Drug Courts
- Third Juvenile was selected by the National Council of Juvenile and Family Court Judges and National Research Team to participate in evaluating the Juvenile Drug Court Treatment Guidelines
- Future of Juvenile Work Crews



Mr. Folkman thanked Dawn Marie Rubio and Shane Bahr for their continued assistance with a fairly new group of TCE's. Mr. Folkman said clerical positions have a higher turnover rate than in the past due to higher pay jobs being available, staff leaving the court to start families and some staff leaving to get advanced degrees. The TCE's are studying the issue of clerical pay, which they believe is the top issue in retention of staff. Justice Paige Petersen said flexible schedules might help with the turnover rate.

The performance evaluation system has been replaced with a mentoring and frequent check in process, which they believe is working well. Mr. Bauer said the new process increases communication between the supervisor and employee. Mr. Folkman said the education department provides a skills academy for future managers, a middle-management academy, and a Michigan State University program for managers that result in a certificate in judicial administration. These programs were explained and have been very successful.

Mr. Folkman said he and Mr. Bauer have been assisting the Bar with CLE courses held at courthouses. The attendance rate has dwindled considerably. There is a bit of lost communication with the Bar as well. Ray Wahl said the Bar committed to providing a Bar representative to attend the CLE's to assist with sign-ups, however, this assistance has not always been available. Mr. Rice said he will follow up.

The TCE's are working on the cases under advisement reports. Mr. Bauer noted the changes in H.B. 239 caused the courts to restructure the juvenile courts. Mr. Bauer said the Third District family dependency drug court received a 2-year grant for technical assistance.

#### **8. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge Andrew Stone and Shane Bahr)**

Chief Justice Durrant welcomed Judge Andrew Stone. Judge Stone became the Chair of the Board of District Court Judges in November 2017. There are 11 members on the Board; more than half of the members are new to the Board. Judge Stone mentioned a few projects the Board is working on. The consolidation of probation cases rule is complete and has been sent to the Policy & Planning Committee. One of the goals that should be complete this year is an online version of the bench books.

Judge Stone said the Board is looking for additional online resources for to assist with training new judges and the Board is looking at ways to assign law clerks areas of the bench books to maintain and update. Judge Pullan offered to have someone from Policy & Planning attend a Board meeting to discuss the problem-solving courts rules and process.

#### **9. UTAH STATE BAR WELCOME AND REPORT: (John Lund, Dickson Burton, and John Baldwin)**

Chief Justice Durrant welcomed John Lund, Dickson Burton, and John Baldwin. Mr. Lund introduced Dickson Burton as the Bar's president-elect. Mr. Lund thanked the Council for holding this meeting in St. George in conjunction with the Bar's Spring Conference. Mr. Lund said the Bar is working on how attorneys can be more accessible and useful to litigants. The Bar Commission authorized research on this subject. Mr. Burton said the Bar conducted a survey

and the results showed that individuals who interact with attorneys tended to have a more positive perception of lawyers than those who do not.

Mr. Lund said there has been discussion about including more attorneys who represent diverse perspectives in bar membership. The Bar is also working to better train attorneys. Justice Petersen said she noticed young lawyers who are in large law firms possess better skills in a courtroom because the law firms typically have a mentoring program, whereas lawyers who are not in a large law firm do not have the same opportunity for mentoring. Mr. Lund said he welcomes any recommendations from the courts. The Bar has a list-serve of practice areas, such as criminal cases. This allows attorneys to contact other attorneys on the list specific to their questions. Mr. Baldwin said the litigation section is going to conduct education courses that will include practical courtroom demeanor tips. Judge Todd Shaughnessy said keeping the law schools engaged in practical training for lawyers who will be in a solo practice would be beneficial.

**10. UNIFORM FINE AND BAIL COMMITTEE APPOINTMENT: (Shane Bahr)**

Mr. Bahr addressed the Uniform Fine and Bail Committee's recommendation for the appointment of Judge Mike Junk and Judge Reuben Renstrom.

**Motion:** Judge Toomey moved to approve the appointment of Judge Mike Junk and Judge Reuben Renstrom to the Uniform Fine and Bail Committee. Judge Augustus Chin seconded the motion, and it passed unanimously.

**11. CODE OF JUDICIAL ADMINISTRATION RULE 9-109: (Jim Peters).**

Jim Peters discussed the proposed new rule 9-109, which allows for a presiding judge in justice courts. Mr. Peters is requesting this rule be effective April 1 with the understanding the rule will go out for public comment after the effective date. Mr. Peters said he has received very little negative reaction to this rule.

**Motion:** Judge David Marx moved to approve the new rule 9-109 as proposed with an effective date of April 1, 2018, with the understanding the rule will be sent for public comment. Judge Toomey seconded the motion, and it passed unanimously.

**12. RECOGNITION OF JUDGE THOMAS HIGBEE**

Chief Justice Durrant presented Judge Higbee with a Judicial Council plate. Chief Justice Durrant thanked Judge Higbee for his commitment to the Judicial Council and wished him well in his retirement. Judge Higbee said being a member of the Judicial Council has been a great opportunity, especially for rural courts.

**13. EXECUTIVE SESSION**

**Motion:** Judge Toomey moved to go into executive session to discuss a security matter. Judge Pullan seconded the motion, and it passed unanimously.

**14. CONSENT CALENDAR ITEMS.**

There were no consent calendar items.

15. **ADJOURN**  
The meeting adjourned.



# Tab 2



**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

April 10, 2018  
Judicial 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  
Jacey Skinner  
Krista Airam  
Heidi Anderson  
Shane Bahr  
Cathy Dupont  
Jim Peters  
Nancy Sylvester  
Keisa Williams  
Jeni Wood

**Excused:**

**Guests:**

Dennis Moxin

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

Chief Justice Matthew Durrant welcomed everyone to the meeting. Chief Justice Durrant spoke briefly about the report of the ABA's task force on judicial wellness. The task force completed a study that indicated lawyers tend to have a high rate of mental and emotional problems. The task force is now studying judges as well. The Utah Supreme Court and the Utah State Bar are forming a task force to address this issue and to ensure resources are available for lawyers and judges. The task force will be co-chaired by Justice Paige Petersen and Dickson Burton. Richard Schwermer said the task force membership is still being finalized with individuals from law schools, the Bar, the courts, and others.

After reviewing the minutes, the following motion was made:

**Motion:** Judge Kate Toomey moved to approve the February 26, 2018 Management Committee meeting minutes. Judge Mary Noonan seconded the motion, and it passed unanimously.

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

Richard Schwermer discussed the possibility of the Judicial Council attending the State Bar conference in Sun Valley in July. The Judicial Council hasn't attended this conference for

approximately nine years. The State Bar conference next year will be in Utah. Judge Noonan believes there are pros and cons to the Council attending and the Judicial Council should discuss it. Mr. Schwermer will raise this issue with the Council as part of his administrator's report.

### **3. FY2019 SPENDING RECOMMENDATIONS: (Richard Schwermer)**

Mr. Schwermer distributed the FY 2019 proposed Judicial Council spending plan and described the process of how the budget plan is created.

Regarding, the on-going budget plan, Mr. Schwermer explained that court employees are split into three different groups and market studies are rotated amongst these three groups each year to determine the market rate of positions. This year Chief PO's, Probation Supervisors, Probation Officers and Deputy Probation Officers were studied. Human Resources complete a market comparability analysis of these positions, and found these positions are 13% below market. In the past, the goal has been to get positions to at least within 10% of market value. The budget committee recommended that we increase the range by 7.5%. If the Council approves the budget plan, everyone in those positions would get at least a 4.5% pay increase but could get as much as 7.5%. Concern was expressed that depending upon the money available in a particular fiscal year, we may not be applying these raises in the same way for all three groups. Judge Shaughnessy wondered if it would be possible to make the pay increases more consistent, rather than dividing the groups. Mr. Schwermer said he can review historical information on this.

Mr. Schwermer next discussed the recommendation to use one-time funding for upgrades that were recommended by the recent security audit. Heidi Anderson addressed the needs required to meet the audit recommendations. All other items included in the one-time spending plan were reviewed.

Mr. Schwermer proposed using the remaining \$41,000 for HR hot spots.

The rest of the ongoing spending plan was reviewed and discussed.

Mr. Schwermer noted adjustments can be made to the budget plan in September once the 2018 books are closed and an exact carry forward figure of ongoing and one time money is determined.

### **4. EXCUSAL OF JUDGE MARGARET MILLER FROM THE JUSTICE COURT CONFERENCE: (Jim Peters)**

Jim Peters addressed the Committee regarding the request to have Judge Margaret Miller excused from the April 24-27, 2018 Annual Justice Court Judges Conference. Provided documentation was reviewed.

**Motion:** Judge David Marx moved to approve the excusal of Judge Margaret Miller from the Justice Court Judges Conference. Judge Toomey seconded the motion, and it passed unanimously.



**5. COMMITTEE APPOINTMENTS: (Nancy Sylvester and Keisa Williams)**  
**Model Utah Jury Instructions - Civil Committee**

Nancy Sylvester addressed the Model Utah Jury Instructions - Civil Committees list of appointment recommendations.

**Motion:** Judge Toomey moved to approve the appointment of Doug Mortensen to the Model Utah Jury Instructions - Civil Committee and to place this item on the Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

**Self-Represented Parties Committee**

Ms. Sylvester next addressed the Self-Represented Parties Committees recommendation to appoint Judge Catherine Hoskins to serve on the committee.

**Motion:** Judge Shaughnessy moved to approve the appointment of Judge Catherine Hoskins to the Self-Represented Parties Committee and to place this item on the Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

**Pretrial Release Committee**

Keisa Williams reviewed the Pretrial Release Committees recommendations to appoint four members to serve on the committee. Ms. Williams noted this committee does not have a chair. A recommendation for a district court judge from the Board of District Court Judges will be later this month.

**Motion:** Judge Toomey moved to approve the appointment of Reed Stringham, Marshall Thompson, Cara Tangaro, and Kimberly Crandall to the Pretrial Release Committee and to place this item on the Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

**Motion:** Judge Shaughnessy moved to approve current member Judge George Harmond as chair of the Pretrial Release Committee subject to confirming his interest. Judge Toomey seconded the motion, and it passed unanimously.

**6. HR CODE OF PERSONAL CONDUCT 500: (Keisa Williams)**

Ms. Williams next addressed the proposed amendments to HR 500. Judge Shaughnessy addressed the definition of “weapon.”

**Motion:** Judge Toomey moved to approve the proposed changes to HR Code of Personal Conduct 500, replacing the word “weapon” with “firearm,” and subject to Judge Pullan’s approval of the change, and to place this item on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

**7. PROBATION POLICIES 2.17, 2.18, and 4.5: (Krista Airam and Dennis Moxin)**

Krista Airam introduced Dennis Moxin, who has been assigned to a six-month career mobility contract to assist in the continued implementation of juvenile justice reform. Ms. Airam discussed the revisions of probation policies 2.17, 2.18, and 4.5.

**Motion:** Judge Shaughnessy moved to approve amendments to probation policy 2.18 and approve the deletion of policies 2.17, and 4.5 and to place this item on the Judicial Council consent calendar. Judge Noonan seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the proposed agenda for the April 16, 2018 Judicial Council meeting.

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

**9. EXECUTIVE SESSION**

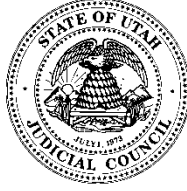
An executive session was not held.

**10. ADJOURN**

The meeting adjourned.

# Tab 3



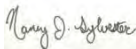


## Administrative Office of the Courts

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   
**Date:** March 26, 2018  
**Re:** Certification of Senior Judges

---

Judge Tom Higbee (Fifth District Juvenile Court-retiring April 30, 2018) has applied to be an active senior judge and Justice Leonard Russon (Supreme Court – retired 2003) has applied to be an inactive senior judge. I have attached their application forms, which show compliance with the minimum qualifications for office and with judicial performance standards. Neither judge has complaints pending before the Judicial Conduct Commission or the Utah Supreme Court.

The Council's certification decision will be forwarded to the Utah Supreme Court for its consideration in the appointment process.

**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.**



## **Senior Judge Application Active Status**

### **Qualifications for Office**

I, Thomas M. Higbee, hereby apply for the office of Active Senior Judge and declare as follows:

- 1) I was retained in the last election in which I stood for election.
- 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- 3) I am physically and mentally able to perform the duties of judicial office.
- 4) I demonstrate appropriate ability and character.
- 5) I am admitted to the practice of law in Utah, but I do not practice law.
- 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- 7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- 8) I am a current resident of Utah and available to take cases.
- 9) I will satisfy the education requirements of an active judge.
- 10) I will accept assignments at least two days per calendar year, subject to being called.
- 11) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration, and rules of the Supreme Court.
- 12) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been certified for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- 13) I continue to meet the requirements for certification for judicial performance evaluation as those requirements are established for active senior judges.
- 14) I was not removed from office or involuntarily retired on grounds other than disability.

- 15) I was not suspended during my final term of office or final six years in office, whichever is greater.
- 16) I did not resign as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- 17) I will submit relevant information as requested by the Judicial Council.
- 18) My date of birth is [REDACTED] and my retirement date is APRIL 30, 2018.
- 19) I have not been subject to any order of discipline for conduct as a senior judge.
- 20) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 21) During my current term there have been 0 orders of discipline against me entered by the Supreme Court, and I have attached a copy of each, if applicable.
- 22) The address at which I can be contacted after retirement is:

[REDACTED]

My email address and phone number are:

[REDACTED]

### Judicial Performance Evaluation Information

I further declare as follows:

- 23) I have held no more than three cases per calendar year under advisement more than 60 days after submission.
- 24) I have held no cases under advisement more than 180 days after submission.
- 25) I am in substantial compliance with the Code of Judicial Conduct.
- 26) I am physically and mentally fit for office.
- 27) I have obtained the following judicial education hours for the years indicated.

2015	2016	2017	2018
34	34.5	32.5	24

If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course.

LEGISLATIVE UPDATE - 4

JUVENILE COURT CONFERENCE - 20

- 28) I understand that I must contact the Administrative Office of the Courts and request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education requirements.

I waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission be sent to the person shown below, if requested.

21 MARCH 2018

Date

  
Thomas M. Higbee

Please complete and return by March 8, 2018 to:

Nancy J. Sylvester  
P.O. Box 140241  
Salt Lake City, Utah 84114-0241  
Fax: 801-578-3843  
Email: [nancyjs@utcourts.gov](mailto:nancyjs@utcourts.gov)





**Senior Judge Application**  
**Inactive Status**

I, Leonard Russon, apply for the office of senior judge, inactive status, and declare as follows:

- 1) I was retained in the last election in which I stood for election.
- 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- 3) I am physically and mentally able to perform the duties of judicial office.
- 4) I demonstrate appropriate ability and character.
- 5) I am admitted to the practice of law in Utah, but I do not practice law.
- 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- 7) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 8) During my current term there have been 0 orders of discipline against me entered by the Supreme Court, and I have attached a copy of each, if applicable.
- 9) The mailing address and phone number at which I can be contacted after retirement are:

\_\_\_\_\_

\_\_\_\_\_

My email address and phone number are:

\_\_\_\_\_

\_\_\_\_\_

I waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission since my separation date be sent to the person shown below, if requested.

MARCH 27, 2018  
Date

Leonard Russon  
Leonard Russon

Please complete and return to:

Nancy Sylvester  
P.O. Box 140241  
Salt Lake City, Utah 84114-0241  
Fax: 801-578-3808  
Email: [nancyjs@utcourts.gov](mailto:nancyjs@utcourts.gov)

I was a trial lawyer for over 20 years when I decided to fulfill a lifetime dream of being a judge. I was the senior partner of my Law Firm at the time which made the decision more difficult. I have never regretted it.

I was appointed Third District Court Judge by Governor Martheson in 1984. I remained in that position until 1991 at which time I was appointed Court of Appeals Judge by Governor Bangerter. I remained in that position until 1994 at which time I was appointed Utah Supreme Court Justice by Governor Leavitt. I remained in that Position until 2003, at which time I retired.

During my years of practicing law and being a Judge or Justice on the various Courts I performed a number of weddings which included one in New York and two in California. However, upon my retirement in 2003 I ceased from such activity to this day. I truly retired.

However, several days ago my wonderful 26 year old granddaughter, Candice Russon, and her husband to be, informed me that they were planning to marry next September and asked if I would participate and perform their marriage ceremony. It is for that reason I seek appointment as Inactive Senior Judge, which I have been advised is necessary for this to occur.

I herein reaffirm the statements set forth in my application.

Thank You.

  
Leonard H. Russon

Hon. Leonard H. Russon (Ret.)  
3604 Crestwood Drive  
Salt Lake City, Utah  
84109  
H -801-278-0346  
C -801-209-6603

Utah Supreme Court 1994-2003  
Utah Court of Appeals 1991-1994  
Third District Trial Court 1984-1991  
Trial Lawyer (private practice 1962-1984)  
Fellow/American College of Trial Lawyers since 1984

March 28, 2018

HAND DELIVERED

Nancy Sylvester  
Associate General Counsel  
Administrative Office of the Courts

Re: my Application for Appointment as an Inactive Senior Judge

Dear Ms. Sylvester,

Thank you for your help in regards to my application for Senior Judge. I have now filled it out adding a note which is attached. The Wedding is presently set for September 29, 2018.. That is sometime in the future but I feel I need the appoinment early so everyone can feel secure.

  
Leonard H. Russon



# Tab 4



## ***APPELLATE MEDIATION OFFICE***

### ***Mediating Late and Mediating Successfully-- A Service to the Public***

- For 20 years, the Appellate Mediation Office (AMO) has helped litigants resolve their disputes. The AMO gives parties and their attorneys a kind, safe, and confidential environment in which they can succeed.
- The AMO staff is well-experienced. Attorney Michele Mattsson has been the Chief Appellate Mediator since 2001. Paralegal Shauna Hawley started as the administrative assistant in 2013. Michele and Shauna provide a caring and cordial environment for litigants in high stress, high conflict situations.
- The AMO resolves as many cases annually as does a Court of Appeals' judge and does so at a third of the cost.
- The AMO has broad reach, a positive impact. It helps reduce the caseload of appellate judges. The AMO also affects district courts throughout Utah. There are no reversals in settled cases. And, the parties are more likely to comply with an agreement they helped craft.
- The AMO resolves state agency cases.
- 50% or more of the cases referred to the AMO settle. Here is a snapshot of 2017:

Number of cases ordered into mediation	76
Cases settled	41
Percentage of cases settled	54%

#### Case demographics:

Divorce	17
Contract disputes	12
LABC/WFS	11
Personal injury	8
Landlord/Tenant	7
Real Estate	6
Collections	5
Estate	3
Employment	2
Miscellaneous	5

## ***APPELLATE MEDIATION OFFICE***

- Most mediations are in-person; some are by phone; some are both. In 2017, 67 cases were mediated in-person; nine by phone.
- The AMO is efficient. In 2017:
  - Average time cases were in mediation 2.54 months
  - Average time Labor Commission cases were in mediation 3.89 months
  - Average time domestic cases were in mediation 2.41 months
- Cases are typically mediated before briefs are written, which saves the parties tens of thousands of dollars. Mediation also saves time for the parties. A case resolved through mediation is quicker than one resolved by judicial opinion.
- The AMO often resolves more than the appellate case to which it was assigned. In many instances, AMO settlements conclude an appeal as well as cases pending in other courts.
- The AMO provides a valuable service to parties and attorneys. Questionnaires submitted by participants in appellate mediation show overwhelming support for the office:

"This was genius. Trial counsel had sworn this would never settle because the other side was crazy. But appellate mediation helped both parties see the light. Worked out beautifully."

"Case started in 2006 and ended in 2017. Thanks to Michele Mattsson's excellent work it was settled! Giant mess of a case. Can't believe it settled. Thank you Michele!"

"The mediation offered by the Court of Appeals was very helpful and a great service to these parties. Litigation has been ongoing for almost four years, with many more to come had we not been able to settle."

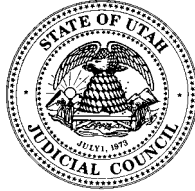
"I was surprised at the notion of mediation during an appeal, but it works. It really works."

"The Mediation Office served this citizen expeditiously, graciously and with the utmost care."



# Tab 5





# Administrative Office of the Courts

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

April 2, 2018

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

## MEMORANDUM

**TO:** Management Committee / Judicial Council  
**FROM:** Keisa Williams  
**RE:** Standing Committee on Pretrial Release and Supervision  
New Member Appointments

**Name of Committee:** The Standing Committee on Pretrial Release and Supervision

**Reason for Vacancies:**

- Utah Insurance Department – Brett Barratt no longer works for UID
- CCJJ – Jennifer Valencia took the bench
- Defense Attorney – Patrick Corum took the bench
- Prosecutor – Robert Hilder passed away

**Eligibility requirements:** Each of these vacancies are required pursuant to CJA 1205(1)(B)(xiii)

**Current committee member list:**

LAST NAME	FIRST NAME	ROLE
Carlos	Wayne	Commercial Surety Agent
Fonnesbeck	Angela	Juvenile Court Judge
Harmond	George	District Court Judge
Hillyard	Lyle	State Senator
Hutchings	Eric	State Representative
Johnson	Brent	Court's General Counsel
Kimball	Pat	Representative of County Pretrial Services Agency
McCullagh	Brendan	Justice Court Judge
Romney	Rick	Justice Court Judge
Trupp	Adam	Representative of Counties
Carver	Scott	County Sheriff (Represented by Undersheriff)
Vacant		Representative of Utah Insurance Department
Vacant		Defense Attorney
Vacant		Prosecutor
Vacant		CCJJ
Vacant		District Court Judge and Chair

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

**Description of recruitment process:** I circulated an email to the Utah State Bar listserv and to the Utah Insurance Department and CCJJ.

**List of names for consideration:**

- Utah Insurance Department
  - Reed Stringham
- CCJJ
  - Marshall Thompson
  - Doreen Weyland
- Defense Attorney
  - Cara Tangaro
  - Todd Utzinger
  - Dallas Young
  - Joshua Baron
  - John West
- Prosecutor
  - Kimberly Crandall
  - Sean Brian
  - Ryan Stack
  - Matthew Hansen
  - Nicholas Mills

Resumes and Statements of Interest are attached.

# **Criminal Defense**

---

# Tangaro Law

---

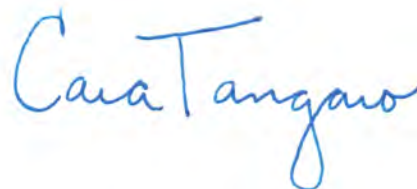
Cara Tangaro  
Attorney At Law

I was a prosecutor in Salt Lake County for seven years and have been a private criminal defense attorney for almost ten years. As a private criminal defense attorney, I have appeared in a majority of the courts throughout the State including (St. George, Cedar City, Vernal, Duchesne, Tooele etc). I also have a unique perspective as I have a public defender contract through Salt Lake County as well.

I am committed to giving my time to make a positive impact on criminal defense both those who can afford to hire me and indigent clients. I am a member of the Utah State Bar Commission for the Third District, a member of a committee who assists the Indigent Defense Commission, a member of the Utah Supreme Court Advisory Committee for the Rules of Criminal Procedure, past President of Utah Association of Criminal Defense Lawyers and an active member of a solo practitioner and small firm community of practitioners. Along with this I also mentor young lawyers and law students.

I am particularly interested in pretrial detention issues as it is handled differently throughout the state and I believe that prosecutors in particular jurisdictions have too much ex parte input which can forever impact a criminal defendant and their ability to be out of custody and thoroughly engaged in their representation.

Currently, it seems that there is an ad hoc approach to pretrial release that gives little guidance to the Judiciary. I think that it is important to pursue evidence based practices so that those who are truly dangers or flight risks are being treated differently from those who are not.



**CARA M. TANGARO**

35 West Broadway Suite 203 • Salt Lake City, Utah 84101 • (801) 673-9984  
cara@tangarolaw.com

**EDUCATION**

Juris Doctor, University of Utah, Salt Lake City, Utah, 2001  
BS Political Science, Santa Clara University, 1996  
Gonzaga University in Florence / Studies Abroad

**AWARDS**

Utah Business Magazine, Legal Elite in Criminal Law

**COMMITTEES**

- Utah State Bar Commissioner
- Supreme Court's Advisory Committee on the Utah Rules of Criminal Procedure

**CONTRACTS**

Salt Lake Legal Defender Conflict Contract  
Federal Court CJA Panel Member

**EXPERIENCE**

- 4/13 - present      **Tangaro Law, P.C., Salt Lake City, Utah**  
*Defense Attorney, Solo Practitioner*
- Manage state and federal criminal caseload including plea negotiations, dispositions, pretrial motions, preliminary hearings, trials, and sentencing
  - Handle all aspects of client relations from initial consultations through closure of case
  - Qualified to handle Capital Homicide cases
- 6/10-4/13      **Hutchison, Neider, & Tangaro P.C., Ogden and Salt Lake City, Utah**  
*Defense Attorney*
- Manage all aspects of state and federal criminal caseload
- 09/08-6/10      **Keith Barton and Associates, South Jordan, Utah**  
*Defense Attorney*
- Lead counsel on all types of misdemeanor and felony cases including homicides and cases involving unlawful sex.
- 11/01 – 09/08      **Salt Lake County District Attorney's Office, Salt Lake City, Utah**  
*Deputy District Attorney*
- Managed criminal felony caseload including plea negotiations, dispositions, pretrial motions, preliminary hearings and trials
  - Prosecuted and went to trial on over twenty felony cases including a Capital Homicide case





# *Davis County Legal Defenders*

---

28 East State Street, Suite 100 • P.O. Box 618 Farmington, Utah 84025  
Telephone: 801-451-3010 • Fax: 801-451-3016

**Todd Utzinger**  
Director

February 21, 2018

Keisa L. Williams  
Associate General Counsel  
Administrative Office of the Courts  
450 South State  
P.O. Box 140241  
Salt Lake City, Utah 84114-0241

RE: Utah Judicial Council's Standing Committee on Pretrial Release and Supervision Practices

Dear Ms. Williams:

I am interested in serving as a member of the Utah Judicial Council's Standing Committee on Pretrial Release and Supervision Practices. I have long been interested in improving Utah's procedures and practices for pretrial release and supervision issues. To that end, I have previously served on the Utah Judicial Council's Committee on Pretrial Release and Supervision Practices chaired by Judge Todd Shaughnessy. That committee was focused primarily on gathering data and making recommendations for improving pretrial detention/release practices in Utah. That work resulted in a November 23, 2015 report to the judicial council that recommended sweeping and fundamental changes to Utah's pretrial release and supervision practices.

Since last spring I have served on the judicial council's working group for the public safety assessment tool chaired by Judge Brent West. That working group has focused primarily on the adoption and implementation of an evidence-based, risk assessment tool to assist judges in making pretrial release/detention decisions. Working in tandem with the Administrative Office of the Courts, the committee has made significant advancements - but much work remains. It is my sincere desire to see these important efforts come to fruition and believe participation on the standing committee will afford me that opportunity.

As the coordinator of the Davis County Legal Defender Program, I believe I am well-positioned to identify evolving issues relative to pretrial procedures and practices in Utah's courts. I have an excellent working relationship not only with our legal defenders, but also the judges, prosecutors and private defense attorneys throughout the district. In addition to appearing regularly in district court, I also supervise legal defender representation in juvenile and justice courts for Davis County as well as appearing in those courts for special cases. As the legal defender coordinator, I also sponsor a free monthly CLE and lunch program attended by defenders, prosecutors and



occasionally judges and members of the guardian ad litem office depending upon our topic. Finally, at my urging, the Davis County Board of Commissioners recently allocated funds for a pretrial services program.

I have enclosed a resume for your consideration and would welcome the opportunity to serve on the council's standing committee. I am also willing to continue to serve as a member of the PSA working group because it is evident the efforts of the two groups are closely related.

Sincerely,



TODD UTZINGER

enclosure  
TU/sa

## **TODD UTZINGER**

Attorney at Law  
28 E. State Street, Suite 100  
PO Box 618  
Farmington, Utah 84025  
Telephone: (801) 451-3010  
Facsimile: (801) 451-3016  
Email: [tutzinger@daviscountyutah.gov](mailto:tutzinger@daviscountyutah.gov)

### **LAW-RELATED PROFESSIONAL EXPERIENCE**

Dec., 2011 to Present	Legal Defender Coordinator, Davis County, Utah (coordinate all aspects of the Davis County Legal Defender Program for district, juvenile and justice courts)
Jan., 2007 to Nov., 2011	Legal Defender Coordinator, Davis County, Utah (hired as an independent contractor to supervise legal defenders)
Nov., 2003 to Dec., 2006	Legal Defender, Davis County, Utah (hired as an independent contractor)
April, 1998 to June, 2015	Private Practitioner, practice areas included criminal defense in local, state and federal courts; immigration law (litigation-based cases); federal litigation
Nov., 1997 to April, 1998	Assistant Attorney General, Child Protection Division (assigned to <u>David C. v. Leavitt</u> and other special cases)
Feb., 1996 to Nov., 1997	Communication Director and Media Spokesperson for Utah Attorney General's Office; Assistant Attorney General
Oct., 1991 to Feb., 1996	Assistant Attorney General, Criminal Appeals Division Researched and wrote appellate briefs; argued cases before the Utah Supreme Court and Utah Court of Appeals; as "Search and Seizure Team Leader" advised other appellate attorneys, state and local prosecutors, and members of law enforcement on issues arising under the Fourth and Fifth Amendments
May, 1990 to Oct., 1991	Law Clerk, Criminal Appeals Division, Utah Attorney General's Office

### **LAW-RELATED SERVICE**

May, 2017 to present	Member, Utah Judicial Council's Pretrial Public Safety Assessment Working Group
----------------------	---

## **LAW-RELATED SERVICE, continued**

Feb., 2015 to Nov. 2015	Member, Utah Judicial Council's Committee on Pretrial Release and Supervision Practices
March, 2011 to December, 2015	Member, Utah Judicial Council's Study Committee on the Representation of Indigent Criminal Defendants in Trial Courts
July, 2009 to July, 2012	Member, Utah Supreme Court's Advisory Committee on the Rules of Criminal Procedure
June, 1999 to July, 2005	Chair, Utah Supreme Court's Advisory Committee on the Utah Rules of Appellate Procedure
July, 1994 to June, 1999	Member, Utah Supreme Court's Advisory Committee on the Utah Rules of Appellate Procedure
July, 1992 to July, 1994	Member, Utah Supreme Court's Advisory Committee on the Utah Rules of Criminal Procedure

## **EDUCATION**

Doctor of Jurisprudence, University of Utah, 1991  
Winner of Best Brief Award and overall Champion of 1990 Moot Court Competition

Master of Arts, University of Denver Department of Mass Communication, 1987

Bachelor of Science in Business Administration, Regis College, 1986 (*magna cum laude*)  
Bachelor of Arts in Communication, Regis College, 1986 (*magna cum laude*)  
Honored as the top student in the field of Mass Media by faculty and staff  
Honored as the top student in Theater Production by faculty and staff

## **PROFESSIONAL MEMBERSHIPS & ACTIVITIES**

Panelist, "Public Safety Assessments; Pretrial Release/Detention Decisions," February 7, 2018

Panelist, "Mary & Myra – the Commitment of Mary Todd Lincoln," Oct. 28, 2016, Rose Wagner Theatre, Discussion of Mental Health Issues and Insanity Defense in Utah

"Barrister," Aldon J. Anderson Inn of Court and "Master of the Bench" 2009 & 2010

Member, Utah Association of Criminal Defense Lawyers, 1998 to present

Moderator and materials author, "Pitfalls of Appellate Review," Midyear Bar Conference, March 1998

Moderator and material co-author, "Search & Seizure Issues," BYU Conference on Government Law Politics, March 1995

## **TEACHING POSITIONS**

Adjunct Assistant Professor, University of Utah, Department of Communication, 1996-1998; taught special sections of "Law and Communication" on an as needed basis depending upon enrollment figures

Adjunct Assistant Professor, University of Utah College of Law, 1994 to 1995; coached the National Moot Court Team and taught appellate advocacy (the national moot court team swept the regional competition and advanced to the top eight teams at nationals)

Adjunct Instructor, University of Utah, Department of Communication, 1989 to 1995; taught special sections of "Freedom of Expression" and "Law and Communication" on an as needed basis depending upon enrollment figures

# Joshua Baron

---

**Sharifi & Baron, PLLC**

50 West Broadway, Suite 905  
Salt Lake City, Utah 84101

801.656.1901

[jbaron@sb-legal.net](mailto:jbaron@sb-legal.net)

---

February 6, 2018

Keisa Williams  
Utah Judicial Council  
[keisaw@utcourts.gov](mailto:keisaw@utcourts.gov)

Re: Application to Serve on Standing Committee on Pretrial Release and Supervision

Dear Ms. Williams,

Not long ago, I was standing with a client at an initial appearance. He knew that there was a warrant for his arrest, but he proactively hired me and appeared in court knowing there was a risk he would be arrested. We stood together at the podium as the judge considered recalling the warrant. Unfortunately, the judge decided against him. The bailiff handcuffed him and walked him into a holding cell.

He asked me to call his family and explain what was happening. He was so overwhelmed that he fainted and I had to hold him up. He had no criminal history. He had not been convicted of anything. He had not even received the prosecution's evidence against him.

I have been practicing criminal defense for the past eight years. I have worked with dozens of criminal defendants who faced the loss of their freedom if convicted at trial. But I have been alarmed how often they lose their liberty before conviction.

I know that some defendants are such a risk to the community and such a flight risk that bail is necessary. But too often judges lack the tools to distinguish between those who present significant risk and those who will appear and follow the law while awaiting trial. I hope that by serving on the Standing Committee on Pretrial Release and Supervision, I can help judges have better tools to make meaningful decisions that affect criminal defendants and the community.

I hope you'll consider me to serve on this important Committee. If you have any questions, please don't hesitate to reach out to me.

Best regards,

Joshua Baron

# Joshua Baron

---

## Sharifi & Baron, PLLC

50 West Broadway, Suite 905  
Salt Lake City, Utah 84101

[801.656.1901](tel:801.656.1901)

[jbaron@sb-legal.net](mailto:jbaron@sb-legal.net)

---

## Summary

---

As a criminal defense attorney with over 10 years experience in Utah courts, I am committed to a fair and effective system of pretrial release and supervision. I would be honored to work with the Standing Committee on Pretrial Release and Supervision to achieve those goals.

---

## Experience

---

### Sharifi & Baron / Attorney

2009 - Present, Salt Lake City, Utah

Practice representing criminal defendants in state and municipal courts  
Not guilty verdicts in serious felony cases

### Salt Lake City Prosecutor's Office / Assistant City Prosecutor

2008 - 2009, Salt Lake City, Utah

Prosecutor of misdemeanor DUI, DV, and protective order violations  
Dozens of guilty verdicts

### Wrona Law Offices / Associate Attorney

2007 - 2008, Park City, Utah

Civil litigation practice focused on construction defects

---

## Education

---

### J. Reuben Clark Law School at BYU / J.D.

2004 - 2007, Provo, Utah

Graduated cum laude

Served as Executive Editor of JPL and Associate Editor of ELJ

### Cal Poly, Pomona / B.A. History

2000 - 2002, Pomona, California

Graduated summa cum laude

---

## Publications

---

Utah Bar Journal - Predicting the Future for Your Clients (Jan. 2013)

BYU Journal of Public Law - Feminist Pedagogy at a Religious School? (May 2007)

---

## Service

---

Lehi High School Community Council (2016 - present)

Pro Bono Participant - J. Reuben Clark Law Society

Full-Time LDS Missionary, Chile (2002 - 2004)

# PETRO & ASSOCIATES

Attorneys and Counselors at Law

1215 North 500 West

Provo, Utah 84604

(801) 373-0019

FAX: (801) 373-0071

E-mail: [dallasyounglegal@gmail.com](mailto:dallasyounglegal@gmail.com)

Michael J. Petro  
Dallas B. Young

February 25, 2018

Keisa Williams

Via email: [keisaw@utcourts.gov](mailto:keisaw@utcourts.gov)

Re: Judicial Counsel Standing Committee on Pretrial Release and Supervision

Ms. Williams,

Please consider this my letter of interest to serve on the Standing Committee on Pretrial Release and Supervision. My practice currently consists primarily of criminal defense. In addition to my private practice, I am conflict counsel for the Utah County Public Defenders Association. I would be happy to serve and offer my input and insight on this important subject.

I have also attached my resume. Please don't hesitate to contact me if you have any further questions.

Regards,

/s/ Dallas B. Young

Dallas B. Young

PETRO & ASSOCIATES

# Dallas Brent Young

Utah Bar Number: 12405

1215 N. 500 W.  
Provo, UT 84604

(801) 373-0019  
[dallasyounglegal@gmail.com](mailto:dallasyounglegal@gmail.com)

---

## WORK EXPERIENCE:

### **PETRO & ASSOCIATES**

*Attorney at law*, September 2014 – Present.

Emphasis on criminal defense, defending against felony and misdemeanor charges in district and justice courts across the state. Particular emphasis on DUI defense. Extensive civil practice involving personal injury litigation, real property litigation, insurance law, contracts litigation.

### **IVIE & YOUNG**

*Attorney at law*, August 2009 – December 2015.

Represented clients in civil litigation at trial court and appellate levels. Tried several personal injury cases, both plaintiff and defense, to juries as well as in arbitration proceedings pursuant to Utah Code Ann. § 31A-22-321. Emphasis on insurance defense, insurance law, insurance coverage, bad faith. Experience in auto insurance, homeowner's insurance, professional liability insurance, title insurance. Experience in real property and contracts litigation.

### **Judge David N. Mortensen, Fourth District Court**

*Law Clerk/Bailiff*, August 2008-August 2009.

Prepared bench memoranda, researched substantive, procedural, and constitutional law, drafted rulings on motions before the court. Also responsible for courtroom security. POST certified as Special Functions Officer.

## EDUCATION:

### **ALBANY LAW SCHOOL:**

Albany, NY

- Juris Doctorate, *Cum Laude*, May 2008
- Rank: 50 of 229, GPA: 3.24
- Member, Justinian Society
- Albany Government Law Review, founding Executive Editor, 2007-08
- Founders Scholarship, 2005-08
- Nairobi, Kenya Summer International Law Institute, Summer '06
- Dean's List, Fall 2006, Spring 2007, Fall 2007, Spring 2008

### **Brigham Young University**

Provo, UT

- Bachelor of Science, Psychology, English Minor, August 2003
- GPA 3.37
- Teaching Assistant, Psychological Testing; Psychology History and Contemporary Issues
- Independent Semester Study Abroad, New Zealand, Fall 2000

## NOTEWORTHY TRIALS:

- *Stewart v. Adams*, Case No. 140401755, Fourth District Court, Provo, Utah, Judge Thomas Low. Bench Trial April 18, 2017. Defendant Scott Adams in a civil claim for unjust enrichment wherein his former fiancée sought judgment against him in the amount of \$254,700.82 for the cost of improvements she made to his home while the couple was preparing to marry. The case was decided based on the merger doctrine; after a dispute over Mr. Adams' responsibility to repay the amount spent improving his property, Ms. Stewart proposed a quitclaim deed to her as a cotenant. Mr. Adams signed and delivered the deed. The trial court ruled that an agreement to get married and own the property jointly, but that the parties never performed that agreement. Rather, the quitclaim deed was signed, delivered, and recorded. These acts triggered the merger doctrine, and because an express oral contract existed,



unjust enrichment was ruled unavailable as a cause of action. The court further ruled that unjust enrichment could not apply because the plaintiff was a 50% owner of the property she paid to improve. The complaint was dismissed with prejudice and on the merits.

- *State v. Bird*, Case No. 155101801, Utah County Justice Court, Provo, Utah, Judge Cullimore. Jury Trial, September 24, 2015. Defended Jeffrey Bird against one count of DUI. The case involved whether the State's expert could give retrograde extrapolation testimony to establish defendant's BAC at the time of driving, several hours prior to breath analysis by an intoxilyzer machine. The opinion was successfully excluded, although the jury returned a guilty verdict. Defendant waived his right to de novo trial.
- *Provo City v. Bills*, Case No. 141001483, Provo City Justice Court, Provo, Utah, Judge Vernon Romney. Jury Trial, March 3, 2015. Defended Douglas Bills against charges of domestic violence assault and false report to a police officer. Trial involved several hearsay issues, and resulted in a verdict of not guilty on the domestic violence charge, and guilty on the false report to a police officer charge.
- *State v. Christensen*, Case No. 131600001, Fourth District Court, Nephi, Utah, Judge Bill Bennett, Sr. Judge. Jury trial, August 4 – 7, 2014. Defended Hadley Christensen against one count of aggravated sex abuse of a child. Trial included evidentiary question of highly complex Y-STR DNA testing. All DNA evidence was ultimately excluded on a motion in limine based on rule 403 grounds. Trial resulted in a jury verdict of not guilty.
- *American Family v. Kemp*, Civil No. 0906000263, Sixth District Court, Manti, Utah, Judge Wallace Lee. Bench trial April 23-24, October 9-10, 2013. Defended Greg and Emery Kemp in a declaratory judgment action brought by their insurer to invalidate coverage for a total loss of a home and its contents following a catastrophic fire. American Family alleged the insured committed arson, thereby voiding coverage. Trial involved dozens of evidentiary issues, including relevance, character evidence by way of opinion and reputation, hearsay, Fifth Amendment privilege against self-incrimination, attorney/client privilege, attorney work product, *State v. Rimmasch*, admission of evidence subject to subsequent proof, best evidence rule, proper use of deposition testimony during trial, hypothetical questions with expert witnesses, among others. Trial resulted in a verdict in favor of the Kemps.
- *Jensen v. Barron*, Civil No. 090402444, Fourth District Court, Provo, Utah, Judge Fred Howard. Jury trial March 21, 2011 – March 30, 2011. Defended Paul Barron in a personal injury case with risk of exposure in excess of his liability insurance coverage. This case involved pre-trial motions, including approximately 20 different motions in limine. Trial resulted in a jury verdict within policy limits.

#### LICENSURE AND PROFESSIONAL ORGANIZATIONS:

- Utah State Bar, May 15, 2009
- United States Court of Appeals, 10th Cir., March 18, 2013
- United States Supreme Court, January 19, 2016
- Utah Association of Criminal Defense Lawyers, January 2017
- United States District Court, Central District of Utah, May 15, 2009
- President, Central Utah Bar Association, June 2015 – May 2016
- Utah Supreme Court Advisory Committee – Rules of Evidence, November 2017 - present

#### APPELLATE APPEARANCES:

- *EBF v. Kay*, 2011 UT 71, 270 P.3d 430. Represented appellant Steve Kay in a property boundary dispute over the doctrine of boundary by acquiescence. Challenged district court's conclusion that the burden of proof in boundary by acquiescence is a preponderance of the evidence. Also challenged the application as to the facts of that case. The trial court was reversed as to the burden of proof, affirmed as to application of the facts in that case.
- *Anderson v. Anderson*, 2010 UT App 392. Represented Appellee Kelly Anderson against Appellant's challenge to the district court's holding appellant in contempt and other factual findings. Appellant failed to marshal the evidence. Extensive briefing on the marshaling requirement. District court affirmed.

- *Schmanski v. Nielsen et al.*, Appellate No. 20090522-CA, for appellants Niensens (appellees settled underlying claim prior to completing briefing). Represented appellants the Niensens. The Niensens were defendants in an anoxic brain injury case arising out of an automobile accident where their minor son was the driver of a vehicle they owned. Challenged the district court's failure to give a jury instruction where both parties requested differing instructions regarding a negligent entrustment liability theory. The district court allowed counsel to argue their theories to the jury and let the jury decide the legal issue. Briefing was never completed because the Appellees settled shortly after the brief of the Appellant was filed.
- *FDIC v. Taylor et al.*, 2011 UT App 416, 267 P.3d 416. Represented Appellee FDIC (successor in interest to a failed bank). This case involved the doctrine of after-acquired title and the doctrine of scrivener's error. Appellants challenged the court's application of the doctrine of after-acquired title. FDIC defended the district court. Court of Appeals reversed, overlooking an affidavit of record that established an essential element the Court of Appeals said had no record evidentiary support.
- *Poll v. Poll*, 2011 UT App 307, 263 P.3d 534. Represented Appellee Sandra Straub (f/k/a Poll) in an appeal of a bench trial. Appellant challenged the district court's factual finding that a \$2.5 million property was pre-marital property. Extensive briefing on the marshaling requirement and standard of review for factual challenges.
- *Woodward v. LaFranca*, 2013 UT App 147, 305 P.3d 181 ("*Woodward I*"). Represented Appellee Julie LaFranca defending the District Court's denial of a petition to modify an award of custody of the parties' minor child. Extensive briefing on the standard of review for factual challenges. Trial court reversed.
- *Peterson v. Armstrong*, 2014 UT App 247, 337 P.3d 1058. Represented Appellant Drew Armstrong appealing the District Court's granting a 3-year stalking injunction. At issue was whether a First District Court judge's denial of an ex parte civil stalking injunction request amounted to res judicata when the same applicant later requested an ex parte civil stalking injunction in the Fourth District Court based on the same allegations that the First District Court judge ruled did not constitute stalking. Trial Court was reversed on grounds of claim preclusion.
- *Woodward v. LaFranca*, 2016 UT App 141, 381 P.3d 1125 ("*Woodward II*"). Represented Appellee Julie LaFranca defending the District Court's denial of a petition to modify an award of custody following its prior order reaching the same result reversed in *Woodward v. LaFranca*, 2013 UT App 147, 305 P.3d 181. Extensive re-briefing of the facts in an intensive analysis of the trial court's factual findings. The court expressed doubts at the propriety of the *Woodward I* court's holding, and then held that the trial court substantially complied with the remand order following *Woodward I*. Trial court affirmed.
- *Zeller v. Nixon*, Case No. 2015 UT 57, 355 P.3d 991. Represented Appellant Nixon in the Supreme Court appealing District Court's ruling that Utah R. Civ. Pro. 15 gives the court discretion to allow a plaintiff in a personal injury lawsuit where the plaintiff had elected to arbitrate pursuant to Utah Code Ann. § 31A-22-321 and had not properly rescinded that election. The court concluded that the trial court erred in relying on Utah R. Civ. Pro. 15.
- *MacFarlane v. Applebee's Restaurant*, 2016 UT App 158, 378 P.3d 1286. Represented Appellant MacFarlane in an appeal of the trial court's ruling that a business owner who contracts with a third party for snow and ice removal in its parking lot owes no duty of care to a business patron who slipped and fell on an icy parking lot. Trial court was affirmed.
- *State v. Outzen*, 2017 UT 30. Represented defendant Wyatt Outzen appealing the District Court's ruling that Utah Code Ann. § 41-6a-517 contemplates only driving with impairing metabolites of a controlled substance in the driver's system, and does not criminalize driving with non-impairing metabolites of controlled substances in the driver's system. Also challenging the trial court's ruling that its interpretation of § 41-6a-517 did not violate Utah Const'n Art. I, § 24, the Uniform Operation of Law provision. The case was originally poured over the Court of Appeals, but on a suggestion for certification to the Court of Appeals, the matter was certified to the Supreme Court pursuant to Utah R. App. Pro. 43(b)(1). Trial court was affirmed.

- *Christensen v. Juab School District*, 2017 UT 47. Represented Hadley Christensen in his claim to recover attorney's fees and costs pursuant to Utah Code Ann. § 52-6-201 following his acquittal on a 1-count Information accusing him of Aggravated Sex Abuse of a Child, a First-Degree Felony. At issue was whether the State's allegation that Christensen's status as the alleged victim's former school teacher was an allegation that he committed an offense under color of authority within the meaning of Utah Code Ann. § 52-6-201(1), and whether his subsequent acquittal required Juab School District to pay reasonable attorney's fees and costs incurred in the defense against the charge. The case was originally assigned to the court of appeals, but was recalled by the supreme court for decision. The trial court was affirmed, ruling that Christensen was entitled to recover his attorney's fees from his employer due to the nature of the allegations in the criminal Information.
- *Lancer Insurance Co. v. Lake Shore Motor Coach Lines, Inc. et al.*, 2017 UT 8, 391 P.3d 218. Represented 4 individuals who were injured when the commercial bus in which they were passengers went off the roadway, following the sudden incapacity of the bus driver due to an unforeseeable medical condition. The case turned on whether Utah Code Ann. § 31A-22-303(1)(a)(v) creates strict liability for drivers who experience an unforeseeable medically incapacitating event and injure others as a result of the incapacity. The case also involved whether that liability was limited to the driver's policy limits, or whether it was limited to the statutory minimum liability insurance requirements. The case reached the Utah Supreme Court by way of certified questions from the United States District Court, District of Utah. The court ruled that § 31A-22-303(1)(a)(v) creates strict liability, subject to applicable policy limits.
- *State v. Akers*, Case No. 20170713-CA. Represented Jason Akers on a claim of ineffective assistance of counsel due to counsel's failure to object to unproven allegations contained in a PSI prior to imposition of sentence, and challenging the court's reliance on unproven and impertinent allegations in the PSI when imposing sentence. Currently in briefing.
- *State v. Wolsey*, Case No. 20161020-CA. Represented Ronald Wolsey on a claim that probation sanctions were imposed on the basis of facts never alleged or stated in the affidavit in support of a probation order to show cause. The appeal also involves a claim of ineffective assistance of counsel. Currently in briefing.

#### INTERESTS:

- |                 |             |
|-----------------|-------------|
| • Fly fishing   | • Fly tying |
| • Rock climbing | • Camping   |
| • Swimming      | • Hiking    |
| • Running       | • Hunting   |

#### REFERENCES:

Judge David N. Mortensen  
Utah Court of Appeals  
450 S. State Street  
Salt Lake City, UT 84111  
(801) 578-3950

Lynn Harris  
Jones Waldo  
3325 N. University Ave #200  
Provo, UT 84604  
(801) 375-9801

Judge Derek Pullan  
Fourth District Court  
125 N. 100 W.  
Provo, UT 84601  
(801) 429-1080

R. Phil Ivie  
Attorney at law  
205 W. 100 S.  
Orem, UT 84058  
(801) 228-8000

Chad Grunander  
Utah County Attorney's Office  
100 E Center Street  
Provo, UT 84601  
(801) 851-8026

Mike Petro  
Petro & Associates  
1215 N. 500 W.  
Provo, UT 84604  
(801) 373-0019

**John K. West**  
1966 Ramona Avenue  
Salt Lake City, Utah 84108

## **PROFESIONAL EXPERIENCE**

### **Criminal Litigation**

- Prosecutor for Eight Years
- Public Defender for Seventeen Years
- Many Jury Trials

### **Civil Litigation**

- Civil Rights Defense in Federal and State Courts
- Prisoner Litigation
- Child Support Enforcement

## **OTHER EXPERIENCE**

- Speak, read and write Spanish
- Member of Utah Model Criminal Jury Instruction Committee 2011--2015
- Member of Utah Third Judicial District Victims' Rights Committee 2011--2014

## **MANAGEMENT EXPERIENCE**

- Section Chief Utah Attorney General's Office--Direct supervisory responsibilities for 7 attorneys and 13 support personnel

## **EDUCATION**

### **Legal**

- J.D. April 1984, J. Reuben Clark Law School, Brigham Young University
- *Cum Laude* Honors; Member BYU Board of Advocates; Editor for Moot Court Program; Moot Court Writing Scholarship; American Jurisprudence Award in Evidence

## **EMPLOYMENT HISTORY**

2000--Present:	Salt Lake Legal Defender--Salt Lake City, Utah
1992--2000:	Assistant Utah Attorney General--Salt Lake City, Utah
1988--1992:	Deputy Tooele County Attorney--Tooele, Utah
1988:	Attorney, Utah Legal Services--Provo, Utah
1987--1988	Attorney, Sessions and Moore--Salt Lake City, Utah
1985--1987	Deputy Salt Lake County Attorney--Salt Lake City, Utah
1984--1985	Law Clerk, Honorable David Sam--Provo, Utah

## **COMMUNITY SERVICE**

- Served in various positions within my local religious congregation
- Served as chair of local Boy Scouts of America committee

## **INTERESTS AND HOBBIES**

- |             |                 |
|-------------|-----------------|
| • Bicycling | • Travel        |
| • Hiking    | • Camping       |
| • Canoeing  | • Woodturning   |
| • Sailing   | • Blacksmithing |

## **PERSONAL TRIVIA**

I grew up on a small farm/ranch in western Wyoming where I learned to work and care for livestock. I am the youngest of four children. I attended Star Valley High School and participated in football, wrestling and the drama club. I served a mission for my church for two years in Argentina. I speak read and write Spanish. I am married and have five children.

# Prosecutor

# Kimberly M. Crandall

---

801-651-9278 | [kcrandall@slco.org](mailto:kcrandall@slco.org)

February 22, 2018

To Whom It May Concern:

Please consider me for the Judicial Council Standing Committee on Pretrial Release and Supervision. I have been a Deputy District Attorney with the Salt Lake County District Attorney's Office for seventeen years. For the last ten years I have prosecuted special victim cases against adult defendants. In that role I have been in the courtroom almost every day. While the last couple of years I have been handling special victim cases out of the West Jordan Courthouse I will be soon moving to the homicide team based in the District Attorney downtown office. I appreciate your consideration for the Standing Committee.

Please contact me at 801-651-9278 or [kcrandall@slco.org](mailto:kcrandall@slco.org) if you have any questions or concerns.

Sincerely,

Kimberly M. Crandall

# KIMBERLY MCKINNON CRANDALL

---

## SUMMARY

---

I am a trial attorney with seventeen years of experience in criminal court. As a career prosecutor, I have learned the importance of public service and good judgment to balance the needs of society, victims, and defendants. In my daily work I interact with the legal community, law enforcement, and the community at large. For the last nine years, I have had the opportunity to prosecute special victim cases where while exercising my judgment and discretion, I strive to reach resolutions that achieve some level of justice.

---

## LEGAL EXPERIENCE

---

**Deputy District Attorney  
Salt Lake County District Attorney's Office**

**01/2001 to Current  
Salt Lake City, Utah**

Conducted over fifty felony jury trials, ranging from homicide, child sexual abuse cases, adult sexual abuse cases, physical child abuse, domestic violence assault, and general felony cases.

Tried cases before judges in the Third District Court, both Matheson and West Jordan Divisions.

Screen cases with police agencies to initiate prosecution, requiring hours of reading and reviewing the materials to determine which cases to file in accordance with Utah law.

Screen cases every week to every other week at Children's Justice Center as part of the Multi-Disciplinary Team. As prosecutor lead meeting and decision maker but also element of peer review.

Draft Informations, probable cause statements, and summaries of cases, motions, briefs and other court documents as necessary for vertical prosecution.

Weekly meetings with both child and adult victims, requiring sensitivity to their situations and needs.

Trainer with Children's Justice Center on Salt Lake based National Institute of Child Health and Human Development Child Forensic Interviewing.

Member of a specific prosecution team throughout tenure. Work with teammates to staff cases and have common and mutual understanding of prosecution to ensure fairness.

Staff cases with both other District Attorney staff as well as Administration of District Attorney's Office.

Make weekly appearances in court for the law and motion calendar.

Managed caseload of around 70 special victim and homicide cases at a time.

**Law Clerk  
United States Attorney's Office**

**12/1998 to 5/2000  
Salt Lake City, Utah**

Researched legal issues and wrote memoranda as directed by Assistant United States Attorneys.

Prepared, drafted, and revised into final form Motions and Briefs to the United States District Court, District of Utah, and the United States Tenth Circuit Court of Appeals.



---

## EDUCATION

---

**Juris Doctorate**  
**University of Utah, S.J. Quinney College of Law**

**May 2000**  
**Salt Lake City, Utah**

**Bachelor of Arts: English**  
**Westminster College**

**May 1995**  
**Salt Lake City, Utah**

---

## COMMUNITY INVOLVEMENT

---

**School Community Council**  
**Viewmont Elementary**

**09/2016 to Present**  
**Murray, Utah**

Chair of School Community Council and in role schedule and coordinate meetings and then listen to and value diverse opinions.

In role as Chair conduct the the meetings, makes assignments, and reports on assignments. School Community Council oversees and makes decisions with School Trust Land money. Council has input with other school budget needs.

---

## BAR STATUS

---

Admitted and member in good standing of Utah Bar (8826).

Sean Brian #15551  
Deputy County Attorney  
Weber County Attorney's Office  
2380 Washington Blvd. Ste. 230  
Ogden, UT 84401  
801-399-8377

February 26, 2018

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

RE: Letter of Interest for Standing Committee on Pretrial Release and Supervision

Ms. Williams:

I am interested in applying for the position on the Judicial Council Standing Committee on Pretrial Release and Supervision. My resume is attached to the same email as this document.

As a prosecutor in Carbon County, I had the opportunity to work closely with the Pretrial Services Deputies as they implemented the pretrial release program. Two of the most pressing challenges were identifying the target population and getting warrants for noncompliant participants.

We were introduced to the PSA screening tool at the drug court conference and I think it shows potential to solve the first of the two challenges I identified above. I particularly like the automation that it will provide.

Best,

/s/ Sean Brian  
Sean Brian  
Deputy County Attorney  
Weber County

# Sean D. Brian, J.D.

(801) 513 3023 — 254 E 950 N Kaysville, UT 84037 — sean@brianlegal.com

---

## Professional Experience

Deputy County Attorney, Carbon County, Utah — November 2016–January 2018

- Justice Court Prosecutor.
- Felony Drug Court Prosecutor.

Deputy County Attorney, Carbon County, Utah — November 2016–January 2018

- Screened and prosecuted felony crimes.
  - Co-counsel in State v. Peterson, 161700479 — guilty verdict in Aggravated Murder.
  - Lead counsel in State v. Tischner, 161700532 — guilty verdict on two counts.
  - State v. Buckland and Lee, 161700522 — victims awarded \$35,000 in restitution from money launderers in plea deal.
- Felony Drug Court Prosecutor.
- Instructor at USU Eastern Police Academy.

Law Clerk, Utah Seventh District Court — June 2015–November 2016

- Wrote research memoranda and drafted decisions as assigned by three judges.
- Reviewed instructions for jury trials and aided in evaluating evidence in bench trials.
- Assisted with the review of warrant requests and probable cause statements.

Research Assistant / Statistician, University of Utah — Summer 2014

- Compiled and analyzed data from the U.S. Department of Education on discipline in Utah schools.
  - Consulted on report: “From Fingerprint to Fingerprints: The School-to-Prison Pipeline in Utah.”
- 

## Education

University of Utah, S.J. Quinney College of Law, Class of 2015 — J.D. with Honors

- Utah Law Review Executive Editorial Board, Online Editor 2014–15.
- Leary Scholar (Top 20%)—Spring 2014 Semester.

University of Utah Class of 2011 — B.S., Philosophy, minors in Business and Spanish

---

## Publications

Is the Practice of Obtaining Furloughs via Court Order Illegal?, Utah Bar Journal Vol. 30 No. 5 (Sept/Oct 2017)

- Arguing that the way Utah courts address jail and prison furloughs is unconstitutional.

The Unexamined Life in the Era of Big Data: Toward a UDAAP for Data, 40 U. Dayton L. Rev. 181–199 (2015)

- Suggesting a potential framework for data privacy regulation by viewing data as a digital “currency.”
- 

## Volunteer Work

CASA (Court Appointed Special Advocate) Layton, UT — 2012

- Mentored a teenager in a group home and reported to the court.
- 

## Skills & Interests

- Fluent in Spanish (two-year missionary service in Mexico).
- Database programmer and statistician (MS SQL, Crystal Reports, Data Warehousing, OLAP, and HTML).
- Certified Personal Trainer (traditional fitness and boxing training).

# Ryan P.C. Stack

1150 E. Grist Mill Road

Heber City, UT 84032

435-659-6698 / rstack@summitcounty.org / ryanstack@gmail.com

---

February 28, 2018

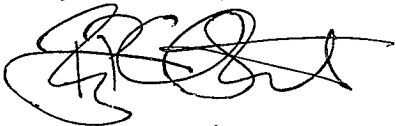
Utah Judicial Council  
Standing Committee on Pretrial Release and Supervision  
Attn: Keisa Williams

RE: Application for prosecutor position

Dear Ms. Williams,

I write to share my interest in serving as a member of the Standing Committee on Pretrial Release and Supervision. I have worked as a public prosecutor for over ten years, responsible for cases involving all types and degrees of offenses. I believe that my experience in offices on and off the Wasatch Front provides me with a unique perspective in evaluating best practices for pretrial release and supervision. Further, I have served on the Utah Supreme Court's Advisory Committee on the Rules of Criminal Procedure since August 2015. During this time the Committee rewrote Rule 6, creating a presumption that all criminal cases ought to commence with the issuance of a summons. I would be honored for the opportunity to serve on the Standing Committee on Pretrial Release and Supervision.

My thanks for your consideration,

A handwritten signature in black ink, appearing to read 'R. Stack', with a stylized, cursive flourish extending from the end.

Ryan P.C. Stack

---

# Ryan P.C. Stack

1150 E. Grist Mill Road  
Heber City, UT 84032  
435-659-6698 / ryanstack@gmail.com

---

**Bar Admissions**      **Utah State Bar** (October 2006)

**Education**              **University of San Diego School of Law**

J.D., top third of class (May 2006)

*Honors*                      Lawyering Skills I, *Best Appellate Brief*

**University of San Diego**

B.A. Philosophy, *summa cum laude* (May 2003)

Minors: Business Administration, English

*Honors*                      Dean's List First Honors; Departmental honors in Philosophy; Carlin Book Prize in Philosophy; Published in university literary journal; Presidential Scholarship recipient

*Activities*                  Resident Assistant (August 2001-May 2003); Alcala Club (April 2000-May 2003)

## Professional Experience

### **Summit County Attorney's Office**

*Prosecuting Attorney* (March 2011-present)

- Responsible for a full-time caseload comprised of all types and degrees of offenses
- Extensive motions practice (writing and arguing), preliminary hearing, and trial experience (bench and jury)
- Maintain close working relationship with local law enforcement agencies to assist in the investigation and screening of criminal offenses
- Review search warrants and investigative subpoenas
- Counsel to the Summit County Board of Adjustment (March 2011 – February 2015)

### **Salt Lake City Prosecutor's Office**

*Assistant City Prosecutor* (October 2007-March 2011)

- Lead prosecutor in motion hearings, bench trials, and over thirty jury trials
- Conducted research and drafted briefs as part of an intensive motions practice
- Contacted and coordinated witnesses
- Appellate experience including researching, drafting, and filing briefs in the Utah Court of Appeals and the Utah Supreme Court

### **The Law Office of Ryan Stack, Park City, UT**

*Attorney* (January-October 2007)

- Advised and drafted documents for small business owner-client
- Contract legal work

**University of San Diego Legal Clinics, Civil Clinic**

*Legal Intern*, (January-May 2006)

- Represented low-income clients on a variety of cases including bank fraud, landlord tenant disputes, insurance disputes, and other civil issues

**Brownwood, Chazen & Cannon, San Diego, CA**

*Law Clerk* (January-November 2005)

- Drafted pleadings, including complaints and motions
- Performed legal research and drafted briefs
- Assisted with trial preparation

**Honors and Activities**

- Graduate of the Utah Prosecution Council's "Train the Trainers" course, March 2011
- Graduate of Trial Advocacy I course at the National College of District Attorneys (National Advocacy Center, Columbia, South Carolina), December 2009
- Salt Lake City Prosecutor's Office Trial Attorney of the Year, 2008

**Presentations**

- *Introduction to Criminal Justice and Utah Courts*  
Park City Police Department's Citizens Academy, 2017
- *Plea Bargaining and Sentencing*,  
Utah Prosecution Council's Basic Prosecutor Training (Logan, Utah) – 2016, 2017

**Professional and Civic Involvement**

- Utah Supreme Court's Advisory Committee on the Rules of Criminal Procedure, Member (August 2015 – present)
- Heber City Planning Commission, Planning Commissioner (March 2015-present)
- Utah State Bar Examiner – Constitutional Law (October 2011 – present)

# MATTHEW J. HANSEN

---

1147 East Laurelwood Drive, Fruit Heights, UT 84037

Mobile: (801) 573-5990

Home: (801) 682-8404

MatthewJohnHansen@gmail.com

Supreme Court  
POB 140210  
Salt Lake City, UT 84114-0210

RE: Pretrial Release and Supervision Committee

Dear Sir/Madam,

I am writing to introduce myself as a candidate to serve on the Committee. I have a strong interest in giving back to a profession that has given me so much.

I am a career prosecutor. I have prosecuted cases in the Justice Court and District Court. Accordingly, I have a good understanding of the challenges that are associated with this Committee in both courts. In addition, I have a strong interest in understanding pretrial and supervision practices and helping to create recommendations to improve those practices, if necessary. As a Deputy District Attorney, I am asked about pretrial release on almost a daily basis from police officers, victims counselors, and victims. I believe I have a lot to add to this Committee.

I am intentionally trying to keep my letter brief but I hope you truly understand my strong desire to serve and to grow as a professional from associating from the excellent individuals that serve on these outstanding committees.

Thank you for reviewing my materials,

Matthew J. Hansen

# MATTHEW J. HANSEN

1147 East Laurelwood Drive, Fruit Heights, UT 84037

Mobile: (801) 573-5990

Home: (801) 682-8404

MatthewJohnHansen@gmail.com

## EDUCATION

**Juris Doctorate**, SJ Quinney College of Law, University of Utah

**Salt Lake City, Utah**

- Member of Phi Alpha Delta
- Certificate of Excellence in Secured Transactions
- Member of Utah Bar
- Graduation December 2000

**Master of Business Administration**, David Eccles School, University of Utah

**Salt Lake City, Utah**

- Graduation December 2000

**Bachelor of Science**, Finance, Brigham Young University

**Provo, Utah**

- Graduation April 1998

## SUPREME COURT COMMITTEE

**Utah Supreme Court Advisory Committee on the Rules of Evidence**

**June 2016-Present**

*Member*

- The committee is comprised of attorneys and judges with civil and criminal trial experience. The committee considers new and amended Rules of Evidence, including the application of changes in the Federal Rules of Evidence in Utah state courts and changes necessitated by caselaw.

## AWARDS & RECOGNITION

**Attorney of the Year: Salt Lake County District Attorney's Office**

**December 2017**

- Salt Lake County description: *This award will be awarded to the attorney who essentially is the MVP of the office. The successful nominee captures and personifies the attributes of a consummate legal professional. They are personal, friendly, ethical, helpful, reliable, discrete, knowledgeable, competent and effective. They mentor and support. They lead and guide. They go above and beyond.*

## LEGAL EXPERIENCE

**Salt Lake County District Attorney's Office**

**March 2011-Present**

**111 East Broadway, Suite 400 SLC UT 84011**

*Deputy District Attorney*

- Member of Homicide Team (2018-present)
  - (a) Screen homicide cases
  - (b) File and prosecute homicide cases
- Member of Special Victims Team (2016-2018)
  - (a) Screened special victim cases
    - a. Met with detectives and medical experts to determine whether a case should be filed and decide what charges should be filed.
  - (b) Prosecuted special victim cases
    - a. Example: rape, sodomy, and unlawful sexual contact.
    - b. Serious and complex child abuse cases with significant injuries
  - (c) Participated in Child Justice Center Screenings
    - a. Met with medical experts, Department of Child and Family Services professionals, and clinical experts.
  - (d) Participated in Family Justice Center Screenings
    - a. Met with S.A.N.E. nurses, domestic violence experts, and social workers.
- Member of Gang Team (2013-2016)
  - (a) Prosecuted known gang members



- (b) Represented office at Safe Street Meetings
- (c) Represented office at Metro Gang Intelligence Meetings
- Member of Violent Felony team (2011-2013)
  - (a) Prosecuted violent felony cases
- 100+ jury trials
- Juvenile Court and District Court
- Conducts research on case law and prepares written briefing.
- Prosecutes felony and misdemeanor criminal cases.
- Reviews and prepares orders, conclusions and findings of fact.

**Salt Lake City Prosecutor's Office**  
**349 South 200 East, SLC UT 84114**

**April 2009-March 2011**

*Senior Prosecutor*

- Conducted arraignments, pre-trials, and bench/jury trials.
- Analyzed case law, administrative policy and statutes.
- Successfully litigated *Salt Lake City v. Perez*, 2011 UT App 237 in Utah Court of Appeals.

**2<sup>nd</sup> District Court**  
**425 North Wasatch, Layton UT 84041**

**July 2008 – April 2009**

*Traffic Judge/Referee*

- Presided over traffic cases, set bail, order dismissals, or otherwise equitably disposed of citations.

**St. George City**  
**175 East 200 North, St George UT 84770**

**June 2007 – April 2009**

*Administrative Law Judge*

- Authored written orders and opinions.
- Held hearings, took testimony, and determined if violations of code existed.
- Signed subpoenas; ruled on admissibility of evidence, and issued written orders.
- Developed proper temperament to explain complex procedures to unrepresented parties.

**Law Office of Matthew J. Hansen**  
**2881 East 3400 South, SLC UT 84109**

**April 2008 – April 2009**

*Attorney*

- Primary practice area being criminal and corporate.

**Richmond American Homes of Utah, Inc**  
**849 West LeVoy Dr, Suite 100 Taylorsville UT 84123**

**Feb. 2005 – Apr. 2008**

*Attorney/Director of Environmental Compliance and Safety Compliance (OSHA)*

- Represented Company in criminal and administrative proceedings.
- Interpreted Federal, State, and City statutory requirements.
- Managed division-wide quality assurance program and budgets.
- Coordinated all training and certification programs for 100+ individuals.

**Forum Group Inc.**  
**414 East Ivy Woods Lane, Midvale UT 84047**

**Feb. 2003 – Feb. 2005**

*Attorney*

- Contract development and negotiation.

**Salt Lake City Prosecutor's Office**  
**349 South 200 East, SLC UT 84114**

**July 2001 – Feb. 2003**

*Prosecutor*

- Conducted arraignments, pre-trials, and bench/jury trials.
- Analyzed case law, administrative policy and statutes.
- Represented City on Community Councils and Community Action Teams.

**Intermountain Health Care**

**May – Sept. 2000**

*Vendor Relations*

- Reviewed and negotiated support terms for license agreements and contracts.
- Created contract summaries and evaluations.

## Utah Alternative Dispute Resolution

Jan. – Sept. 2000

*State sponsored mediation agency/Mediator*

- Led parties through mediation negotiations.
- Authored mediation agreements.

## RESEARCH

### Research Assistant/Author

*Book: Covering Your Assets: A Guide for Bank Directors in the New Millennium*

- Researched and authored the first chapter and introduction to a book dealing with bank board of director liability. Edited and made contributions to the entire book.

## COMMUNITY

### Caucus Delegate

*Delegate*

- Representative at political party events.

## APPELLATE WORK

### UTAH COURT OF APPEALS

*APPELLEE*

- *Salt Lake City v. Perez*, 2011 UT App 237, 262 P.3d 57: Authored appeal to Utah Court of Appeals objecting to Defendant withdrawing his guilty plea. The Court issued a per curiam decision affirming my appeal.
- *State v. Cline*, 2017 UT App 50. Authored appeal to Utah Court of Appeals regarding whether a sentence received by Robert Earl Cline was an abuse of the district court's discretion. The Court affirmed my appeal.
- *State v. Cline*, 2017 UT App 49. Authored appeal to Utah Court of Appeals regarding whether district court abused its discretion because it did not adequately consider several mitigating factors before imposing the sentence. The Court affirmed my appeal.

## TEACHING EXPERIENCE

### Salt Lake County Sheriff's Office

June 2014-Present

3365 South 900 West, Salt Lake City, UT 84119

*Instructor for new cadets*

- Instruction on United States Constitution
- Instruction on the Utah Constitution
- Instruction on the Utah Courts

### Eagle Gate College

April 2014-July 2016

915 North 400 West Layton, Utah 84041

*Adjunct Professor*

- |                    |                     |
|--------------------|---------------------|
| • Criminal Law     | • Forensics         |
| • Criminal Justice | • Legal Research    |
| • Business Law     | • Legal Writing     |
| • Employment Law   | • Rules of Evidence |
| • Disability Law   | • Immigration Law   |
| • Family Law       |                     |

## NICHOLAS CLYDE MILLS

253 Chimes View Drive • South Ogden, Utah 84405 • (801) 510-0620 • [NicholasCMills@gmail.com](mailto:NicholasCMills@gmail.com)

### EDUCATION

---

#### **University of Utah S.J. Quinney College of Law,**

*Juris Doctor with Honors*, May 2011

- William H. Leary Scholar
- *Note & Comment Editor*, Journal of Law and Family Studies
- David T. Lewis Outstanding Clinical Service Award
- *President*, Utah Criminal Justice Society
- *First Place*, National Association of Criminal Defense Lawyers 2009 National Essay Contest

#### **Weber State University,**

*Bachelor of Science*, Criminal Justice, *magna cum laude*, December 2007

- Phi Kappa Phi Honor Society and Scholarship recipient
- *Secretary*, Alpha Phi Sigma National Criminal Justice Honor Society
- High Honors Scholarship

#### **Michigan State University,**

*Certificate of Achievement*, Judicial Administration, Anticipated May 2018

#### **The United States Institute of Peace,**

*Certificate of Completion*, Negotiation and Conflict Management, May 2017

### EMPLOYMENT

---

#### **Kaysville City Corporation, City Attorney (2017–Present)**

- *Vice President*, Utah Misdemeanor Prosecutor's Association

#### **Layton City Corporation, Associate City Attorney (2014–2017)**

#### **Salt Lake City Corporation, Associate City Prosecutor (2012–2014)**

- *Instructor*, Salt Lake City Police Academy

#### **Nevada Supreme Court, Criminal Division, Staff Attorney (2011–2012)**

#### **Utah Office of the Attorney General, Criminal Justice Division, Law Clerk (2010–11)**

#### **Department of Justice, INTERPOL–U.S. National Central Bureau, Law Clerk (2010)**

- Outstanding Intern Award

#### **Rocky Mountain Innocence Center, Lionel Frankel Fellow (2009–10)**

### PUBLICATIONS

---

- *Traffic Safety in Construction Zones*, LAYTON CITY NEWSL. May 2017, 1-2.
- UTAH PROSECUTION COUNCIL, STATE OF UTAH LEGISLATIVE SUMMARY 2017 GENERAL SESSION (2017) (contributor).
- UTAH PROSECUTION COUNCIL, STATE OF UTAH LEGISLATIVE SUMMARY 2016 GENERAL SESSION (2016) (contributor).
- *Code Enforcement's Goal*, LAYTON CITY NEWSL. May 2016, 4.
- *Signs on Layton Parkway can Cause Damage*, LAYTON CITY NEWSL. Nov. 2015, 7.

- *Keeping our Police Officers Safe on the Roads*, LAYTON CITY NEWSL. May 2015, 3.
- *Beyond the First Draft*, 27 UTAH BAR J. 20 (2014) (book review).
- *Reading Your Way to Stellar Legal Writing*, 25 UTAH BAR J. 40 (2012) (book review).
- *The Role of Diversity in the Criminal Justice System*, 33 THE CHAMPION 62 (2009).

#### **COMMUNITY**

---

**USA Wrestling Utah**, *Ad Hoc Board Member* (2015 – 2017)

**Club Heights Elementary and Burch Creek Elementary**, *Watch D.O.G.S. volunteer*, PTA Member (2014 – Present)

**Roy City Justice Court**, *Judge Pro Tempore* (2016 – Present)

**CCJJ**



# Utah Sentencing Commission

**Gary Herbert**  
Governor

**Marshall Thompson**  
Director

Utah State Capitol Complex  
East Office Bldg Ste E330  
Salt Lake City UT 84114  
(801) 538-1031 FAX: (801) 538-1024  
[www.sentencing.utah.gov](http://www.sentencing.utah.gov)

October 27, 2017

Hello,

I am interested in becoming a member of the Judicial Council's Standing Committee on Pretrial Release and Supervision. While most of my work deals with what happens after a trial is over, the pretrial issues are often inseparable. If pretrial detention appears to be arbitrary, then the eventual trial and sentence will often appear to be unjust as well.

The use of a pretrial assessment tool that would give judges more information is a new development that I have followed closely. Finding a balance between public safety, judicial economy, and individual rights is an important subject that is close to my heart. For these reasons, I would be honored to have the opportunity to serve as a committee member. I have included a copy of my resume. I do not have any current or past committee assignments. Thank you for your time.

Sincerely,

A handwritten signature in blue ink that reads "Marshall Thompson".

Marshall Thompson

Marshall Thompson  
Utah State Capitol Complex, Senate Building, Suite 330  
Salt Lake City, Utah 84114  
801-425-2823  
marshallthompson@utah.gov

---

## EDUCATION

J. Reuben Clark Law School, Brigham Young University, Provo, Utah—J.D., cum laude, May 2013

- Harvard Law and Policy Review, Official Blogger, [www.hlpronline.com](http://www.hlpronline.com)
- International Law and Management Review, Associate Editor
- Certificate in Human Rights Law from the International Bar Association
- Certificate in International Humanitarian Law from the American Red Cross
- Research assistant to Professor Brigham Daniels

E.W. Scripps School of Journalism, Ohio University, Athens, Ohio—M.S. in Journalism, April 2010

- John R. Wilhelm foreign correspondence scholarship

Utah State University, Logan, Utah—B.A. in Journalism, April 2004

## EXPERIENCE

- Utah Sentencing Commission, Director, Sept. 2017 to current
- Salt Lake Legal Defender Association, Appellate Attorney, Sept. 2016 to Sept. 2017
- Thompson Appeals, Appellate Attorney, Jan. 2015 to Sept. 2016
- Utah Court of Appeals, Judge Gregory K. Orme, Law Clerk, Jan. 2014 to Jan. 2015
- Third Judicial District Court, Judge Royal Hansen, Legal Intern, Fall 2012
- Human Rights First, Washington, D.C., Business and Human Rights Legal Intern, Summer 2012
- High Road for Human Rights, Legal Intern (Sex Trafficking Issues), Summer 2011
- Eco Everest Expedition, Mt. Everest, Nepal, Base Camp Manager and Communications, April to Sept. 2010
- Advent Creative Marketing Group, Logan, Utah, Owner/Marketing Director, April 2008 to April 2010
- The Standard-Examiner, Ogden, Utah, Reporter, Aug. 2007 to April 2008
- Associated Press, Jerusalem, Visiting Journalist, March 2007 to June 2007
- U.S. Army Reserve, Iraq, South Korea, Kosovo, Sergeant and Military Journalist, 2000-2008

## COMMUNITY SERVICE

- Executive Committee Member for the Emerging Legal Leaders section of And Justice for All, 2015–2017
- Executive Committee Member for the Appellate Section of the Utah Bar, 2015–2016

## SELECTED PUBLICATIONS

- The Legality of Armed Drone Strikes against U.S. Citizens within the United States, 2013 BYU L. REV. 153 (2013)
- Exposed in Iraq: Sexual Harassment and the Hidden Rank Structure of the U.S. Army, in MEN SPEAK OUT: VIEWS ON GENDER, SEX, AND POWER (Shira Tarrant ed., 2013)
- Tortured Morals: The Illegality and Immorality of the Enhanced Interrogation Program from an LDS Perspective, in WIELDING THE SWORD IN DEFENSE OF PEACE: 2013 LDS NATIONAL SECURITY SYMPOSIUM (forthcoming 2015) ([http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2247797](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2247797))
- Time to repeal authority to use military force, SALT LAKE TRIBUNE, Jan. 12, 2013, <http://www.sltrib.com/sltrib/opinion/55601005-82/military-war-aumf-repeal.html.csp>
- Meg Roggensack and Marshall Thompson, Facebook: Before You Buy, HUFFINGTONPOST.COM, May 17, 2012, [http://www.huffingtonpost.com/human-rights-first/facebook-before-you-buy\\_b\\_1524521.html](http://www.huffingtonpost.com/human-rights-first/facebook-before-you-buy_b_1524521.html)



GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

# State of Utah Commission on Criminal and Juvenile Justice

Ronald B. Gordon, Jr.  
*Executive Director*

July 10, 2017

Utah Judicial Council  
ATTN: Keisa Williams  
450 South State  
PO Box 140241  
Salt Lake City, Utah 84114-0241

To Whom It May Concern

Please consider this my letter of interest in representing the Commission on Criminal and Juvenile Justice (CCJJ) on the Judicial Council's Pre-Trial Release and Supervision Subcommittee. As the JRI Coordinator, I believe I can add value to the subcommittee as it reviews and makes recommendations on pretrial-related issues and implementing the PSA-Court.

My role as the JRI Coordinator has been instrumental in designing and setting up the Risk and Needs Jail Screening process throughout Utah jails. The jail screening is the first instance where an offender's criminogenic risk factors begin to be identified in the criminal justice process. I am well versed on understanding risk levels, validated instruments, and the need for balancing supervision and treatment for offenders whether pre- or post-adjudication. Additionally, I understand the Constitutional issues surrounding an individual's right to be released pending trial and the complexity around making the best release decisions.

I am attaching my resume and would be honored to be considered as a committee member representing CCJJ. If you would like additional information, please contact me at [dweyland@utah.gov](mailto:dweyland@utah.gov) or 801.538.1323.

Regards,

Doreen G Weyland  
JRI Coordinator

Attachment





## DOREEN G. WEYLAND

PO Box 57264  
Murray, Utah 85157  
801.263.8404  
[dweyland@utah.gov](mailto:dweyland@utah.gov)

EDUCATION: 2006 MBA, Business Administration, University of Phoenix  
2004 BA, Business Administration, University of Phoenix  
1990, Legal Assistant Certificate, Salt Lake Community College  
1981, Category II Peace Officer (POST), Salt Lake Community College

---

### EXPERIENCE:

2015-present      Commission on Criminal and Juvenile Justice  
Utah State Capitol Complex, Suite 330  
PO Box 142330, Salt Lake City, UT 84114-2330

**Justice Reinvestment Initiative (JRI) Coordinator**  
Coordinate the implementation of House Bill 348 (2015 GS); work with criminal justice agencies on implementation issues; coordinate the Implementation Task Force; manage County Performance Incentive Program (CPIP) grants; create and manage the Risk and Needs Jail Screening process; manage the BJA/CJR grant.

2000-2015      Commission on Criminal and Juvenile Justice  
**Beer Tax Program Manager; Grant Analyst; Legislative Tracker**  
Manage the annual Beer Tax distribution and reporting; monitor financials on all state and federal grants; review all legislative bills; track and report on legislative bills with criminal justice impact.

1998-1999      University of Utah, Primary Children's Medical Center  
**Organized and Managed the International Society of Pediatric Neurosurgeons Conference**

1986-1998      Holme Roberts & Owen LLP  
**Legal Assistant, Branch Office Marketing Assistant**

1978-1986      Salt Lake County Attorneys' Office  
**Personnel Coordinator, Special Investigator**

**Utah  
Insurance  
Department**



Keisa Williams &lt;keisaw@utcourts.gov&gt;

---

## Pretrial Release & Monitoring

2 messages

---

Todd Kiser <toddkiser@utah.gov>  
To: keisaw@utcourts.gov

Wed, Mar 28, 2018 at 2:38 PM

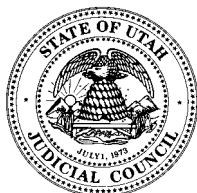
Good afternoon, I wanted to let you know that my new Deputy Commissioner, Reed Stringham, will be replacing Brett Barratt on this committee.

Below is a short bio, please let me know if you need additional information.

"I graduated from BYU Law School. I spent the last 32 years working in the Utah Attorney General's office. For about 25 of those years I defended state agencies and school districts in tort, employment and civil rights lawsuits. During the last three years I served as counsel to the Utah Insurance Department. I am now the Department's Deputy Commissioner . " Reed Stringham

--

Todd E. Kiser , Commissioner  
Utah Insurance Department  
State Office Building, Room 3110 | [350 North State Street | Salt Lake City, UT 84114](#)  
801-538-3804 | [ToddKiser@utah.gov](mailto:ToddKiser@utah.gov)



# Administrative Office of the Courts

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

April 2, 2018

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

## MEMORANDUM

**TO:** Management Committee and Judicial Council

**FROM:** Nancy Sylvester

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

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

**Reason for Vacancy:** Patricia Keundig resigned from the committee in February.

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

### Current committee member list:

Last	First	Appointed	Current Term Start	Term End	Role
Stone	Andrew	9/1/2012	9/11/2017	9/11/2020	Chair, Judge
Di Paolo	Marianna	2/26/2003	10/27/2014	-	Linguist
Ferre	Joel	7/1/2015	7/1/2015	7/1/2018	Defendant
Fowler	Tracy	2/26/2003	10/27/2014	7/1/2019	Defendant
Keundig	Patricia	7/1/2015	7/1/2015	2/12/2018	Plaintiff
Kelly	Keith	11/20/2017	11/20/2017	11/20/2020	Judge
Shapiro	Ruth	2/27/2017	2/27/2017	2/27/2020	Defendant
Shurman	Lauren	11/20/2017	11/20/2017	11/20/2020	Defendant
Simmons	Paul	2/26/2003	10/27/2014	7/1/2019	Plaintiff
Summerill	Peter	11/19/2007	10/27/2014	7/1/2019	Plaintiff
Von Maack	Christopher	10/29/2015	10/29/2015	10/29/2018	Plaintiff

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

**Description of recruitment process:**

I circulated an email to the Utah State Bar listserv.

**List of names for consideration:**

Nelson Abbot  
Robert Fuller  
Doug Mortensen  
Ricky Shelton  
Todd Wahlquist

**Statement of interest:**

The applicants' letters or emails are attached.

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

Nelson Abbot: Legislative Affairs Committee, Utah Association for Justice May 2016 to present; Ethics Advisory Opinion Committee, Utah State Bar October 2001 to 2009; Utah rules of juvenile procedure Committee, Utah supreme court July 2003 to June 2005; Unauthorized Practice of Law Committee, Utah State Bar Fall 1999 to Fall 2001; Fee Arbitration Committee, Utah State Bar Fall 1999 to 2009

Robert Fuller: none

Doug Mortensen: Supreme Court's MCLE Board for 7 years, chairmain for 4 years (2008-2015); Third District Judicial Nominating Commission for 4 years (2003-2007); several years on Utah Trial Lawyers Association, president for 1 year.

Ricky Shelton: Current member of the Interference with Economic Relations Subcommittee of the Model Utah Civil Jury Instructions Committee.

Todd Wahlquist : Courts and Judges Committee: 2008-2011; Supreme Court Ethics and Discipline Committee: 2008-2011; Ad Hoc Ethics and Discipline Committee on Rules: 2017

**Recommendation:**

The committee would be pleased to welcome any of these applicants but its top choice is Doug Mortensen, whose credentials stand out among the group. He is an exceptionally seasoned attorney, has tried numerous civil cases to verdict, and has ample committee and leadership experience. It is the committee's belief that he will be able to immediately jump into the work and contribute meaningfully.



Nancy Sylvester <nancyjs@utcourts.gov>

---

## Judicial Council Standing Committee on Model Utah Civil Jury Instructions

---

Nelson Abbott <nelson@abbottlawfirm.com>  
To: "nancyjs@utcourts.gov" <nancyjs@utcourts.gov>

Wed, Feb 14, 2018 at 7:09 PM

Please accept this as my application to serve on the Committee on Model Utah Civil Jury Instructions. I would like to fill the plaintiff spot that is currently open. I primarily represent plaintiffs in personal injury actions. I have tried numerous personal injury cases to a jury trial. I am currently an active member of the Utah Association for Justice. I currently serve or have served on the following professional committees:

Legislative Affairs Committee, Utah Association for Justice

May 2016 to present

Ethics Advisory Opinion Committee, Utah State Bar

October 2001 to 2009

Utah rules of juvenile procedure Committee, Utah supreme court

July 2003 to June 2005

Unauthorized Practice of Law Committee, Utah State Bar

Fall 1999 to Fall 2001

Fee Arbitration Committee, Utah State Bar

Fall 1999 to 2009

Attached, please find my resume.



\*\*\*CONFIDENTIAL\*\*\*

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the named recipient. Unauthorized use, disclosure, or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender at (801) 374-3000.



resume.pdf  
57K

# NELSON T. ABBOTT

---

3651 North 100 East, Ste. 350, Provo, Utah 84604 • 801-372-2270 • nelson@abbottlawfirm.com

## EXPERIENCE

---

### BRIGHAM YOUNG UNIVERSITY

*Part time faculty, June 2004 to December 2013*

### ABBOTT LAW FIRM

*Attorney, May 1994 to present*

Court room Experience includes: personal injury trials, pretrial motions and practice, discovery and more.

### TRI-CONNECTIONS, INC.

*Board of Directors, June 1998 to 2008*

Non-profit corporation with gross receipts exceeding \$2,000,000.00 annually.

### ARBITRATOR

*April 2016*

Garcia v. Cocola. Case number 140901025 filed in 3<sup>rd</sup> District Court, State of Utah.

### ARBITRATOR

*March 2014*

Brown v. Hardman. Case number 130400536 filed in 4<sup>th</sup> District Court, State of Utah.

### ARBITRATOR

*December 2009*

Armstrong v. Blatter. USB case number 1930809.

## EDUCATION

---

### BRIGHAM YOUNG UNIVERSITY

*J.D., 1993*

Cum Laude

Lead Editor, Journal of Public Law

Highest Grade Advanced Torts

### BRIGHAM YOUNG UNIVERSITY

*M.B.A., 1993*

*GPA 3.92*

### BRIGHAM YOUNG UNIVERSITY

*B.A., Economics, 1989*

## PUBLISHED ARTICLES AND BOOKS

---

Nelson Abbott, WITHOUT A COMPASS, historical novel for middle grade readers, 2016.

Nelson T. Abbott and Landon Magnusson, AN ENIGMATIC DEGREE OF MEDICAL CERTAINTY, Utah Bar Journal, Aug 2008, at 20

Nelson T. Abbott, INSURANCE: TO TELL OR NOT TO TELL, THAT IS THE QUESTION, Utah Trial Lawyer's Association Journal, Summer 2004, at 41



Kristen Bell DeTienne & Nelson T. Abbott, DEVELOPING AN EMPLOYEE-CENTERED ELECTRONIC MONITORING SYSTEM, *Journal of Systems Management*, August 1993, at 12

Nelson T. Abbott, Note, UNITED STATES V. HALPER: MAKING DOUBLE JEOPARDY AVAILABLE IN CIVIL ACTIONS, 6 *BYU Journal of Public Law* 551 (1992)

Charles F. Abbott & Nelson Abbott, HOW TO FORM A CORPORATION IN ANY STATE, Advocate Publishers (1990)

Charles F. Abbott & Nelson Abbott, THE COMPLETE ASSET PROTECTION PLAN, Advocate Publishers (1990)

## PUBLISHED APPELLATE CASES

HERROD V. WILSHIRE, 499 F. App'x 753 (10th Cir. 2012)

TIMOTHY V. KEETCH, 2011 UT App. 104

N.M. V. DANIEL E., 2008 UT 1

MCKEON V. CRUMP, 2002 UT App. 258

STATE EX REL. A.P., 2002 UT App 230

STATE EX REL. A.W., 2002 UT App 159

STATE V. VILLALOBOS, 2000 UT App. 354

STATE V. KOHL, 999 P.2d 392, 2000 UT 35

RUSS V. WOODSIDE HOMES, 905 P.2d 901 (Utah App. 1995)

## PROFESSIONAL SERVICE

LEGISLATIVE COMMITTEE, UTAH ASSOCIATION FOR JUSTICE  
*May 2016 to present*

ETHICS ADVISORY OPINION COMMITTEE, UTAH STATE BAR  
*October 2001 to 2009*

UTAH RULES OF JUVENILE PROCEDURE COMMITTEE, UTAH SUPREME COURT  
*July 2003 to June 2005*

UNAUTHORIZED PRACTICE OF LAW COMMITTEE, UTAH STATE BAR  
*Fall 1999 to Fall 2001*

FEE ARBITRATION COMMITTEE, UTAH STATE BAR  
*Fall 1999 to 2009*

MOOT COURT COACH, LAKERIDGE JUNIOR HIGH  
*1997 to 2003*

AMERICAN INNS OF COURT  
*2012 to present*

UTAH STATE BAR MENTOR TRAINING PROGRAM

Four Trainees

## COMMUNITY SERVICE

---

FOOD AND CARE COALITION, UTAH COUNTY

BOY SCOUTS OF AMERICA

Volunteer service in the following capacities: Webelos Den Leader, Crew Leader, Institution Head.

BOARD OF DIRECTORS, UTAH VALLEY MANAGEMENT SOCIETY  
1999 to 2013

BOARD OF DIRECTORS, UTAH COUNTY MARCH OF DIMES  
Several years during the late 1990s

PROVO ROTARY CLUB  
1999 to 2007

## PRESENTATIONS

---

HOW TO HANDLE POST TRIAL ISSUES, Presented February 2007 for National Business Institute in Salt Lake City.

HOW TO AVOID COMMON ETHICAL PITFALLS, Presented February 2007 for National Business Institute in Salt Lake City.

PREPARING YOUR EXPERT WITNESS FOR DEPOSITION, Presented December 2007 for National Business Institute in Salt Lake City.

RECENT UPDATES IN THE LAW, Presented September 2008 for Utah Association for Justice Annual Convention in Salt Lake City.

HOW TO SELECT THE RIGHT JURY FOR YOUR CASE, Presented June 2010 for National Business Institute in Salt Lake City.

EFFECTIVE VOIR DIRE, Presented September 2010 for Utah Association for Justice Annual Convention in Salt Lake City.

EFFECTIVE USE OF FACT WITNESSES AT TRIAL, Presented October 2012 for National Business Institute in Salt Lake City.

EXPERT REPORTS AND EXPERT WITNESSES, Presented October 2012 for National Business Institute in Salt Lake City.

Chair of UAJ's AUTO SPECTACULAR SEMINAR providing 6 hours of CLE focused on auto accident litigation. March 2015, Salt Lake City.

RELIGIOUS AND CULTURAL BIASES HELD BY AUTO ACCIDENT JURIES, Presented March 2015 for Utah Association for Justice in Salt Lake City.

EXAMINING OPPOSING EXPERT WITNESSES: DEPOSITION AND TRIAL STRATEGIES, Presented August 2016 for National Business Institute in Salt Lake City.

MOTIONS IN LIMINE, Presented January 2017 for American Inns of Court, Provo, Utah.



Nancy Sylvester &lt;nancyjs@utcourts.gov&gt;

---

## Robert J. Fuller Application ~ Standing Committee on Model Utah Civil Jury Instructions

1 message

Robert J. Fuller &lt;rob@fullerattorney.com&gt;

Wed, Mar 14, 2018 at 2:45 PM

To: nancyjs@utcourts.gov, Rob Fuller &lt;rob@fullerattorney.com&gt;

Ms. Nancy Sylvester  
nancyjs@utcourts.gov  
Utah Judicial Council

Re: Standing Committee on Model Utah Civil Jury Instructions

Dear Ms. Sylvester:

I am responding to your email dated February 14, 2018, regarding applications for work on the Model Utah Civil Jury Instructions committee.

Statement of Interest. I would appreciate the opportunity to work on the civil jury instruction committee. My schedule could be adjusted to accommodate the time that I anticipate would be necessary to fully participate in the important discussions.

I am a solo practitioner with an office in Eden, Utah. I started my trial practice career with a friend and excellent mentor, Robert B. Sykes, Esq. My trial work is now primarily representing plaintiffs in the area of personal injury, civil rights, and contract disputes. I do very little defense work. I am constantly referring to the Model Utah Jury Instructions as the starting point in developing most of my cases. I believe it is extremely important to develop accurate, understandable, and uniform instructions to help administer justice. I have witnessed first-hand how complicated and confusing jury instructions can lead to inconsistencies on the verdict form and cause problems. See, for example, *Remax v Still Standing*, Ut. Sec. Dist., 060906802, a case that started in 2006, and after multiple appeals will hopefully be finally dismissed in March 2018. "I am fairly certain this [inconsistent jury verdict response] is not the first time this has happened in the United States of America . . ." J. Lyon, R.8387, 127:7-9 (brackets added). On the other hand, it has been my experience that well drafted and clear instructions help resolve cases before trial and often eliminate the need for an appeal.

Committee Assignments. I do not recall ever applying for nor participating in any court committee assignments.

Resume. Please find my resume attached in PDF format. More details about me and my legal practice are listed on my web page at [fullerattorney.com](http://fullerattorney.com).

I appreciate your time and consideration of this application.

Kindest regards,

--

Robert J. Fuller, JD, MBA

Fuller Law Office, LC

[rob@fullerattorney.com](mailto:rob@fullerattorney.com)

1090 N 5900 E

3/19/2018

Utah State Courts Mail - Robert J. Fuller Application ~ Standing Committee on Model Utah Civil Jury Instructions

Post Box 835

Eden, Utah 84310

[801 791-7736](tel:8017917736)

---

This Email is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. The information contained in this Email is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by collect telephone call to the Fuller Law Office, LC , at [\(801\)791-7736](tel:8017917736) and destroy the original message.



180314 Resume Robert J Fuller MUJI App.pdf  
219K

# **FULLER LAW OFFICE, LC**

PROFESSIONAL LIMITED LIABILITY COMPANY

1090 NORTH 5900 EAST

POST BOX 835

ROBERT J. FULLER, JD, MBA

EDEN, UTAH 84310

TELEPHONE: (801) 791-7736

ATTORNEY AT LAW

ROB@FULLERATTORNEY.COM

## **Resume**

Robert J. Fuller, JD, MBA

1175 N. 5900 E.

Eden, Utah 84310

D.O.B. 12/29/1965

## **Employment**

Attorney, Fuller Law Office, LC, Eden, Utah, civil litigation and trial practice

Evergreen Ranch, LC, Eden, Utah, a Utah Century family farm, livestock and hay production

Associate, Robert B. Sykes & Associates, Salt Lake City, Utah, civil litigation and trial practice

Upper Valley Utilities, Inc., Salt Lake City, Utah, project manager underground construction

Arrow Barricade, Inc., Salt Lake City, Utah, co-owner barricade and traffic control contractor

## **Education**

University of Utah, S.J. Quinney College of Law, graduated, Juris Doctor, 2003

Oklahoma City University, College of Law, Oklahoma City, attended 1L law school, 2001

Utah State University, Master of Business Administration, 1991

Utah State University, Bachelor of Science in Marketing, Minor in Economics, 1989

## **Member & Admissions**

Utah State Bar

Admitted to practice before the Supreme Court of Utah, 2004

Admitted to practice before the United States District Court, 2004

Admitted to practice before the United States Court of Appeals, 10<sup>th</sup> Circuit, 2007

Utah Association of Justice

Weber County Bar Association

## **Family**

Married to Nicole L. Fuller, with three children: Mattie, Bridger, Annica

Family Activities: farmwork, traveling, showing animals, 4H, scouting

Interests: outdoor adventures, hunting, fishing, camping, cruising to warm climates

Hobbies: developing a herd of Belted Galloway "oreo" cattle, backcountry horse packing

## **Community**

Boy Scout Leader in Eden, Utah

Pro Bono Projects: Counsel for cemetery district, irrigation company, domestic disputes

*See Gardiner v. Taufer*, 2014 UT 56, pro bono appeal to the Utah Supreme Court

Plaintiff in *Toone v. Weber Cty.*, 2002 UT 103, ¶ 17 ("voiding. . . sale of the Wolf Creek Park")

Utah Open Lands Committee, Projects Subcommittee, Appointed by Gov. Leavitt, 1996-98



Nancy Sylvester &lt;nancyjs@utcourts.gov&gt;

---

## Model Utah Jury Instructions Committee

---

Doug Mortensen <dmort@dgmattorneys.com>  
To: Nancy Sylvester <nancyjs@utcourts.gov>

Fri, Mar 9, 2018 at 9:23 AM

Dear Ms. Sylvester:

Please accept this letter as an indication of my interest in serving on the Committee on Model Utah Jury Instructions.

My resume is attached.

I served on the Utah Supreme Court's Board of Mandatory Continuing Legal Education for 7 years and was its chairman for 4 of those years (2008-2015). I served on the Third District Court Judicial Nominating Commission for 4 years (2003-2007). I served for several years on the Board of the Utah Association for Justice (fna Utah Trial Lawyers Association), was its President for 1 year, and am now an Honorary Lifetime Member of that organization.

I have tried as lead or sole counsel 77 civil and 11 criminal cases to completion. I have represented plaintiffs in jury trials involving medical malpractice, hospital malpractice (negligent credentialing of a surgeon), motorist negligence, excessive use of force by a police officer, negligence of a mineral oil manufacturer, and negligence of a facility caring for brain injured persons. I have also represented defendants in two civil jury trials.

If a letter more formal than this email is required, please let me know.

I thank you and the committee you serve for considering my application.

Sincerely,

Douglas G. Mortensen

Chairman, Uta

---

2016 RESUME.docx  
21K

**DOUGLAS G. MORTENSEN**  
2174 Melinda Lane, SLC, UT. 84109  
Telephone: (801) 349-8597  
dmort@dgmattorneys.com

**PERSONAL BACKGROUND:**

Born: January 25, 1950  
Married: (to the former Victoria Allen) since 1972;  
4 children, 10 grandchildren;  
Admitted: Utah State Bar, 1977;  
Arizona State Bar, 1978  
(*Pro hac vice* admissions in Nevada, Idaho, Washington, Wyo.)  
10<sup>th</sup> Circuit Court of Appeals  
United States Supreme Court

**PROFESSIONAL SERVICE, AFFILIATIONS AND HONORS:**

Chairman, Utah Supreme Court Board of Mandatory Continuing Legal Education ('08-'15);

Commissioner, Third District Court Judicial Nominating Commission ('03 - '07);

President, Utah Trial Lawyers Association (nka Utah Association for Justice) ('03 - '04),  
Governing Board Member ('97 - '08); Legislative Affairs Committee Chair ('03);

Honorary Lifetime Member, Utah Association for Justice;

Participant, Informal task force of government and private lawyers who rewrote Utah's  
Governmental Immunity Act ('03);

Holder, Martindale-Hubbell "A V" rating (1991- );

Member, Utah Courts Alternative Dispute Resolution Committee (2014- 16);

Trained Mediator, Utah Dispute Resolution (47.5 hours of formal training);

Master, A. Sherman Christensen American Inn of Court I (inactive);

Recipient, "Legal Elite" recognition by *Utah Business* magazine, (2005-09);

Law Clerk to Hon. James Duke Cameron, Chief Justice, Arizona Supreme Court  
( '77 - '78)

## **EDUCATION:**

B.S. Degree, Magna Cum Laude, University of Utah, 1974  
(Political Science), Phi Beta Kappa, Phi Kappa Phi;  
J.D. Degree, University of Utah College of Law, 1977,  
Society of Bar & Gavel

## **LAW PRACTICE:**

Shareholder, MATHESON, MORTENSEN, OLSEN & JEPPSON, P.C.  
(1984 to 2011; partners and I are now retired from day to day practice);  
34 years as trial lawyer: 77 civil trials; 11 criminal trials;  
Winner of Utah's only jury verdict and award (\$820,000) against a hospital for negligently  
credentialing an impaired surgeon;  
Expert Witness in 2 legal malpractice cases;

## **OTHER ACTIVITIES:**

Adjunct Professor of Business & Employment Law, Westminster College (2014 -);  
Chapter author, *Utah Business Law for Entrepreneurs and Managers (2016)*;  
Visiting Professor of Law, Masaryk University, Brno, Czech Republic (Spring 2012);  
Author/Presenter of 27 Publications/Presentations in legal journals and/or lawyer seminars.  
Inner City Project Missionary (helping Hispanic people become self-reliant);  
Leadership Support Missionary, Plainfield, New Jersey (March-September, 2013);  
Fellow, ASCEND ALLIANCE, 4 - month service in Bolivia (March - July 2010);  
Member, Rotary International, Club 24 ('91 - present): Chairman, International Service  
Committee ('2014-'16); past Chairman, Environment & Ecology Committee ('93 -  
'94;)  
Tutor, Guadalupe Center (ESL, adults) (2010- 2014); also, through Rotary, at Franklin  
Elementary School (2010- );  
Assistant Swim Coach, Olympus High ('11, '12,'14 -15);  
Scoutmaster, Troop 377 ('93 - '00) and Boy Scout Roundtable Commissioner, Evergreen  
District, Great Salt Lake Council, BSA ('97 to '00);  
Co-Founder, Trustee and Legal Counsel, Utah Head Injury Association ('86 - '91).



# **Ricky Eric Shelton**

(801) 494-9167

*ricky.shelton@hotmail.com*

## **Statement of Interest**

I would like to be on the Standing Committee on the Model Utah Civil Jury Instructions. For the past two years, I have been on the jury-instruction committee for interference with economic relations, and I have really enjoyed that experience. I'd like to take on a larger responsibility.

## **Past and Current Court Assignments**

I am currently a member of the subcommittee tasked with drafting the jury instructions about interference with economic relations. I have had this position for the past 2 years. I have had no other court assignments.

# Ricky Eric Shelton

(801) 494-9167

*ricky.shelton@hotmail.com*

---

## **EDUCATION:**

**University of Virginia School of Law**, Charlottesville, VA

J.D., May 2013

- Senior Editorial Board Member of the Virginia Journal of Law and Technology

**University of Utah**, Salt Lake City, UT

B.A. Psychology, B.S. Economics, *magna cum laude*, December 2008

- Recipient of Honors at Entrance Full-Tuition Scholarship
- Ranked in the top 2.5% of graduating class
- Research Assistant to Dr. Don Strassberg, Clinical Psychology Professor and Practitioner

## **EXPERIENCE:**

**Dewsnup, King & Olsen**, Salt Lake City, UT

*Associate*, February 2016–Present

- Handled a variety of catastrophic-injury/wrongful-death cases
- Won a \$600,000+ verdict in a personal-injury case

**Snell & Wilmer L.L.P.**, Salt Lake City, UT

*Associate*, September 2013–February 2016,

*Summer Associate*, May 2012–August 2012

- Handled, as first chair, two trials
- Defended clients in numerous areas of litigation, including medical malpractice, personal injury, products liability, and commercial litigation
- Led the firm's Community Involvement Committee

**The United States Attorney's Office, Western District of Virginia**

*Certified Student Prosecutor*, September 2012–May 2013

- Prosecuted, as first chair, two misdemeanor trials
- Handled briefing and oral argument on court-ordered supplemental proceeding on constitutional issue of merger and double jeopardy
- Assisted in 5-day trial for bath-salt drug crime

**The Honorable Clark Waddoups, Federal District Court, District of Utah**, Salt Lake City, UT

*Judicial Extern*, May 2011–August 2011

- Composed bench memoranda on multiple areas of law
- Drafted court orders and opinion

**State of Utah-Juvenile Justice System-Early Intervention Program**, Salt Lake City, UT

*Youth Counselor*, April 2009–July 2010; *Volunteer*, January 2007–April 2009

- Advocated for at-risk youth in juvenile court proceedings

- Taught life skills classes; held weekly family mediations with youth and parents
- Wrote reports and recommendations for juvenile court judges
- Served on the Curriculum Revision Board

**Kesler & Rust, Salt Lake City, UT**

*Legal Assistant, January 2007–March 2009*

- Prepared court documents and correspondence

**American Civil Liberties Union of Utah, Salt Lake City, UT**

*Research Assistant, May 2008–February 2009*

- Conducted a comparative analysis of indigent defendant laws for all 50 states
- Reviewed and recorded complaint letters from jail and prison inmates

**The Supreme Court of the United States of America, Washington, D.C.**

*Full-Time Intern, July 2006–December 2006*

- Researched and composed educational exhibits for public
- Performed administrative duties for Offices of the Clerk and Curator

**ADT Home Security, Chicago, IL and Cleveland, OH**

*Independent Sales Contractor, January 2005–July 2006*

- Achieved sales in top 15 of 700 representatives



**Attorneys:**  
G. Eric Nielson  
Mark W. Dahl  
Lena Daggs  
Todd Wahlquist  
Laura Nielson

**G. ERIC NIELSON & ASSOCIATES**  
— A MEDICAL MALPRACTICE LAW FIRM —

**e-mail:**  
ericnielson@ericnielson.com  
markdahi@ericnielson.com  
lenadaggs@ericnielson.com  
toddwahlquist@ericnielson.com  
lauranielson@ericnielson.com

**Paralegals:**  
Libby Craig  
Tris Baker  
Dana Lepore

libbyc@ericnielson.com  
trisb@ericnielson.com  
dana!@ericnielson.com

February 20, 2018

Nancy Sylvester  
via email: nancyjs@utcourts.gov

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

Dear Ms. Sylvester:

I am writing to express my interest in serving on the Standing Committee on Model Utah Civil Jury Instructions.

I began my career fifteen years ago working for a plaintiff's firm that specialized in medical malpractice. After a few years I moved on and started my own firm. While on my own I continued to represent plaintiffs in medical malpractice cases as well as other personal injury matters such as car accidents, premises liability, and product liability. During that time I served as chair the Medical Malpractice division of the Utah Association for Justice, a group dedicated to protecting the rights of injured plaintiffs. My practice allowed me to represent clients in jury trials, bench trials, arbitrations, and administrative proceedings.

In 2008, I was appointed by the Utah Supreme Court to sit on the Court's Ethics and Discipline Committee. Serving on this committee piqued by interest in attorney discipline and in 2011 I accepted the position of Deputy Senior Counsel with the Utah State Bar's Office of Professional Conduct. As Deputy Senior Counsel I was heavily involved in drafting any of the office's proposed amendments to the Rules of Lawyer Discipline and Disability. This included serving with Senior Counsel on the Court's Ad Hoc Ethics and Discipline Committee on Rules, where I was primarily responsible for assimilating the committee's discussions into a first draft of proposed rule changes.

In 2017, I returned to private practice, again representing plaintiffs who were injured as a result of medical malpractice. These cases are complex and implicate numerous questions of law. Constant attention to the jury instructions that will eventually be used at trial is a critical part of properly representing my clients. Below is a list of prior committee assignments, a copy of my resume is attached.

My resume is attached. Below is a list of prior court committee assignments.



Nancy Sylvester  
February 20, 2018  
Page 2 of 2

Prior Committee Assignments:

Courts and Judges Committee	2008-2011
Utah Supreme Court Ethics and Discipline Committee	2008-2011
Ad Hoc Ethics and Discipline Committee on Rules	2017

If you have questions about my qualifications or would like any additional information, please let me know. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'Todd Wahlquist', written over a horizontal line.

Todd Wahlquist

## Todd Wahlquist

1922 E. Ashley Valley Lane, Sandy, Utah 84092  
Phone: 801.349.5577 • E-mail: wahlquisttodd@gmail.com

### Education

#### **Juris Doctor**

**April 2003**

J. REUBEN CLARK LAW SCHOOL – BRIGHAM YOUNG UNIVERSITY, *Provo Utah*

- *Cum Laude* • Law Review

#### **Bachelor of Arts in Film**

**August 1994**

BRIGHAM YOUNG UNIVERSITY, *Provo Utah*

### Experience

**G. ERIC NIELSON & ASSOCIATES - Salt Lake City, Utah**

**September 2017 – Present**

- Representing plaintiffs in medical malpractice and medical products liability.

**UTAH STATE BAR – Salt Lake City, Utah**

**October 2011 – September 2017**

- Deputy Senior Counsel, Office of Professional Conduct
- Responsible for investigating and prosecuting attorneys for professional misconduct.

**WAHLQUIST LAW FIRM, INC. - Salt Lake City, Utah**

**April 2006 – October 2011**

- Owned and managed law firm representing plaintiffs in personal injury cases.

**G. ERIC NIELSON & ASSOCIATES - Salt Lake City, Utah**

**April 2003 – April 2006**

- Associate at firm specializing in medical malpractice and medical products liability.

**JUDGE STEVEN HANSEN, 4<sup>TH</sup> DISTRICT COURT - Provo, Utah**

**August 2001 – December 2001**

- Judicial Extern, assisted judge with legal research and drafting of judicial orders.

**PROFESSOR JOHN E. FEE – Provo, Utah**

**June 2001 – August 2001**

- Research assistant

### Professional Activities/Memberships

**Utah Supreme Court Ad Hoc Committee on Rules**

**2017**

**Utah Supreme Court Ethics and Discipline Committee**

**2008 - 2011**

**Utah State Bar Courts and Judges Committee**

**2008 - 2011**

**Utah Association for Justice (fka Utah Trial Lawyers Association)**

**2003 – 2011, 2018**

- Chair of Medical Malpractice Division and member of Education Committee
  - Organized monthly continuing education events and presented numerous seminars to ensure members were informed of developments in the law.
- Member of Amicus Committee
  - Wrote briefs and argued on behalf of the association before the Utah Supreme Court on issues related to medical malpractice.

**Member - Utah State Bar**

**Since 2003**

### Publications

*Medical Malpractice Arbitration Agreements: Is there any way out of these agreements?*

Utah Trial Journal – Summer 2006

*Pre-Dispute Arbitration Agreements Do Not Belong In The Doctor's Office.*

Utah Trial Journal – Winter 2008

*Curing the Cure: A Proposal for Making Medical Malpractice Arbitration More Fair.*

Utah Trial Journal – Winter 2009.

### Other Experience

**Documentary Film Producer and Writer**

**June 1998 – June 2000**

TREK WEST, INC.

**Associate Television Producer**

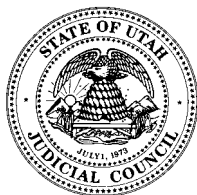
**May 1995 – December 1996**

CENTER STREET

**Freelance Film Crew**

**February 1991 – July 2000**

Production manager, assistant director, location manager.



## Administrative Office of the Courts

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

April 2, 2018

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

### MEMORANDUM

**TO:** Management Committee and Judicial Council

**FROM:** Nancy Sylvester

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

---

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

**Reason for Vacancy:** The Judicial Council added another justice court judge to the committee membership as of May 1, 2018.

**Eligibility requirements:** The position requires a justice court judge. See UCJA Rule 1-205(1)(B)(viii).

**Current committee member list:**

Last Name	First Name	Representing	Original Appointment	Current Appointment	Term Ends
Collins	Lisa	Appellate clerk of court	11-Sep-12	26-Oct-15	26-Oct-18
Crismon	Sue	Salt Lake Legal Defenders	28-Apr-14	28-Apr-17	28-Apr-20
Fjeldsted	Monica	Urban clerk of court (designee)	11-Sep-17	11-Sep-17	11-Sep-20
Frank	Carol	Rural clerk of court	22-Feb-10	23-Nov-15	23-Nov-18
Griffith	Susan	Public	24-Feb-14	27-Feb-17	27-Feb-20
Francis	Leslie	S J Quinney College of Law	20-Nov-17	20-Nov-17	20-Nov-20
Godwin	Kristin	Public	26-Jun-17	26-Jun-17	26-Jun-20
Hernandez	Carl	J Reuben Clark Law School	28-Apr-14	28-Apr-17	28-Apr-20
Kent	Jacob	OCAP (ULS)	27-Feb-17	27-Feb-17	27-Feb-20
Knight	Elizabeth	Juvenile court judge	18-Jul-16	18-Jul-16	18-Jul-19
Lawrence	Barry	CHAIR-District court judge	23-Nov-15	10-Dec-16	10-Dec-19
Martinez	Chris	Legal Aid Society of Salt	28-Apr-14	28-Apr-17	28-Apr-20

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

		Lake			
McNeil	Shaunda	Bar	22-Jun-15	22-Jun-15	22-Jun-18
Sessions	Brook	Justice court judge	20-Nov-17	20-Nov-17	20-Nov-20
Sudbury	Virginia	Low Income Attorney	28-Feb-11	27-Feb-17	27-Feb-20
Thomas	Doug	District court judge	16-Mar-11	28-Apr-17	28-Apr-20
Player	Nathanael	SHC	11-Sep-17	-	-
Van Buren	Jessica	State Law Library	28-Feb-05	-	-
Free	Kim	Ex Officio/Education	09-Jun-17	-	-
Mann	Kara	Ex Officio/Language Access	22-Sep-17	-	-
Bentley	Leti	Ex Officio/Public	28-Apr-14		

**Description of recruitment process:**

The Board of Justice Court Judges sent out a request for volunteers to all justice court judges.  
Judge Catherine Hoskins volunteered.

**List of names for consideration:**

Judge Catherine Hoskins

**Statement of interest:**

See attached.

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

**Judge Catherine Hoskins**

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

**Recommendation:**

The Board of Justice Court Judges and the committee recommend Judge Catherine Hoskins for the new justice court judge position.



To: Management Committee of the Judicial Council

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

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

From: Judge Catherine J. Hoskins

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

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

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

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

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

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

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

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

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

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

Catherine J. Hoskins, J.D.

---

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

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

**Education**

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

University of Utah University BA Major History, May, 1999

Brigham Young University Idaho, Associates Degree, December, 1996

**Employment**

Clinton Justice Court Judge:

July 2015-present

Syracuse Justice Court Judge:

September 2014- present

Hoskins Legal Solutions PLLC.

January 2003- to present

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

Law Office of Pattie S. Christensen

November 2002 to November 2003

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

Wingo, Rinehart and McConkie

April 2002- November 2002

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

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

#### University of Oregon

##### Office of Student Affairs

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

#### Heritage Foundation, Washington D.C.

August 1998-December 1998

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

#### Lin Lyn Trading, North Salt Lake Office, Bangladesh Office

January 1996-June 1999, January 1998-May 1998

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

#### **Pro Bono Services**

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

#### **Community Involvement**

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

#### **Additional Trainings and Certifications**

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

-New Judges Orientation January 2015 Part 2

**Committees and Organizations**

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

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

2       **Intent:**

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

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

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

8       **Applicability:**

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

10      **Statement of the Rule:**

11      **(1) Standing committees.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27      **(1)(B) Composition.**

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

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

34      (1)(B)(iii) The Ethics Advisory Committee shall consist of one judge from the Court of Appeals, one  
35 district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6,  
36 7, or 8, one juvenile court judge, one justice court judge, and an attorney from either the Bar or a college  
37 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.

Effective May 1, 2018



# Tab 6



**This is a safeguarded record.**

**Non-public Information –  
Safeguarded Address**

**Case Number** \_\_\_\_\_

Utah Code of Judicial Administration Rule 4-202.02

**Instructions:**

If your case is one of the types listed below and you want to safeguard your residential address (or that of your child) from the other party, write the address(es) on this form and omit the address(es) from the other documents you file in the case.

File this form with the court, but **do not** serve this form on the other party.

Keep the following residential address(es) private. Do not provide the address(es) to the other party because (Choose all that apply.):

☐ I have a court order or agency order authorizing me to safeguard my address.

☐ this proceeding is about:

- a protective order (Utah Code 78B-7-109).
- a stalking injunction (Utah Code 77-3a-101).
- a parentage order (Utah Code 62A-11-304.4).
- a custody order (Utah Code 78B-13-209).
- a support order (Utah Code 78B-14-312).

Name			
Residential Address			
City, State, ZIP			
Reason for safeguarding address	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order <input type="checkbox"/> support order	

Name			
Residential Address			
City, State, ZIP			
Reason for safeguarding address	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order <input type="checkbox"/> support order	

Name			
Residential Address			
City, State, ZIP			
Reason for safeguarding address	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order <input type="checkbox"/> support order	

Name			
Residential Address			
City, State, ZIP			
Reason for safeguarding address	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order <input type="checkbox"/> support order	

Name			
Residential Address			
City, State, ZIP			
Reason for safeguarding address	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order <input type="checkbox"/> support order	

Name			
Residential Address			
City, State, ZIP			
Reason for safeguarding address	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order <input type="checkbox"/> support order	

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

\_\_\_\_\_ 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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Ex Parte Motion for Hearing to  
Identify Judgment Debtor's Property**  
(Utah Rule of Civil Procedure 64(c))

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

1. On \_\_\_\_\_ (date) judgment in the amount of \$ \_\_\_\_\_ was entered against ☐ plaintiff/petitioner ☐ defendant/respondent, who is the judgment debtor.
2. The judgment debtor has not fully satisfied this judgment.
3. I do not have enough information about the debtor's property to fully collect the judgment.

4. I ask the court to schedule a hearing and order the debtor to attend and answer under oath questions about the debtor's property and to bring to the hearing all records about employment, bank accounts, vehicles, real property, business entities and any other property in which the debtor has an interest. (Utah Rule of Civil Procedure 64(c)(2)).
5. I will serve the Answers to Questions About Judgment Debtor's Property form with the order scheduling the hearing. If the debtor serves Answers to Questions About Judgment Debtor's Property form on me at least 3 business days before the hearing, and if I am satisfied that the debtor has answered the questions fully and truthfully, I will cancel the hearing and notify the debtor of the cancellation.
6. I ask the court to order the judgment debtor not to sell, transfer or dispose of the debtor's non-exempt property. (Utah Rule of Civil Procedure 64(c)(3)).

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

	Signature ►	
Date	Printed Name	



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the [ ] District [ ] Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

_____	<b>Order for Debtor to Attend Hearing to Identify Judgment Debtor's Property</b>
Plaintiff/Petitioner	
V.	
_____	
Defendant/Respondent	Case Number _____
	Judge _____
	Commissioner (domestic cases) _____

Having considered the Motion for Hearing to Identify Judgment Debtor's Property filed with the court and being fully informed,

**The court finds:**

1. On \_\_\_\_\_ (date) a judgment in the amount of \$\_\_\_\_\_ was entered against [ ] plaintiff/petitioner [ ] defendant/respondent, who is the judgment debtor.
2. The judgment debtor has not fully satisfied this judgment.
3. The judgment creditor does not have enough information about the judgment debtor's property to fully collect the judgment.
4. The Answers to Questions About Judgment Debtor's Property form is likely to gather the information needed to collect the judgment.

5. If the judgment debtor serves the judgment creditor with the attached Answers to Questions About Judgment Debtor's Property at least 3 business days before the hearing, and if the judgment creditor is satisfied that the judgment debtor has answered the questions fully and truthfully, the creditor shall cancel the hearing and notify the debtor and the court. Otherwise, the judgment debtor and the judgment creditor must attend the hearing.
6. The judgment debtor must not sell, transfer or dispose of any non-exempt property. (For a list of exempt property, see Utah Exemptions Act, Utah Code 78B-5-501 through -513.)

**Judgment debtor take notice:**

The court has scheduled a hearing at the following date and time.

Courthouse Address (Spanish):

---

Date (Fecha): \_\_\_\_\_ Time (Hora): \_\_\_\_\_ [ ] a.m. [ ] p.m.

Room (Sala): \_\_\_\_\_

Judge or Commissioner (Juez or Comisionado): \_\_\_\_\_

**Attendance**

You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

**Evidence**

Bring with you any evidence that you want the court to consider.

**Interpretation**

If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for

**Asistencia**

Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

**Pruebas**

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

**Interpretación**

Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la

an interpreter.

**ADA Accommodation**

If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

**Finding help**

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://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.

audiencia y le proveerán un intérprete.

**Atención en caso de incapacidades**

Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

**Finding help**

Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

A <language> version of this document is available on the court's website:  
[www.utcourts.gov](http://www.utcourts.gov)

(in as many of the languages as we provide)

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ►

\_\_\_\_\_  
Judge  
\_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and served a copy of this Order for Debtor to Attend Hearing to Identify Judgment Debtor's Property on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other party or attorney)	<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.)		
(Garnishee)	<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.)		
(Person claiming interest in property)	<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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Answers to Questions About  
Judgment Debtor's Property**

(Utah Rule of Civil Procedure 64)

**Do not file this form with the court**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

**Instructions:**

- The court has scheduled a hearing at which you must appear and answer under oath questions about your property. If you fail to appear, you might be held in contempt of court and the court might enter a warrant for your arrest.
- If you answer the following questions in writing and serve the completed form on the judgment creditor at least 3 business days before the hearing as described on the last page of this form, the creditor might cancel the hearing and notify you.
- The hearing is canceled only if the creditor is satisfied that you have answered the questions fully and truthfully and notifies you that you do not have to appear. Otherwise, you must appear at the hearing.

- Attach additional pages to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.

## 1. Identifying information

My full name			
Address city, state, zip			
Phone number		Date of birth	
Social security number		Driver's license number	

## 2. Income from employment

☐ I am employed. (List all employers.)

Name of employer (legal name and doing business as (dba))	Address of employer
Name of person issuing paycheck	Phone number of person issuing paycheck
Gross salary (before taxes and deductions) \$ _____ <input type="checkbox"/> Hourly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Semi-monthly <input type="checkbox"/> Monthly	

Name of Employer (legal name and doing business as (dba))	Address of employer
Name of person issuing paycheck	Phone number of person issuing paycheck
Gross salary (before taxes and deductions) \$ _____ <input type="checkbox"/> Hourly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Semi-monthly <input type="checkbox"/> Monthly	

☐ I am self-employed.

Business name (legal name and doing business as (dba))	Business address
Name of person issuing paycheck	Phone number of person issuing paycheck
Gross salary (before taxes and deductions) \$ _____ <input type="checkbox"/> Hourly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Semi-monthly <input type="checkbox"/> Monthly	

☐ I am unemployed.

### 3. Other income

I have the following income other than salary and wages. (Include periodic payments of non-exempt money, such as rental income, trust payments, etc.)

Describe	Annual amount	Source
	\$	
	\$	

### 4. Financial assets

I have an ownership interest in the following financial assets.

Asset	Holder (Name & address)	Co-owner (Name & address)	Current value
Bank, credit union or savings and loan account Account number: _____			\$
Bank, credit union or savings and loan account Account number: _____			\$

Asset	Holder (Name & address)	Co-owner (Name & address)	Current value
Stocks, bonds, securities, money market fund Account number: _____			\$
Stocks, bonds, securities, money market fund Account number: _____			\$
Profit sharing plan Account number: _____			\$
Profit sharing plan Account number: _____			\$
Money owed to me			\$
Cash			\$
Other (Describe.)			\$
Other (Describe.)			\$

## 5. Business interests

I have an ownership interest in the following businesses.

Name (legal name and doing business as (dba))	Federal Employer Identification Number (FEIN)
Address of main office	Mailing address, if different



Kind of business (Check one.):

☐ Proprietorship ☐ Corporation ☐ Partnership ☐ Limited Liability Company ☐ Other (describe)

Name (legal name and doing business as (dba))

Federal Employer Identification Number (FEIN)

Address of main office

Mailing address, if different

Kind of business (Check one.):

☐ Proprietorship ☐ Corporation ☐ Partnership ☐ Limited Liability Company ☐ Other (describe)

## 6. Real property

I have an ownership interest in the following real property. (Include your home, vacation home and investment property.)

Property	Mortgage or lien holder (Name & address)	Co-owner (Name & address)	Current value	Amount owed
Home (Address)			\$	\$
Other real property (Address)			\$	\$
Other real property (Address)			\$	\$

## 7. Personal property

I have an ownership interest in the following property. (Includes vehicles, boats, trailers, equipment, etc.)

Property	Lien holder (Name & address)	Co-owner (Name & address)	Current value	Amount owed
----------	---------------------------------	------------------------------	---------------	-------------

Property	Lien holder (Name & address)	Co-owner (Name & address)	Current value	Amount owed
Vehicle (Year, make, model, license number)			\$	\$
Vehicle (Year, make, model, license number)			\$	\$
Other (Describe)			\$	\$
Other (Describe)			\$	\$

### 8. Other property

I have an ownership interest in the following property not identified above. (List any non-exempt property not identified above. For a list of exempt property, see Utah Exemptions Act, Utah Code 75B-5-501 to 513).

---



---



---



---



---

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

Date \_\_\_\_\_ Signature ► \_\_\_\_\_  
Printed name \_\_\_\_\_

**Notice:**

If you serve the creditor with the completed form at least 3 business days before the hearing and if they are satisfied that you have answered the questions fully and truthfully, they will notify you and the court to cancel the hearing. Otherwise, you must appear at the hearing.

**File and Serve:**

1. Send this completed form and a copy of the Certificate of Service of Answers to Questions About Judgment Debtor's Property to:

Creditor Name  
(Or, if they have one, their Attorney or  
Licensed Paralegal Practitioner) \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

2. File with the court a copy of the Certificate of Service of Answers to Questions About Judgment Debtor's Property showing when and how you served this completed form on the creditor.
3. Do **not** send this completed form to the court.

\_\_\_\_\_  
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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Certificate of Service of Answers to  
Questions About Judgment Debtor's  
Property**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

I certify that I served a copy of the completed Answers to Questions About Judgment Debtor's Property 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.)		
	<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.)		

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

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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Motion for**

☐ **Finding of Contempt**

☐ **Bench Warrant**

(Utah Code 78B-6-303)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

1. I am the judgment creditor.
2. I have had the following served on the debtor:
  - ☐ Order Scheduling Hearing to Identify Judgment Debtor's Property
  - ☐ Order to Appear and Explain Failure to Comply with Order
  - ☐ Bench Warrant with bail set at \$ \_\_\_\_\_

3. Proof of Service is ☐ attached ☐ already on file with the court.
4. The debtor was ordered to attend a hearing on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) to answer questions under oath about their property. The debtor did not attend the hearing. The date and time for the hearing have passed.
5. The debtor has not served me with satisfactory Answers to Questions About Judgment Debtor's Property. I have not been notified that the debtor's attendance at the hearing was excused.
6. I ask the court to:
- ☐ hold the debtor in contempt;
- ☐ issue a Bench Warrant, and that bail be set at \$ \_\_\_\_\_. If the debtor fails to appear at the hearing scheduled in the Bench Warrant, I request that any bail posted, up to the amount of the judgment, be forfeited to me in full or partial satisfaction of the judgment.

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

Date \_\_\_\_\_ Signature ► \_\_\_\_\_

Printed name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

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

In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p><b>Bench Warrant</b> (Utah Code 78B-6-303)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

The State of Utah to any peace officer in the State of Utah:

1. On \_\_\_\_\_ (date),  
\_\_\_\_\_ (name) failed  
to attend a hearing in violation of a court order.
2. You are commanded to arrest the above-named person and bring them before  
this court, or, if court has adjourned, to deliver them to the sheriff of this county  
until the court is next in session.



3. Bail is set at \$ \_\_\_\_\_ cash.
4. This warrant is returnable and the above-named person is ordered to attend a hearing at this courthouse <court address> on the following date and time:
- Date: \_\_\_\_\_ Time: \_\_\_\_\_ [ ] a.m. [ ] p.m.
- Room: \_\_\_\_\_ Judge: \_\_\_\_\_
5. The above-named person is ordered to attend the hearing and to answer under oath questions about their property.
6. The above-named person is ordered to bring all records concerning employment, bank accounts, vehicles, real property, business entities and any other property in which they have an interest.
7. Bail will be held in trust to secure the person's attendance. Upon the approval of the person or order of this court, bail may be forfeited to the judgment creditor in full or partial satisfaction of the judgment.

Judge's signature may instead appear at the top of the first page of this document.

	Signature ►	
Date	Judge	

**I promise to attend the hearing.**

	Signature ►	
Date	Debtor's printed name	

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the [ ] District [ ] Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Order to Appear and Explain Failure  
to Comply with Order**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

The State of Utah to \_\_\_\_\_, (name of judgment debtor):

1. It appears from court records that you were served with an order to attend a hearing at this courthouse on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) to answer questions under oath about your property.
2. You did not attend the hearing. You did not file satisfactory Answers to Questions about Judgment Debtor's Property with the creditor, and the creditor did not notify you that the hearing was cancelled.
3. Disobeying a lawful court order is contempt of court. (Utah Code 78B-6-301). You may be held liable for costs, and you may be punished by up to:
  - a \$500 fine or up to 5 days in jail, or both. (Justice Court)
  - a \$1,000 fine or up to 30 days in jail, or both. (District Court)

4. This court orders you to:
- personally attend a hearing at this courthouse at the following date and time to explain (“show cause”) why you should not be punished for contempt of court and to answer questions about your property; and that
  - bring with you all records concerning your employment, bank accounts, vehicles, real property, business entities and any other property in which you have an interest.
5. The court has scheduled a hearing at the following date and time.

Courthouse Address (Spanish):

Date (Fecha): \_\_\_\_\_ Time (Hora): \_\_\_\_\_ [ ] a.m. [ ] p.m.

Room (Sala): \_\_\_\_\_

Judge or Commissioner (Juez or Comisionado): \_\_\_\_\_

**Attendance**

You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

**Evidence**

Bring with you any evidence that you want the court to consider.

**Interpretation**

If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

**ADA Accommodation**

If you need an accommodation, including an ASL interpreter, contact court staff

**Asistencia**

Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

**Pruebas**

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

**Interpretación**

Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la audiencia y le proveerán un intérprete.

**Atención en caso de incapacidades**

Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los

immediately to ask for an accommodation.

**Finding help**

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://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.

Servicios Judiciales por lo menos 3 días antes de la audiencia.

**Finding help**

Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

A <language> version of this document is available on the court's website:  
[www.utcourts.gov](http://www.utcourts.gov)

(in as many of the languages as we provide)

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ►

\_\_\_\_\_  
Judge  
\_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Petitioner ☐ Respondent  
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Petitioner's Licensed Paralegal Practitioner  
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Petitioner

v.

\_\_\_\_\_  
Respondent

**Notice of Education Requirements**  
(Utah Code 30-3-11.3 and 30-3-11.4, and  
Code of Judicial Administration Rule 4-907)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

To:

\_\_\_\_\_  
Respondent's Name

You are required to attend the following course(s):

- ☐ an orientation course (parents of minor children; divorce or temporary separation)  
☐ an education course (parents of minor children; divorce only)

**Divorce cases**

(Utah Code 30-3-11.3 and 30-3-11.4)

- Petitioner must attend the orientation and education courses within 60 days after filing the Petition for Divorce.
- Respondent must attend the orientation and education courses within 30 days after receiving this notice.

**Temporary separation cases**

(Utah Code 30-3-4.5 and 30-3-11.4)

- Petitioner must attend the orientation course within 60 days after filing the Petition for Temporary Separation.
- Respondent must attend the orientation course within 45 days after receiving this notice.

**Course information**

Course information is available on the court's website:

[www.utcourts.gov/specproj/dived/](http://www.utcourts.gov/specproj/dived/), or call 801-238-7181 (en español 801-238-7180).

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 Notice of Education Requirements 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Petitioner ☐ Respondent  
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Petitioner's Licensed Paralegal Practitioner  
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Petitioner

v.

\_\_\_\_\_  
Respondent

**Motion to Waive Education  
Requirements**

(Utah Code 30-3-4)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

1. I ask the court to waive the following education requirements.

☐ Orientation course for:

☐ petitioner.

☐ respondent.

☐ Education course for:

☐ petitioner.

☐ respondent.



2. The course(s) is/are not necessary, appropriate, feasible, or in the best interest of the parties because:

---

---

---

---

3. ☐ I am attaching the following documents to support my motion.

---

---

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 Motion to Waive Education Requirements 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Order on Motion to Waive Education Requirements**

\_\_\_\_\_  
Petitioner

v.

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

The matter before the court is ☐ petitioner's ☐ respondent's Motion to Waive Education Requirements. Having considered the documents filed with the court, and now being fully informed,

**The court finds:**

1. Course completion

☐ is ☐ is not

necessary, appropriate, feasible, or in the best interest of the parties because:

\_\_\_\_\_

\_\_\_\_\_

---

---

---

**The court orders:**

2. ☐ The orientation course is:

☐ waived ☐ not waived for petitioner.

☐ waived ☐ not waived for respondent.

☐ waived with the following conditions:

---

---

3. ☐ The education course is:

☐ waived ☐ not waived for petitioner.

☐ waived ☐ not waived for respondent.

☐ waived with the following conditions:

---

---

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ►

\_\_\_\_\_  
Judge

### Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Waive Education Requirements 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am ☐ Petitioner ☐ Respondent  
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Petitioner's Licensed Paralegal Practitioner  
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Motion to Excuse Mandatory  
Divorce Mediation**

(Utah Code 30-3-39)

\_\_\_\_\_  
Petitioner

v.

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

1. I ask the court to excuse mandatory divorce mediation.
2. ☐ I tried to have mediation excused either by the divorce mediation program coordinator or a court qualified divorce mediator. They denied the request.
3. Mediation did not occur because:

\_\_\_\_\_  
\_\_\_\_\_

4. Mediation should be excused because:

---

---

---

5. ☐ I am attaching documents to support this motion.

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

\_\_\_\_\_  
Date

Sign here ► \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Excuse Mandatory Divorce Mediation 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Petitioner

v.

\_\_\_\_\_  
Respondent

**Order on Motion to Excuse  
Mandatory Divorce Mediation**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

The matter before the court is ☐ petitioner's ☐ respondent's Motion to Excuse Mandatory Divorce Mediation. This matter is being resolved by: (Choose all that apply.)

☐ The default of ☐ petitioner ☐ respondent.

☐ The pleadings and other papers of the parties.

☐ A hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.

Petitioner

☐ was present ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Respondent

☐ was present    ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**The court finds:**

The moving party ☐ has ☐ has not shown good cause to excuse mandatory divorce mediation.

**The court orders:**

1. The motion to excuse mandatory divorce mediation is ☐ granted ☐ denied.

2. Other:

---

---

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ►

\_\_\_\_\_  
Judge

### Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Excuse Mandatory Divorce Mediation 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

☐ This is a private record.

\_\_\_\_\_  
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 \_\_\_\_\_

**Motion to Excuse Mediation**

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

1. Mediation has not been scheduled because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. I ask the court to excuse mediation because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

Date \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Excuse Mediation 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Order on Motion to Excuse  
Mediation**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

The matter before the court is ☐ plaintiff/petitioner's ☐ defendant/respondent's  
Motion to Excuse Mediation. This matter is being resolved by: (Choose all that apply.)

☐ The default of ☐ plaintiff/petitioner ☐ defendant/respondent.

☐ The pleadings and other papers of the parties.

☐ A hearing held on \_\_\_\_\_ (date), notice of which was  
served on all parties.

Plaintiff/Petitioner

☐ was present ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Defendant/Respondent

☐ was present    ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**The court finds:**

The moving party ☐ has ☐ has not shown good cause to excuse mediation.

**The court orders:**

1. The Motion is ☐ granted ☐ denied.

2. Other:

\_\_\_\_\_  
\_\_\_\_\_

Judge's or commissioner's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Commissioner \_\_\_\_\_

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Judge \_\_\_\_\_



### Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Excuse Mediation 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

☐ This is a private record

\_\_\_\_\_  
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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Motion to**

\_\_\_\_\_  
(name of motion)

☐ **Hearing Requested**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

1. I ask the court to enter an order as follows:  
(Write **what** you want the court to order.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. I ask for this order because:  
(Explain **why** you want the court order. Attach additional sheets if needed.)

---

---

---

---

---

3. ☐ The motion is supported by the law because:  
(List any statutes, ordinances, rules or appellate opinions that support/oppose the motion. For example, Utah Code 15-1-201, or Utah Rules of Civil Procedure 67. Explain why they support the motion.)

---

---

---

4. ☐ I request a hearing.  
☐ I do not request a hearing.

5. ☐ I have attached the following documents in support of this motion:

---

---

---

---

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

_____	Signature ►	_____
Date	Printed Name	_____

**Notice to responding party**

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion is considered by a judge, or
- at least 14 days before the hearing, if the motion is considered by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:

[www.utcourts.gov/howto/filing/motions/index.html](http://www.utcourts.gov/howto/filing/motions/index.html)

**Finding help**

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://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.

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

**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.

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.

**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.

### Certificate of Service

I certify that I filed with the court and served a copy of this Motion 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.)		
	<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.)		

Signature ►

Date

Printed Name

☐ This is a private record

\_\_\_\_\_  
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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

	<b>Stipulated Motion to</b>
_____ Plaintiff/Petitioner	_____ (name of motion)
v.	
_____ Defendant/Respondent	_____ Case Number
	_____ Judge
	_____ Commissioner (domestic cases)

Petitioner/Plaintiff and Respondent/Defendant make this Stipulated Motion to

\_\_\_\_\_ (name of motion). All parties agree  
this motion should be granted.

1. We request that the court enter an order as follows:  
(Write **what** you want the court to order.)

---

---

---

---

---

2. We ask for this order because:  
(Explain **why** you want the court order.)

---

---

---

---

---

3. ☐ The motion is supported by the law because:  
(List any statutes, ordinances, rules or appellate opinions that support/oppose the motion. For example, Utah Code 15-1-201, or Utah Rules of Civil Procedure 67. Explain why they support the motion.)

---

---

---

4. ☐ We have attached the following documents in support of this motion:

---

---

---

---

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

\_\_\_\_\_  
Date Signature ► \_\_\_\_\_  
Plaintiff/Petitioner, Attorney or Licensed  
Paralegal Practitioner

\_\_\_\_\_  
Date Signature ► \_\_\_\_\_  
Defendant/Respondent, Attorney or Licensed  
Paralegal Practitioner \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and served a copy of this Stipulated Motion 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.)		
	<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.)		

Signature ►

Date

Printed Name



☐ This is a private record

\_\_\_\_\_  
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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Memorandum Opposing Motion to**

\_\_\_\_\_  
(name of motion)

☐ **Hearing Requested**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

1. I disagree with the opposing party's Motion to

\_\_\_\_\_ (name of motion) because:

(Explain how you would like the court to rule on the opposing party's motion and why. For example, "I want the court to deny the motion because...")

\_\_\_\_\_  
\_\_\_\_\_

---

---

---

---

---

2. The opposing party's motion is not supported by

☐ the relevant facts of this case

☐ the law

because:

(Explain why you disagree with the facts, or the law, or both presented by the opposing party's motion. List any statutes, ordinances, rules or appellate opinions that support your position and/or oppose the opposing party's motion.)

---

---

---

---

---

---

3. ☐ I request a hearing.

☐ I do not request a hearing.

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 Memorandum Opposing Motion 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

☐ This is a private record

\_\_\_\_\_  
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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Stipulation to Motion to**

\_\_\_\_\_  
(name of motion)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

1. I have received and read the Motion to \_\_\_\_\_  
(name of motion) and its supporting documents. I fully understand the claims and the requested order.
2. I understand that I have the right to challenge the claims and to have a judge decide the issues.
3. I voluntarily stipulate (agree) that the court may grant the order requested in the motion at any time and without further notice.

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 Stipulation to the Motion 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

☐ This is a private record

\_\_\_\_\_  
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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Reply Memorandum Supporting Motion to**

\_\_\_\_\_  
(name of motion)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

1. I disagree with the following new issue raised in the opposing party's Memorandum Opposing Motion to \_\_\_\_\_ (name of motion).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

I disagree for the following reason(s). (Write the relevant facts newly claimed by the opposing party and any laws cited in the Memorandum Opposing the Motion.)

- 
- 
- 
2. [ ] I disagree with the following new issue raised in the opposing party Memorandum Opposing Motion to \_\_\_\_\_ (name of motion).

---

---

---

I disagree for the following reason(s). (Write the relevant facts newly claimed by the opposing party and any laws cited in the Memorandum Opposing the Motion.)

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 Reply Memorandum Supporting Motion 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

☐ This is a private record

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Statement Supporting Motion to**

\_\_\_\_\_  
Plaintiff/Petitioner

\_\_\_\_\_  
(name of motion)

v.

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Defendant/Respondent

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

I am the \_\_\_\_\_ (describe connection to the moving party) of the ☐ plaintiff/petitioner ☐ defendant/respondent.

1. I say the following:  
(Write in clear, simple sentences. **You must have personal knowledge of the facts stated.**)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

2. List any documents you have attached that support your statements.

---

---

---

---

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 Statement Supporting Motion 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.)		
	<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.)		

\_\_\_\_\_  
 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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Request to Submit for Decision**  
(Utah Rule of Civil Procedure 7)

**☐ Hearing Requested**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

1. The Motion to \_\_\_\_\_ (name of motion) was filed on \_\_\_\_\_ (date).
2. A memorandum opposing the motion  
☐ was not filed ☐ was filed on \_\_\_\_\_ (date).
3. A reply memorandum supporting the motion  
☐ was not filed ☐ was filed on \_\_\_\_\_ (date).

4. A stipulation  
[ ] was not filed [ ] was filed on \_\_\_\_\_ (date).
5. A hearing  
[ ] has been requested [ ] has not been requested.
6. I request that the motion be submitted for decision because it is now ready for the court to review and issue a decision.

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 Request to Submit for Decision 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the [ ] District [ ] Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Notice of Hearing**  
Aviso de Audiencia

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

To:

\_\_\_\_\_  
Petitioner Name

\_\_\_\_\_  
Respondent Name

The court has scheduled a hearing about \_\_\_\_\_  
(title of motion or subject of hearing) at the following location, date, and time.

El tribunal ha programado una audiencia sobre \_\_\_\_\_  
(título de moción o tema de la audiencia) en la fecha y hora que sigue.



Courthouse Address (Spanish): \_\_\_\_\_

Date (Fecha): \_\_\_\_\_ Time (Hora): \_\_\_\_\_ [ ] a.m. [ ] p.m.

Room (Sala): \_\_\_\_\_

Judge or Commissioner (Juez or Comisionado): \_\_\_\_\_

**Attendance**

You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

**Evidence**

Bring with you any evidence that you want the court to consider.

**Interpretation**

If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

**ADA Accommodation**

If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

**Finding help**

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://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.

**Asistencia**

Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

**Pruebas**

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

**Interpretación**

Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la audiencia y le proveerán un intérprete.

**Atención en caso de incapacidades**

Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

**Finding help**

Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

A <language> version of this document is available on the court's website:  
[www.utcourts.gov](http://www.utcourts.gov)

(in as many of the languages as we provide)

_____	Signature ►	_____
Date	Printed Name	_____

### Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Hearing 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.)		
	<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.)		

Date

Signature ►

Printed Name

In the ☐ District ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____</p> <p>Plaintiff/Petitioner</p> <p>v.</p> <p>_____</p> <p>Defendant/Respondent</p>	<p><b>Findings of Fact, Conclusions of Law and Order on Motion to</b></p> <p>_____</p> <p>(name of motion)</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
---	---

The matter before the court is ☐ plaintiff/petitioner's ☐ defendant/respondent's Motion to \_\_\_\_\_ (name of motion).

This matter is being resolved by (Choose all that apply.):

- ☐ The default of ☐ plaintiff/petitioner ☐ defendant/respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.
- ☐ A hearing held on \_\_\_\_\_ (date).

Plaintiff/Petitioner

- ☐ was ☐ was not present.
- ☐ was represented by \_\_\_\_\_.
- ☐ was not represented.

Defendant/Respondent

- ☐ was ☐ was not present.
- ☐ was represented by \_\_\_\_\_.
- ☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments,  
and now being fully informed,

**The court finds:**

---

---

---

---

---

---

**The court concludes:**

---

---

---

---

---

---

**The court orders:**

---

---

---

---

---

---

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Plaintiff/Petitioner, Attorney or Licensed Paralegal Practitioner	_____

_____	Signature ►	_____
Date	Defendant/Respondent, Attorney or Licensed Paralegal Practitioner	_____

### Certificate of Service

I certify that I filed with the court and served a copy of this Findings of Fact, Conclusions of Law and order on Motion 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.)		
	<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.)		

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

**This is a private record.**

**Non-public Information –**

**Parent Identification and Location    Case Number** \_\_\_\_\_

**Notice:** This information is required by the U.S. Secretary of Health and Human Services. If the information changes, you must complete and file another form.  
(Utah Code 62A-11-304.4.)

This form is accessible only by the other party and any attorneys in the case. The form is not a public record.

Name

Phone number

Residential address

☐ Keep my residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child.

(If you check this box, omit your residential address from this document and from all other papers filed with the court. Include it **only** on the Safeguarded Address form.)

Mailing address (if different from residential address)

Date of birth

Social Security Number

Driver's license

State

Number

Employer name, address and phone number

Employer name, address and phone number

I am: (check all that apply)

☐ Petitioner   ☐ Respondent   ☐ Custodial parent   ☐ Non-custodial parent

Filing this information about   ☐ myself (required)   ☐ the other party (optional)

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

Signature ►

Date

Printed Name



**This is a private record.**

**Non-public Information – Minors**

**Case No.** \_\_\_\_\_

Utah Code of Judicial Administration Rule 4-202.02

Use this document to provide non-public information to the court. Write the information here, and omit it from the public document. Complete as many forms as needed. Serve this form on the other party.

I swear or affirm that the following information is true.

☐ \* Keep the residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child.

(If you check this box, do not include the child's residential address on this document or any other papers filed with the court. Include it **only** on the Safeguarded Address form.)

1. Name of minor	Date of birth	Sex	Social Security Number	
Residential address*				
The following information is required <b>only if</b> custody or parent time is part of the case.				
Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

2. Name of minor	Date of birth	Sex	Social Security Number	
Residential address*				
The following information is required <b>only if</b> custody or parent time is part of the case.				
Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

--	--	--	--	--

3. Name of minor	Date of birth	Sex	Social Security Number
------------------	---------------	-----	------------------------

Residential address\*

The following information is required **only if** custody or parent time is part of the case.

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

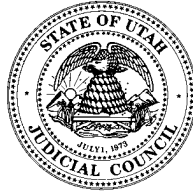
On this date, I certify that \_\_\_\_\_ (name)  
who is known to me or who presented satisfactory identification, in the form of \_\_\_\_\_  
(form of identification), has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed name (Court Clerk or Notary Public) \_\_\_\_\_  
Notary Seal

# Tab 7





## Administrative Office of the Courts

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

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

TO: Members of the Judicial Council Management Committee

FROM: Dawn Marie Rubio, J.D.  
Utah Juvenile Court Administrator  
Commissioner, Interstate Compact for Juveniles

DATE: April 2, 2018

RE: Proposed Probation Policies Review and Approval

---

The Board of Juvenile Court Judges, Juvenile Trial Court Executives, Statewide Chiefs of Probation, and the Probation Policy Workgroup vetted the following policies which are now advanced to Management Committee for review and consideration. Additionally, I seek placement on the Judicial Council's consent agenda for April 16, 2018.

**Section 2.17, Expungement [Recommendation to Delete]**--This policy, in and of itself, is not specific to a probation role. Instead, it speaks primarily to eligibility and process issues. While this information is important, expungement is more appropriate for training than policy. To that end, a one-page probation resource document will be developed and placed on the Court's Intranet page. Additionally, information regarding the juvenile expungement process is available on the Court's public website.

**Section 2.18, Notification Letters [Recommendation to Approve]**--The revisions to this policy reflect changes attendant to HB 239, effective July 1, 2018.

**Section 4.5, Electronic Monitoring [Recommendation to Delete]**--This policy dates to 2001, a time during which probation utilized a statewide electronic monitoring system [e.g., ankle bracelet]. This policy is now outdated inasmuch as the Juvenile Court does not utilize electronic monitoring equipment nor does it contract for these services.

Krista Airam will be available to respond to questions during your meeting on April 10, 2018.

Thank you.

cc:  
Honorable Ryan Evershed, Chair-Board of Juvenile Court Judges

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.

# ATTACHMENTS

[Close Window](#)

# Utah State Courts

This page has been formatted for printing.

Font Size: [A](#) [A](#) [A](#)

## Section 2.17 Expungement

---

### Table of Contents

#### Policy:

This policy is to inform staff of the uniform expungement procedure.

#### Scope:

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

#### Authority:

[UCA 78A-6-1105](#) Rules of Judicial Administration Juvenile Court Operations - [Rule 7-308](#) Utah Rules of Juvenile Procedure - [Rule 56](#)

#### Procedure:

##### Eligibility of the Petitioner

1. Individuals seeking expungement of juvenile court records are not eligible to obtain an expungement unless:
  - 1.1 One year has elapsed from the time that the juvenile court terminated jurisdiction over the individual seeking expungement or one year has elapsed from the time that the individual was unconditionally released from a Youth Corrections secure facility.
  - 1.2 The individual is 18 years of age or older. And,
  - 1.3 The individual has paid the required filing fee. And,
  - 1.4 All fines, fees, and restitution have been paid.
  - 1.5 The court may approve exceptions to 1.2, 1.3, and 1.4.
2. The petitioner shall complete the petition and obtain a Right of Access Certificate from the Bureau of Criminal Identification (BCI).

##### Responsibility of the clerk

3. Once the petitioner meets the above criteria, the clerk shall:
  - 3.1 Assist the petitioner in the preparation and filing of the expungement forms.
  - 3.2 Calendar the matter for hearing.
  - 3.3 Notify the prosecuting attorney of the scheduled hearing.
  - 3.4 Notify the victim(s). And,
  - 3.5 Notify the juvenile probation department of the pending petition.

##### Hearing

4. 4. If the Court finds that the petitioner has been satisfactorily rehabilitated, the Court shall order the sealing of any records in the custody of an agency or an official which pertain to the subject of the expungement.

##### Order for Expungement

5. Upon payment of the appropriate fees, certified copies of the executed order of expungement shall be provided to the petitioner.
  - 5.1 The petitioner shall be responsible for service of the certified copies of the order to all affected agencies identified in the order.
  - 5.2 Upon receipt of the order, all agencies shall remove from their files and computers any information pertaining to the petitioner that was generated while the petitioner was under the age of eighteen years and seal said records.
  - 5.3 The clerk shall gather in one file all of the juvenile court's legal, social, and administrative files. The file shall be sealed by a wax sealant or securely fastened so that any attempt to open the file will be evident. The petitioner's full name, address and date of expungement shall be recorded on the file.
  - 5.4 Traffic offenses which may have been referred to Juvenile Court will not be considered in the expungement proceedings. Likewise, expungement of record will not affect conviction notices that may have been previously sent to the Drivers License Division. This is done to not interfere with the Drivers License point system.

History: Effective September 1, 2002

[Table of Contents](#)

Page Last Modified: 11/20/2015

[Return to Top](#) | [Close Window](#)



## Section 2.18 Notification Letters: Violent Crimes (Detention, Adjudication, and Victim) and Placement on Probation

### Policy:

This policy establishes uniform guidelines for providing notification to school superintendents and local law enforcement agencies regarding minors who commit crimes of violence and/or weapons offenses (See Addendum 2.18.1). It also defines the process for proper notification to those agencies for minors placed on probation. ([See Addendum 2.18.2](#)).

### Scope:

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

### Authority:

- [UCA 78A-6-113\(4\)\(e\)\(ii\)](#)
- [UCA 78A-6-117\(1\)\(b\)](#)
- [UCA 78A-6-117\(2\)\(a\)\(iii\)](#)

### Procedure:

1. **Violent Crime Letters (Detention):** Notification will be given to the school district superintendent and local law enforcement (booking) agency if a minor is placed in a secure detention facility for a crime of violence as defined by Title 76-3-203.5 and/or a weapons offense in violation of Title 76, Chapter 10, Part 5.
  - 1.1. Notice under this section will include all decisions, disposition orders, or no contact orders resulting from the detention hearing.
  - 1.2. Notice will be given in writing within 3 days of the minor's initial detention hearing by processing the Violent Crime Detention Letter in C.A.R.E.
2. **Violent Crime Letter (Adjudication):** Notification will be given to the school district superintendent if the minor has been adjudicated for a crime of violence as defined in Title 76-3-203.5, and/or a weapons offense in violation of Title 76, Chapter 10, Part 5.
  - 2.1. Notice under this section will include the minor's name and the specific offenses for which the minor was adjudicated.
  - 2.2. Notice will be given in writing within 3 days of the minor's adjudication by processing the Violent Crime Letter in C.A.R.E.
3. **School Notification Letter (Victim):** Notification will be given to the school district superintendent if the victim resides in the same school district or attends the same school as the adjudicated minor if a minor has been adjudicated for an offense as defined by section 76-3-203.5, and/or an offense in violation of Title 76, Chapter 10, Part 5, and a victim's name has been determined, then.
  - 3.1. Notice under this section will include victim's name.
  - 3.2. Notice will be given in writing within 3 days of the adjudication by processing the School Notification Letter in C.A.R.E.
4. **Probation Letters:** Notification will be given to the school superintendent and local law enforcement of any minor placed under field probation status.
  - 4.1. Notification shall be given in writing within 7 days following a court order placing a minor on probation by processing the Probation Letter in C.A.R.E. .

History: Effective November 13, 2009- updated March 12, 2014

## 2.18 Notification Letters

### Policy:

This policy establishes uniform guidelines for providing notification letters to school superintendents and local law enforcement agencies regarding minors who commit crimes of violence and/or weapons offenses (See Addendum 2.18.1). It also defines the process for proper notification to those agencies for minors placed on probation.

### Scope:

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

### Authority:

- [UCA 78A-6-113](#)~~(4)(e)(ii)~~
- [UCA 78A-6-117](#)~~(1)(b)~~

### Procedure:

1. **Violent Crime Letters (Detention):** Notification ~~will~~ **shall** be given to the school district superintendent and local law enforcement (booking) agency if a minor is placed in a secure detention facility for a crime of violence as defined by Title 76-3-203.5 and/or a weapons offense in violation of Title 76, Chapter 10, Part 5. **This includes an attempt, solicitation, or conspiracy of any of the crimes if it is a felony.**
  - 1.1. Notice under this section ~~will~~ **shall** include all decisions, disposition orders, or no contact orders resulting from the detention hearing.
  - 1.2. Notice **shall** ~~will~~ be given in writing within 3 days of the minor's initial detention hearing by processing the Violent Crime Detention Letter in C.A.R.E.
2. **Violent Crime Letter (Adjudication):** Notification ~~will~~ **shall** be given to the school district superintendent if the minor has been adjudicated for a crime of violence as defined in Title 76-3-203.5, and/or a weapons offense in violation of Title 76, Chapter 10, Part 5. **This includes an attempt, solicitation, or conspiracy of any of the crimes if it is a felony.**
  - 2.1. Notice under this section ~~will~~ **shall** include the minor's name and the specific offenses for which the minor was adjudicated.
  - 2.2. Notice ~~will~~ **shall** be given in writing within 3 days of the minor's adjudication by processing the Violent Crime Letter in C.A.R.E.
3. **School Notification Letter (Victim):** Notification ~~will~~ **shall** be given to the school district superintendent if the victim resides in the same school district or attends the same school as the adjudicated minor if a minor has been adjudicated for an offense as defined by section 76-3-203.5, and/or an offense in violation of Title 76, Chapter 10, Part 5, and a victim's name has been determined, then.
  - 3.1. Notice under this section ~~will~~ **shall** include victim's name.
  - 3.2. Notice ~~will~~ **shall** be given in writing within 3 days of the adjudication by processing the School Notification Letter in C.A.R.E.
4. **Probation Letters:** **The probation officer shall consider the minor's supervision requirements and student safety concerns when recommending to the court whether or not the notice should be**

**sent to local law enforcement and the school superintendent. When notification of formal probation is ordered, the probation officer shall provide written notice within seven days following the court order by processing the Probation Notification Letter in C.A.R.E.** Notification will be given to the school superintendent and local law enforcement of any minor placed under field probation status.

**4.1.** Notification shall be given in writing within 7 days following a court order placing a minor on probation by processing the Probation Letter in C.A.R.E.

**History:**

Effective November 13, 2009

Updated by policy group February 14, 2018

**Addendum 2.18.1: Violent Crimes & weapons offense list**

**References: UCA 76-10-5 & 76-3-203. This includes an attempt, solicitation or consi**

Acronym	Utah Code	Description
ABNDC3	76-5-110	Abuse of a Disabled Child
AGASL1	76-5-103.5(2)	Aggravated Assault by a Prisoner
AGAST0	76-5-103.5	Aggravated Assault by a Prisoner-Capital
AGBUA1	76-6-203	Aggravated Burglary
AGBUB4	76-6-203	Aggravated Burglary-Use of Weapon or Explosive
AGKD21	76-5-302	Aggravated Kidnaping
AGEXP8	76-10-1306(1)(a)	Aggravated Exploitation of Prostitution
AGSAC1	76-5-404.1(4)	Aggravated Sexual Abuse of a Child
AGSLT2	76-5-103	Aggravated Assault
AGSLT3	76-5-103(1)(a)	Aggravated Assault with a Weapon
AGST12	76-5-103.5(2)	Aggravated Assault by a Prisoner
AGSXA1	76-5-405	Aggravated Sexual Assault
ARSN15	76-6-102	Arson
ARSN26	76-6-102	Arson
ARSON4	76-6-103	Aggravated Arson
ASLSB2	76-5-109(2)(a)	Intentional Assault of a Child
ASLSC3	76-5-109(2)(b)	Reckless Assault of a Child
ASLT13	76-5-102.5	Assault by Prisoner
BURG25	76-6-202(2)	Burglary of a Dwelling
CAUC12	76-6-105	Causing a Catastrophe-Person
CAUC35	76-6-105	Causing a Catastrophe-Property
CHSRK2	76-5-208	Child Abuse Homicide

CHSCN3	76-5-208	Child Abuse Homicide
CHIP13	76-5-208	Child Abuse Homicide
CNWAMA	76-10-504(2)	Carrying a Concealed Weapon-Loaded Firearm
CNWCV8	76-10-504(4)	Carrying a Concealed Weapon-Used in Crime of Violence
CNWNAB	76-10-504(1)	Carrying a Concealed Weapon-Unloaded Firearm
CNWNFB	76-10-504(1)	Carrying a Concealed Dangerous Weapon
CNWSO8	76-10-504(3)	Carrying a Concealed Weapon-Sawed Off Rifle or Shotgun
CARJK1	76-6-302(1)(c)	Aggravated Robbery-Car Jacking
CRWPVH	76-10-505(1)	Carrying a Loaded Firearm in a Vehicle
DSPT15	76-6-106(2)(a)	Destruction of Property
DSPT16	76-6-106(2)(b)(ii)	Destruction of Property
EXPDL8	76-10-307	Unlawful Delivery of Explosive Device
EXPLP8	76-10-306(3)-(6)	Possession of Explosive Device
EXTRB6	76-6-406	Extortion
EXTR55	76-6-406	Extortion
EXTVC8	76-8-509	Extortion to Dismiss a Criminal Proceeding
KDNAP2	76-5-301	Kidnaping
KDNCD1	76-5-301.1	Child Kidnaping
MNSLT2	76-5-205	Manslaughter
MRDAG0	76-5-202(3)	Capital Murder
MRDFD1	76-5-203	Murder
MYHEM2	76-5-105	Mayhem
PSWEPG	76-10-507	Possession of a Weapon with Intent to Assault
RAPCD1	76-5-402.1	Rape of a Child
RAPE21	76-5-402	Rape-Victim over 14
RAPOB1	76-5-402.2	Object Rape-Victim over 14
RAPOC1	76-5-402.3	Object Rape-Victim under 14
RBERY1	76-6-302	Aggravated Robbery
RBRY22	76-6-301	Robbery
RTAGW9	76-8-508.3	Retaliation Against a Witness
SHTDB6	76-10- 508.1(1)(b)	Shooting -Property
SHTDP3	76-10- 508.1(1)(a)	Shooting -Person
SHTDV6	76-10-508.1 (1)(c)	Shooting -Vehicle
SHTVHH	76-10-508	Shooting from a Vehicle
SDMY11	76-5-403.1	Sodomy upon a Child
SDMY21	76-5-403	Forcible Sodomy
STLK39	76-5-106.5(2) or (3)	Stalking
SXABC2	76-5-404.1	Sexual Abuse of a Child
SXABS2	76-5-404	Forcible Sex Abuse

SXEPC2	76-5b-201	Sexual Exploitation of a Minor
THRTP9	76-5-107.3	Terroristic Threat
TMPWT9	76-8-508(1)	Tampering with a Witness
WEAP2G	76-10-509	Possession of a Dangerous Weapon by a Minor
WEAP2H	76-10-509	Possession of a Dangerous Weapon by a Minor
WEAP3H	76-10-509.4	Possession of a Handgun by a Minor
WEAP4G	76-10-509.4	Possession of a Handgun by a Minor
WEAP59	76-10-509.4(4)	Possession of a Sawed-off Weapon by a Minor
WEAPDG	76-10-522	Altering Weapon Serial Number
WEAPSH	76-10-505.5	Dangerous Weapon at School
WEAPUG	76-10-506(2)	Exhibiting a Dangerous Weapon
WEPADB	76-10-528	Possession of Dangerous Weapon Under the Influence
WEPHGG	76-10-509.5	Providing a Firearm to a Minor
WEPHGH	76-10-509.6	Providing a Firearm to a Minor
WEPSL9	76-10-509.9	Sale of a Firearm to a Minor

#### Eligible Offenses without an Acronym in CARE

76-5-102.8	Disarming a Police Officer
76-5-109.1	Commission of Domestic Violence in Presence of a Child
76-5-112.5	Endangerment of Child or Elder Adult Abuse
76-8-508.5(2)(c)	Tampering with a Juror
76-10-503	Purchase or Possession of Weapon by Restricted Person
76-10-1504	Bus Hijacking
76-5-111	Abuse, neglect, or Exploitation of a Vulnerable Adult
76-5-207(2)	Automobile Homicide
76-5-207.5	Automobile Homicide w/Communication Device
76-5b-202	Sexual Exploitation of a Vulnerable Adult
76-10-1505	Discharging Firearms and hurling missiles into Buses/Terminals

76-10-521(1)	Unlawful Marking of Pistol or Revolver
76-10-529	Possession of Dangerous Weapons in Airport
76-10-530	Trespass with a Firearm in a House of Worship or Private Residence
76-5-209	Homicide by Assault
76-10-508(1)	Discharge of Firearm from vehicle, near highway, or at person
76-10-509.7	Parent/Guardian knows minor possesses dangerous weapon
76-10-527(2), (4)	False statement on firearm background check, purchase with intent to sell to ineligible person

### **Addendum 2.18.2: PowerPoint Training for Notification Letters in CARE**

[Close Window](#)

# Utah State Courts

This page has been formatted for printing.

Font Size: [A](#) [A](#) [A](#)

## Section 4.5 Electronic Monitoring

---

### Table of Contents

---

#### Policy:

The probation department may use electronic monitoring for community protection and the minor's accountability.

#### Scope:

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

#### Authority:

[UCA 78A-6-103](#)

[UCA 78A-6-117](#)

Utah Rules of Juvenile Procedure - [Rule 9 \(9\)\(g\)](#)

#### Procedure:

1. The probation department shall place a minor on electronic monitoring by order of the Court and/or by probation order.
2. When a probation officer is alerted to a violation, immediate efforts shall be made to assess the situation for further action.
  - 2.1 Parents shall be notified of the probation officer's assessment of the situation.
3. The probation officer shall include the conditions and consequences of electronic monitoring in the correctional plan, if the minor is on probation.
4. The probation officer shall submit a request for restitution upon adjudication if the minor intentionally damages any part of the electronic monitoring equipment.

History: Effective August 1, 2001

[Table of Contents](#) | [Previous](#) | [Next](#)

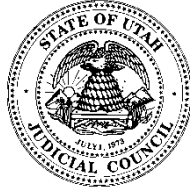
Page Last Modified: 7/31/2017  
[Return to Top](#) | [Close Window](#)





# Tab 8





# 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:** April 16, 2018  
**Re:** Human Resources Policies & Procedure – Court Security

The Policy and Planning Committee recommends the following proposed amendment to the Human Resources Personnel Policies and Procedure Manual be approved by the Judicial Council. The circumstances are outlined below.

**Human Resources Policies and Procedures. Code of Personal Conduct 500.** Amend. Adds a section on Court Security addressing compliance with court security plans and the possession of weapons.

The Judicial Council addressed these amendments at its December 18, 2017 meeting. The Council proposed grammatical changes and asked that the draft be presented to the Trial Court Executives (TCEs) for comment and approval, after which the amendments could be placed on the Council's consent calendar for final approval. The TCEs approved the amendment. Policy and Planning conducted another review and made additional edits at its March 2, 2018 meeting.

The proposed amendments at lines 368, 385, 392, 540, 558, 567, 582-583, 592, 596, are grammatical changes based on Judge Toomey's feedback.

The proposed amendments at lines 617-639, add a section on Court Security. The new policy requires compliance with court security plans and directives from court security officers and the court security director. The policy also explicitly precludes the possession of weapons by court employees in work spaces and in state vehicles. Policy and Planning removed the sections prohibiting the possession of weapons by court employees while attending court functions off premises and while acting within the scope of employment. The scope of employment change was made to accommodate an amendment to Code of Judicial Administration Rule 3-414 authorizing the Court Security Director to carry a firearm while acting within the scope of employment, after meeting strict training and certification requirements.

Encl. HR Policies & Procedures, Code of Personal Conduct 500

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

1   **CODE OF PERSONAL CONDUCT 500**

2  
3   **PURPOSE**

4   Public employment in the court system is a public trust justified by the confidence that the citizenry places  
5   in the integrity of officers and employees of the judicial branch. Judicial employees should participate in  
6   establishing, maintaining, and enforcing, and should personally observe high standards of conduct in  
7   order to preserve the integrity and independence of the judiciary. This policy should be construed and  
8   applied to further that objective.

9  
10   **SCOPE**

11   This policy establishes standards of conduct expected of court employees. It addresses the general  
12   performance of duties, abuse of position, confidentiality, conflict of interest, outside interests and  
13   secondary employment.

14  
15   This policy applies to all court employees.

16  
17   **CROSS REFERENCES:**

18   Utah Code Ann. §34A-5-106, Utah Anti-Discrimination Act, Employment Practices  
19   42 United States Code §21-VI, Equal Employment Opportunity  
20   Code of Judicial Administration §4-202.01, et seq., Dissemination,  
21   §3-201, Professional Conduct of Court Commissioners,  
22   §3-304(9)(B), Official Court Reporters  
23   Code of Judicial Conduct  
24   Grievance and Appeal, Policy 620  
25   Discipline, Policy 610  
26   Fairness in Recruiting and Hiring, Policy 130  
27   Utah Administrative Rules 'R-37-1-8-(6)(a), Risk Management Rules, Underwriting Standards Problem  
28   Drivers

29  
30   **POLICY AND PROCEDURE**

31   1. General.

32  
33       1.1 Employees shall comply with the provisions of UCA 67 16 et. seq., the Utah Public Officers'  
34       and Employees' Ethics Act.

35  
36       1.2 Employees whose conduct is governed by more than one set of ethical regulations shall  
37       conform their conduct to the more stringent standard.

38  
39 1.3 Employees shall maintain conduct standards both on and off duty and are obligated to report  
40 to management within five days any arrest and/or charge, other than a minor traffic citation, under  
41 a state or federal statute.

42  
43 2. Management.

44  
45 2.1 Management shall make reasonable efforts to ensure that employees subject to their direction  
46 and control observe the ethical standards set out in these policies.

47  
48 2.2 Management shall diligently discharge administrative responsibilities, maintain professional  
49 competence in judicial administration and assist other employees in the performance of their  
50 duties.

51  
52 2.3 Managers shall provide information and instruction to employee regarding the security policy  
53 and procedures for their work location.

54  
55 2.4 Management shall take action regarding any unethical conduct of which they may become  
56 aware, initiating appropriate disciplinary measures against an employee for any such conduct and  
57 reporting to appropriate authorities evidence of any unethical conduct by judges or lawyers.

58  
59 2.5 Managers may belong to an employee organization but shall not be eligible to be a  
60 representative or officer of an employee organization that assists employees in filing grievances  
61 or civil actions.

62  
63 3. Performance of duties.

64  
65 3.1 Employees are expected to apply themselves to their assigned duties during the full schedule  
66 for which they are being compensated.

67  
68 3.2 No employee shall conceal, alter, falsify, destroy, mutilate, or fail to make required entries on  
69 any court records. This provision does not prohibit alteration or expungement of records or  
70 documents pursuant to a court order.

71  
72 3.3 No employee shall discriminate or manifest by words or actions, bias or prejudice against any  
73 person in the conduct of service.

75 3.4 An employee shall not recommend attorneys, therapists, counseling agencies or other  
76 professionals but shall refer such inquiries to the licensing agency or professional organization  
77 that governs that profession. When an employee is required as part of the employee's job to refer  
78 an individual to a therapist or counseling agency, the employee shall follow the guidelines  
79 established by the district and not inconsistent with section 8 below, Conflict of Interest.

80  
81 3.5 No employee shall provide legal advice, unless it is part of an official duty.

82  
83 3.6 An employee shall respond to appropriate inquiries and provide information regarding court  
84 procedures.

85  
86 3.7 No employee shall refuse to enforce or otherwise carry out any properly issued rule or order  
87 of the court, nor shall a court employee exceed that authority.

88  
89 3.8 No employee shall be required to perform any duty not related to the official business of the  
90 court.

91  
92 4. Abuse of position.

93  
94 4.1 An employee shall use the public resources, property, and funds under the employee's  
95 control, and any influence, power, authority or information derived therefrom, judiciously and  
96 solely in accordance with established procedures.

97  
98 4.2 An employee shall not use or attempt to use a court position to secure privileges, exemptions  
99 or exert undue influence.

100  
101 4.3 An employee shall not discriminate by dispensing special favors to anyone, whether or not for  
102 remuneration.

103  
104 4.4 An employee shall not assist any person securing a contract with the court system in a  
105 manner not available to any other interested person.

106  
107 4.5 An employee shall not be influenced in the performance of the employee's duties by kinship,  
108 rank or position.

4.6 An employee shall not request or accept a fee or compensation beyond that received by the employee in an official capacity for advice, information, or assistance that is otherwise available from the courts.

4.7 An employee shall not solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality, or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court employee in the performance of official duties. This subsection does not apply to the following:

4.7.1 An award presented in recognition of public services;

4.7.2 Any bonafide loan made in the ordinary course of business by any institution authorized by the laws of this state or any other state to make such loans;

4.7.3 Political campaign contributions if used in a political campaign of the recipient public officer or public employee;

4.7.4 An occasional non pecuniary gift of nominal value, given to all of the employees in an office.

4.8 An employee shall not receive outside compensation for performance of court duties except in cases of:

4.8.1 An award of meritorious public contribution publicly awarded;

4.8.2 The receipt of honoraria or expenses paid for papers, transcripts, talks, demonstrations, or appearances made by an employee during work hours with the approval of management; or on the employee's own time for which the employee is not compensated by the courts and which is not prohibited by these rules;

4.8.3 The receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts.

4.9 Under the Utah Procurement Code, those who are involved in the purchasing process may not receive any gifts or similar favors from vendors. Vendors should be discouraged from sending any gifts of any type. If a vendor offers or sends a gift, the gift should be rejected or returned. However, if a vendor sends a consumable of nominal value, such as a box of chocolates for the

147 holiday season, that can be put in an area and shared with others in the office, those do not need  
148 to be returned to the vendor. This policy would apply to proposed gifts from interpreters and  
149 others who are contractors with the court.

## 151 5. Dishonest or Fraudulent Acts.

153 5.1 All persons employed by the courts are responsible for the prevention and detection of  
154 dishonest and fraudulent acts. An employee shall notify management of any and all such acts.

156 5.1.1 Management shall establish preventive measures which shall include, but are not  
157 limited to, ongoing internal reviews and employee training on detecting and reporting  
158 dishonest and fraudulent acts.

160 5.1.2 An employee shall immediately report all suspicions of dishonest and fraudulent  
161 acts to the court executive, who in turn shall immediately report the matter to the internal  
162 audit department. If the employee is employed in the Administrative Office of the Courts,  
163 the employee shall report all suspicions of dishonest and fraudulent acts to the deputy  
164 court administrator or the state court administrator. If an employee feels uncomfortable  
165 reporting to the court executive, the internal audit department may be contacted directly.  
166 The internal audit department shall then immediately notify the state court administrator.

168 5.1.3 If requested, the internal audit department shall accept confidential information  
169 regarding dishonest and fraudulent acts. To the extent possible, anonymity and  
170 confidentiality for a reporting employee shall be maintained.

172 5.1.4 An employee having knowledge of dishonest or fraudulent acts who fails to report it  
173 shall be subject to disciplinary action.

175 5.2 No employee shall engage in reprisals against an employee who reports suspicions of  
176 dishonest or fraudulent activities. An employee making such reprisals shall be subject to  
177 disciplinary action in accordance with policy 610, Discipline.

179 5.3 Management shall direct all inquiries from a suspect, a suspect's representative or attorney to  
180 the state court administrator or internal audit department.

182 5.4 After the matter has been referred to the internal audit department, management should make  
183 no attempt to conduct independent investigations, interviews or interrogations. The internal audit



department shall be responsible to investigate all possible dishonest or fraudulent acts pertaining to the Utah State Courts.

5.4.1 Prior to conducting an investigation, the internal audit department shall advise the state court administrator and the court executive. If the court executive is the person under investigation, the state court administrator shall be advised. If the state court administrator is the person under investigation, the presiding officer of the Judicial Council shall be advised.

5.4.2 Subsequent internal investigations may be performed at the direction of the state court administrator without notice to the court executive.

5.4.3 While investigating, the internal audit department shall have the authority to:

5.4.3.1 Gain full access to court premises;

5.4.3.1.1 Examine, copy and/or secure all files, desks, cabinets and other storage facilities not designated for use by a specific individual and located on court premises without the prior knowledge or consent of any individual who may use or have custody of any such items;

5.4.3.1.2 Examine, copy and/or secure all files, desks, cabinets and other storage facilities designated for use by a specific individual if there is a reasonable suspicion that the individual has either committed or assisted in the commission of a dishonest or fraudulent act.

5.4.3.2 Become the custodian of all original files and individual documents involved in the investigation;

5.4.3.3 Restrict access to any of the above referenced items as necessary; and

5.4.3.4 Interview any employee believed to be able to provide information about the matter being investigated.

5.5 If evidence of a dishonest or fraudulent act exists or if the court executive determines that leaving the suspect employee in place during an investigation may cause a disruptive work

environment or security risk, the suspect may be placed on administrative leave with or without pay.

5.6 Any person employed by the courts determined to have participated in dishonest or fraudulent acts shall be subject to disciplinary action pursuant to policy 610, Discipline.

5.7 In all cases of suspected criminal conduct relating to dishonest or fraudulent acts, the state court administrator shall notify local law enforcement. The determination to pursue prosecution and/or restitution shall be made by management in conjunction with prosecutors.

5.8 A suspect employee may be terminated prior to the conclusion of a criminal investigation if circumstances warrant.

5.9 Upon an individual's plea of guilty or no contest or a guilty verdict in a court of law of criminal charges relating to dishonest or fraudulent acts arising from employment, employment of the individual shall be terminated.

5.10 Any negotiations concerning plea bargains, diversions or restitution shall be conducted with input from the state court administrator and AOC legal counsel.

5.11 If criminal charges are dismissed or the employee is found not guilty, management shall make a determination on the status of the employee in accordance with these policies and procedures.

5.12 The final report of the internal audit department shall be provided to:

5.12.1 The state court administrator, the employee's court executive, the presiding judge, and, if disciplinary action is contemplated, the Director of Human Resources.

5.12.2 The employee and the employee's representative or legal counsel;

5.12.3 Authorized representatives of appropriate law enforcement and prosecuting agencies if the audit reveals the possible commission of a crime.

## 6. Confidentiality.

256 6.1 An employee shall not disclose to any unauthorized person any information acquired in the  
257 course of employment other than public data as defined in the Code of Judicial Administration.  
258

259 6.2 An employee shall abstain from public comment about proceedings pending or impending in  
260 any court without prior approval of the court or the trial court executive.  
261

262 6.3 An employee shall not initiate or repeat ex parte communications with a litigant, witness, or  
263 attorney to the trier of fact, attorney, witness or litigant that might affect the outcome of the case.  
264

## 265 7. Conflict of interest. 266

267 7.1 An employee shall exercise reasonable diligence to become aware of personal conflicts of  
268 interest, disclose such conflicts to management, and take appropriate steps to eliminate conflicts  
269 when they arise.  
270

271 7.2 When an employee perceives any potential conflict of interest or has a question about the  
272 laws, statutes, and policies the employee shall discuss them with management.  
273

274 7.3 No employee shall have personal investments in any business entity which will create a  
275 substantial conflict between the employee's private interest and public duties. The employee shall  
276 disclose any such conflicts to management. Management and the employee shall take  
277 appropriate steps to eliminate the conflict.  
278

279 7.4 An employee shall not enter into any contract with the courts for services, supplies,  
280 equipment, leases, or realty apart from the employment contract relating to the employee's  
281 position.  
282

283 7.5 When an employee is required by the responsibilities of the position to take an action or make  
284 a decision which could be interpreted as a conflict of interest, the employee shall declare the  
285 potential conflict to management and may be excused by management from so acting.  
286

## 287 8. Outside Activities 288

289 8.1 Court employees shall not use state owned property in support of outside interests and  
290 activities when such use would compromise the integrity of the court or interfere with the  
291 employee's court duties. Specifically, an employee who is involved in an outside activity such as

a civic organization, church organization, committee unrelated to court business, public office, or service club, shall:

8.1.1 Pursue the outside activity on the employee's own time;

8.1.2 Pursue the outside activity away from court offices;

8.1.3 Discourage any phone, mail or visitor contact related to the outside interest at court offices;

8.1.4 Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours; and

8.1.5 Except as provided in section 10, not use data processing equipment or court supplies for the outside interest.

8.2 Court employees shall not conduct or participate in sales activities for personal profit in the work place during work hours.

## 9. Personal use of state owned computer and electronic communications systems.

### 9.1 Computer equipment

9.1.1 For purposes of this policy, state-owned computer and electronic communication systems includes, but is not limited to: computer related hardware, software and networking systems as well as duplicating equipment, e-mail, voice mail, telephone, facsimile, the internet, the intranet, and the worldwide web.

9.2 State owned computer communication systems are valuable resources for increasing employee productivity and enhancing the efficiency of court operations. Employee familiarity and comfort with these resources benefit the employee and the judicial system. The judiciary recognizes the value of these resources in employees' professional and personal lives. State-owned computer and electronic communication systems are available for limited personal use, subject to the following conditions:

9.2.1 When using state-owned computer and electronic communication systems, the employee shall observe high standards of conduct so the integrity of the judiciary is preserved, and public confidence in the judiciary is promoted.

9.2.2 An employee shall not have an expectation of privacy when using state-owned computer and electronic communication systems. Management maintains records of internet sites that are accessed, and can monitor e-mail messages and facsimile transmissions to determine compliance with this policy. The employee should assume that any communication created, sent, received or stored may be read or heard by someone other than the intended recipient. Management will respect any privileges related to the courts' business; e.g., attorney/client, doctor/patient, etc., related to human resources issues.

9.2.3 The employee may not send server or network-wide e-mail messages, the purpose of which is purely personal; e.g., selling items, notifications about illnesses and deaths, etc. The courts will provide an electronic bulletin board for these types of messages.

9.2.4 Personal use may only be on the employee's personal time, may not interfere with the employee's duties and may not be excessive.

9.2.5 The employee must pay for the cost of consumables and other attendant expenses (diskettes, paper, etc.).

9.2.6 The employee may not be compensated for work performed during personal time.

9.2.7 The employee may not permanently store personal data on the network.

9.2.8 The employee shall not install games. Other personal software may be installed if the employee has received permission from the employee's supervisor and under guidelines established by the data processing department.

9.2.9 Use may not be for the purpose of conducting a business or soliciting money for personal gain.

9.2.10 The employee may not download information for personal use without the employee's immediate supervisor's expressed written authorization. The employee may not transmit or install without permission copyrighted, trademarked, or patented material,

or otherwise transmit confidential information of the judiciary, unless the transmission is related to court practices.

9.2.11 The employee may not use state-owned computers and electronic communication systems for any purpose that a reasonable person<sup>a</sup> would consider to be defamatory, offensive, harassing, disruptive or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, gender, national origin, sexual orientation, religion, and political beliefs or disability.

9.2.12 The employee may not enable unauthorized third parties to jeopardize the security of state-owned computers and electronic communication systems. The employee shall take all practical and reasonable steps necessary to keep the employee's log-in access and passwords secure. The employee should perform a virus check on all software and disks used in the system and should immediately report any tampering, viruses, or other system breaches to the data processing department.

9.2.12.1 The employee shall not share the employee's log-in access or passwords with others, including other employees, unless authorized by a supervisor, as warranted by unusual, temporary, work-related circumstances.

9.2.12.2 The supervisor shall maintain a log, documenting<sup>r</sup> instances of shared access or shared passwords. This record shall contain the date of the authorization, the work-related reason for the authorization, the name of the employee who is normally authorized to use the log-in access or passwords, and the name of the employee who was granted temporary, emergency access.

9.2.12.3 Following authorized, shared use of a password, the supervisor shall ensure that the employee who normally used the password<sup>r</sup> replaces it with a new, secure password as soon as possible.

9.2.12.4 No employee shall represent themselves as someone else, fictional or real.

9.2.13 The employee should direct questions concerning personal use of state-owned computers and electronic communication systems to the employee's supervisor.

## 10. Personal Cell Phone Usage in the Workplace

10.1 Employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phones. Excessive personal calls, text messaging, or other personal communication during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are expected to limit personal use to non-work time where possible and to ensure that friends and family members are aware of this policy.

## 11. Secondary Employment

11.1 Employment with the court system shall be the primary employment of full time employees.

11.2 Other employment and volunteer activities must not conflict with the interests of the agency or the State of Utah.

11.3 An employee may, at agency discretion, hold more than one state position as long as the total hours worked do not exceed 40 hours per week.

11.4 An employee may engage in secondary employment or volunteer activity that does not conflict with the interests of the court or create the appearance of a conflict of interest as defined below and in Section 500.8:

11.4.1 An employee shall exercise reasonable diligence to become aware of personal conflicts of interest, disclose such conflicts to management, and take appropriate steps to eliminate conflicts when they occur.

11.4.2 When an employee perceives any potential conflict of interest or has a question about laws, and policies, the employee shall discuss them with management.

11.4.3 No employee shall have substantial personal interest in any business entity which will create a conflict between the employee's private interest and public duties. The employee shall disclose any such conflicts to management. Management and the employee shall determine if there are substantial conflicts or appearances of substantial conflicts and take appropriate steps to eliminate the conflict.

11.4.4 An employee shall not enter into any contract with the courts for services, supplies, equipment, leases, or realty apart from the employment contract relating to the employee's position.

11.4.5 When an employee is required by the responsibilities of the position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict to management and may be excused by management from so acting.

11.5 An employee may engage in secondary employment if it conforms to the following provisions:

11.5.1 The secondary employment shall not interfere with the employee's ability to perform job duties with full capacity.

11.5.2 Secondary employment/volunteer activity shall not be performed during the same hours that the employee is scheduled to work.

11.5.3 The outside employment is not self-employment or with a contractor that provides services to clients of the court level within which the employee works.

11.5.4 The outside activity is not with a policy making nor advisory board of an organization or agency that does business within the court level.

11.6 Prior to accepting or continuing secondary employment, an employee shall report the employment to the employee's supervisor on the Secondary Employment application form.

11.6.1 If there is not a conflict of interest, the Trial Court Executive may approve the application within five working days, after consulting with the director.

11.6.2 If there is a possible conflict of interest, the application will be submitted to the director and the court level administrator who will, within five working days, seek a legal opinion from the General Counsel before approval, denial or conditional approval.

11.6.3 Copies of secondary employment application forms shall be sent to the director who will review them for consistency.



474 12. Political activity.

475  
476 12.1 An employee may participate in political activity that does not jeopardize the confidence of  
477 the public or of government officials in the impartiality of the judicial branch of government.

478  
479 12.1.1 An employee shall not participate in political activity which conflicts with or  
480 otherwise affects the mission and activities of the Judiciary.

481  
482 12.1.2 Employees of the Judiciary are prohibited from running for, being appointed to, or  
483 holding an elected office at any level of government.

484  
485 12.1.3 An employee shall not engage in political activity during work hours, unless on  
486 approved leave.

487  
488 12.1.4 An employee shall not use state owned equipment, supplies or resources, and  
489 other attendant expenses (diskettes, paper, computer online and access charges, etc.)  
490 when engaged in political activity.

491  
492 12.1.5 An employee shall not discriminate in favor of or against any person or applicant  
493 for employment based on political activities.

494  
495 12.1.6 An employee shall not use the employee's title or position while engaging in  
496 political activity.

497  
498 13. Driver Safety.

499  
500 13.1 Court employees are subject to the rules and regulations established by the State Motor  
501 Pool and the Division of Risk Management regarding the safe operation of state vehicles.

502  
503 13.2 Any employee convicted of driving under the influence, reckless driving or an at-fault  
504 accident shall complete an approved driver safety program before operating a state vehicle or  
505 operating the employee's own vehicle on court business.

506  
507 14. Professional Appearance

508  
509 14.1 Employees shall exercise good judgment regarding dress and grooming in the workplace, to  
510 promote an environment of professionalism and credibility. An employee's appearance and

cleanliness shall reflect generally accepted community standards, based on the nature of the work environment and the type of work being performed.

14.2 Certain elemental standards of appearance and cleanliness, including personal hygiene, apply in all work contexts throughout the court system. Restrictions include, but are not limited to, the following:

14.2.1 Visible body piercings, other than those on the ears.

14.2.2 Extreme, unnatural hair coloring or styles.

14.2.3 Extreme, visible body tattoos

14.2.4 Inordinately revealing clothing

14.3 Local guidelines for employee appearance may be drafted to require a higher standard than found in this policy.

14.4 Employees appearance shall be consistent with the professional standards of their position and responsibilities. The prevailing standard of dress in the courts shall include professional and appropriate apparel in the following environments.

14.4.1 Courtroom

14.4.1.1 The minimum apparel standards for male employees include dress shoes or dress boots, socks, dress slacks, shirt and tie. Suit and/or sport coats and/or vests are optional.

14.4.1.2 The minimum apparel standards for female employees include dress shoes or dress boots, dress slacks, dresses or business length skirts, ~~D~~dress shirts, blouses, shells, or sweaters.

14.4.2 Courthouse Offices

14.4.2.1 The minimum apparel standards for male employees include dress shoes or dress boots, socks, dress slacks (cotton and corduroy acceptable), dress shirts. Ties and suit or sport coats are optional.

14.4.2.2 The minimum apparel standards for female employees include dress shoes or dress boots, dress slacks (cotton and corduroy acceptable), dresses, business length skirts, sweaters, blouses or shells.

#### 14.4.3 Position Based Exceptions

14.4.3.1 If an employee's primary duties do not involve public interaction and require an employee to be regularly involved in physical work such as; the maintenance and installation of computer hardware, office furniture, workplace related items; or if the employee is a juvenile court deputy probation officer the employee may adhere to the following:

14.4.3.2 Dress shoes, athletic footwear or work boots. Slacks or jeans (must be professional and modest in fit and appearance without tears, holes or excessive fading). Dress shirts, blouses, shells sweaters, or polo shirts with collars. T-shirts are not acceptable.

14.4.3.3 For juvenile court probation work crew staff on an active work crew assignment acceptable attire includes athletic shoes or work boots, jeans s modest in fit and appearance without tears, holes or excessive fading), t-shirt without logos (other than the court logo), appropriate long or short sleeved casual shirts and shorts, of appropriate length, during hot weather. Hats without obscene logos or wording may be worn.

#### 14.4.4 Dress Down Day

14.4.4.1 Employees assigned to appear in court, or on official court business, on a dress down day are required to follow the courtroom standard of dress.

14.4.4.2 Casual Friday will be limited to Friday unless otherwise specified by court management. Employees shall maintain a professional appearance and the minimum apparel standards shall include:

14.4.4.2.1 Dress shoes or casual shoes (flip flops or sandals such as Tevas or Birkenstocks are not acceptable).

14.4.4.2.2 Dress slacks, business casual slacks, and jeans that are professional and modest in fit and appearance without tears, holes, or excessive fading, dresses, skirts.

14.4.4.2.3 Dress shirts, polo shirts, long or short sleeved casual shirts, blouses, or sweaters.

14.5 The following is a list of unapproved attire, not to be considered inclusive, that is subject to modification by management and may be subject to the limited exceptions detailed elsewhere in this policy.

14.5.1 Overalls, ~~T~~-shirts, tank tops, spaghetti string tops, jogging outfits, flip flops, caps/hats, revealing clothing, tube tops, halter tops, strapless tops, shorts, stretch pants, leggings, skorts, casual capris and pants with rivets.

14.6 Management shall enforce the policy and employees determined to be inappropriately attired may be sent home, on their own time, to change into appropriate attire. Employees with ongoing violations of the professional appearance standards will be subject to discipline in accordance with personnel policies and procedures.

## 15. Friends and Family at Work

15.1 Friends and family members of employees shall not remain in the workplace for extended visits. Management may grant temporary exceptions in unusual circumstances, provided their presence does not interfere with the work of employees.

15.2 Employees shall not use their court access privileges to allow family or friends to circumvent the existing security/weapon screening process.

15.3 Employees shall not allow access to secure areas of the courthouse by family members or friends with cases pending before the courts.

## 16. Court Security

16.1 Employees shall be familiar and comply with local court security plans.

621 16.2 Employees shall comply with all directives from court security officers, including the court  
622 security director.

623  
624 16.3 Employees, except those identified in CJA 3-414, may not possess weapons in courthouses,  
625 probation offices, other buildings used for employee work spaces, off premises court-sponsored  
626 meetings or conference sessions, and state vehicles. This does not include employee parking  
627 areas.

628  
629 16.4 Employees, except those identified in CJA 3-414, may not possess weapons while attending  
630 court functions off premises, such as at conferences or meetings.

631  
632 16.5 Employees, except those identified in CJA 3-414, may not possess weapons while acting  
633 within the scope of employment.

634  
635 16.6-4 Possession includes on the person and in areas within the immediate control of the  
636 employee.

637  
638 16.7-5 An employee, except those identified in CJA 3-414, who has a concealed weapons permit  
639 is not excused from complying with these policies.