

JUDICIAL COUNCIL MEETING

AGENDA

July 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. Oath of Office – Judge Mark May Chief Justice Matthew B. Durrant
3. 9:10 a.m. Chair’s Report..... Chief Justice Matthew B. Durrant
4. 9:15 a.m. Administrator’s ReportRichard Schwermer
5. 9:25 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.
(Information)
6. 9:35 a.m. Judicial Performance Evaluation Commission ReportJennifer Yim
(Information) Commissioner David Jordan
7. 9:55 a.m. Standing Committee on Children and Family Law Report
.....Judge Douglas Thomas
(Tab 2 – Information) Ray Wahl
8. 10:15 a.m. GAL Oversight Committee Report.....Doug Goldsmith
(Information) Stacey Snyder
- 10:30 a.m. Break
9. 10:40 a.m. IT Planning and Project Management Demonstration..... Heidi Anderson
(Information) John Larsen
10. 11:00 a.m. Senior Judge Certification Nancy Sylvester
(Tab 3 – Action)

11. 11:05 a.m. Approval of Interlocal Agreement Between Parowan City and Paragonah TownJim Peters
(Tab 4 – Action)
12. 11:15 a.m. Clarification of Courtroom Use for Filming PolicyBrent Johnson
(Information)
13. 11:25 a.m. Executive Session – An Executive Session Will Be Held
14. 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
(Tab 5)

MUJI – Criminal – Brent Johnson
Pretrial Release Committee – Brent Johnson

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

June 25, 2018

Council room

Matheson Courthouse

450 S. State St.

Salt Lake City, Utah 84111

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

Chief Justice Matthew B. Durrant, Presiding

Attendees:

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

Staff:

Richard Schwermer
Ray Wahl
Jacey Skinner
Kim Allard
Shane Bahr
Cathy Dupont
Geoff Fattah
Jim Peters
Dawn Marie Rubio
Nancy Sylvester
Jessica Van Buren
Jeni Wood

Excused:

Hon. David Marx

Guests:

Hon. George Harmond
Annie Knox
Joanna Landau
Jojo Liu
Hon. Jim Michie
Peyton Smith
Keisa Williams

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Chief Justice Durrant welcomed Annie Knox from Deseret News to the meeting.

Motion: Judge Kate Toomey moved to approve the minutes from the May 21, 2018 Judicial Council meeting. Judge Ryan Evershed seconded the motion, and it passed unanimously.

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

Chief Justice Durrant said the PJ/TCE/COC Conference went well and thanked those involved.

3. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Richard Schwermer said author, Gary Marchant, presented at the PJ/TCE/COC Conference on how technological changes can affect the court process. Mr. Schwermer said there was discussion about having Mr. Marchant present at the annual conference. Judge Derek Pullan and Judge Toomey said that they also enjoyed the presentation by Kristen Cox on applying systems efficiencies.

Mr. Schwermer next addressed the media clips that are included in the monthly Judicial Council meeting packet and asked the Council if they were useful or redundant. Justice Thomas Lee said the employee time spent on organizing the media clips is perhaps not worth completing because Geoff Fattah emails news on a regular basis. Judge Toomey agreed the media clips were redundant. Mr. Schwermer will discuss this issue with Geoff Fattah and Jeni Wood.

Mr. Schwermer noted additional funds from FY18 one-time money were used to purchase the second server and related equipment for St. George.

The new PSA system is now active. Mr. Schwermer has received positive feedback from judges. Mr. Schwermer thanked Keisa Williams and the Pretrial Release Committee for their hard work and effort.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee noted the Liaison Committee met this morning. Justice Lee said our rules require the committee to meet weekly during the legislative session and periodically outside of the legislative session. The committee is working to enhance communications and provide a better understanding of the role of the Supreme Court, court procedures and court rules with the Office of Legislative Research and General Counsel, members of the Legislature and staff, outside of the legislative session.

Justice Lee testified at the Interim Judiciary Committee hearing last Wednesday explaining the role of the Judicial Council and Liaison Committee. Justice Lee thought the hearing went well. Representative McKell mentioned that he was thankful for Justice Lee attending and discussing the distinction between legislative policy and procedural rules.

Policy and Planning Committee Report:

The committee has been working on a rule drafted by the Board of District Court Judges that would allow the consolidation of probation cases from different districts. There was

discussion about which geographic location the cases would be assigned to after they are consolidated.

Bar Commission Report:

Rob Rice updated the Council on the Statement of Diversity and Inclusion, which was implemented in 2011. The Statement strives to increase members' awareness of implicit and explicit biases; make Bar services available to all members; support the efforts of all members; Bar activities, committees, and section's; promote a culture that values all members; and requires mandatory unconscious bias training for new lawyers. The statement was redistributed to all of the Bar committees. The committees will report their work to the Bar.

5. LIVING TRADITIONS FESTIVAL: (Jessica Van Buren)

Jessica Van Buren showed photos from the booth at the Living Traditions Festival, which celebrates diversity in Utah. The courts display at the booth provided information on the wide range of resources available within Utah courts. Children pronounced orders after getting their picture taken wearing a judicial robe. Ms. Van Buren said there were volunteers from the Law Library, judges, including a judge's team, AOC, and Self-Help Center. The booth was active for 18 hours of the festival and had approximately 700 visitors to the booth.

6. JURY MANAGEMENT LOGISTICS: (Kim Allard)

Kim Allard addressed lessons learned from the Matheson Courthouse parking issue on May 22, 2018 where there were 6 jury trials scheduled in the district court, 451 district court hearings scheduled, and 213 jurors were called to report. 136 of the 154 jurors that appeared parked on P2. This caused the public parking level (P2) to be full by 8:15 a.m.

Ms. Allard stated statewide jury trials have declined 7% since FY16. However, in the same time-period, jury trials at the Matheson Courthouse have increased 12%.

Jury trials in the Third District Court:

West Jordan	Salt Lake
Past 10 months = 4	Past 10 months = 105
FY16 = 13	FY16 = 94

Ms. Allard noted there is additional offsite parking. Ms. Allard said potential jurors are notified of alternate transportation methods and offsite parking availability in the jury notice. Judge Toomey said she is concerned that litigants don't have the same opportunity for notification. There is now open parking on the P1 employee level, which eliminates the overflow of court employees parking on P2. Mr. Schwermer noted the Judicial Council members now have access to park on P1. Shane Bahr said Denice DeCamp would begin notifying Matheson court personnel of jury schedules in advance so outside entities arriving at the courthouse can be notified during busy times.

Mr. Schwermer asked that Ms. Allard research the late jury cancellation rate to see if there has been a change in practice.

7. PRETRIAL RELEASE COMMITTEE REPORT: (Judge George Harmond, Jim Peters, and Keisa Williams)

Chief Justice Durrant welcomed Judge George Harmond and Keisa Williams. Judge Harmond briefly reviewed findings and research regarding the effectiveness of pretrial reform efforts. Judge Harmond recognized the efforts of Keisa Williams and said the committee would like to have Keisa Williams remain on the Pretrial Release Committee and the Pretrial Working Group, as an Indigent Defense Commission representative. The committee will address amending the rule to include a member of the Indigent Defense Commission. Keisa Williams said she would like to continue her work with both the committee and working group.

Judge Harmond said Utah, Wasatch, and Washington counties are working on their jail management systems so that the PC and PSA processes will be integrated. Harvard will conduct a study in Davis, Morgan, Utah, and Weber counties to measure the effects of providing the PSA to judges. Judge Harmond said Ms. Williams met with various entities, such as courts, jails, and met with attorneys, throughout the state. Ms. Williams said this training will be ongoing. Judge Todd Shaughnessy said that he has received positive reviews of the PSA website.

Judge Shaughnessy said the committees efforts are remarkable. Judge Harmond noted the Board of District Court Judges recommended future programming that would allow for reviewing magistrates to be able to post conditions of release, review law enforcement entries regarding the arrest, and include factors enumerated in Utah Consitution and Code.

Judge Harmond mentioned of the three pretrial release supervision programs in Utah: 1) Salt Lake County (which has the largest pretrial release program); 2) Duchesne County allows local sheriffs to operate the pretrial release program after a judge sets bail; and 3) Carbon County has a program including ankle monitoring and telephone visits.

Chief Justice Durrant said he is very grateful for the dedication of the Pretrial Release Committee, Judge Shaughnessy, and Keisa Williams, who have shown an amazing level of commitment to this program. Chief Justice Durrant said this program is one of the most important initiative the Utah courts has seen in the past couple of decades.

8. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge Jim Michie and Dawn Marie Rubio)

Chief Justice Durrant welcomed Judge Jim Michie. Judge Michie presented a video created by the Juvenile Court about navigating the juvenile system. This video will be available to juveniles and their families. The Board of Juvenile Court Judges is focusing on judicial outreach and the implementation of the new juvenile justice reform law. Judge Michie reviewed recent statistics in the juvenile courts, related to a decrease in contempt dispositions, and an increase in non-judicial proceedings.

Judge Michie said there are 24 juvenile court speciality courts, and a new transitional youth court for juveniles who have aged-out of the system. There are 31 juvenile court judges who participate on 63 boards and committees. Recently, the Third Distict Juvenile court judges prepared lunch for the homelessyouth in Salt Lake County. Chief Justice Durrant said the efforts of the juvenile court judges is impressive.

9. INDIGENT DEFENSE COMMISSION (IDC) REPORT: (Joanna Landau and Jojo Liu)

Judge Kate Toomey welcomed Joanna Landau and Jojo Liu. Ms. Landau stated that Utah has 187 local indigent defense systems covering 29 counties. The counties spend approximately \$35 million annually on indigent defense, and of that, \$21 million was spent in Salt Lake County and \$5,000 was the budget for indigent defense in Daggett County. Ms. Landau noted that the grants received by the IDC vary in scope and size.

The IDC has met with all of the Boards. Ms. Landau said some counties are reluctant to accept one-time state funding for an on-going responsibility.

Ms. Liu said the IDC includes juvenile courts defense issues, many of which were studied by the Council's Juvenile Indigent Representation Committee. The IDC's working group that was comprised to address work with the juvenile courts includes Senator Todd Weiler and Representative Lowry Snow.

10. SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)

Ms. Sylvester reviewed Judge Mary Noonan and Judge Ivo Ray Peterson's applications. Judge Noonan has applied to be an active senior judge. Judge Peterson applied to be inactive.

Motion: Judge Shaughnessy moved to approve Judge Mary Noonan as an active senior judge, upon retirement, and approve Judge Ivo Ray Peterson as an inactive senior judge. Judge Toomey seconded the motion, and it passed. Judge Noonan abstained from voting.

11. INTERIM COMMITTEE AGENDAS: (Jacey Skinner)

Jacey Skinner thanked Justice Lee for speaking with the Legislature. Ms. Skinner said the Legislature is having their staff review Utah appellate opinions when those opinions suggest potential legislative changes. The courts will participate in a victim advocate exploring confidentially subcommittee.

Ms. Skinner addressed the Legislature's master study list, which includes:

- 1) pretrial risk assessment with a focus on cooperation of courts with the bail industry;
- 2) review of grand jury panel and process;
- 3) review administrative law judges, including the appeals process;
- 4) judicial diversity;
- 5) gender change statutes;
- 6) vexatious demands related to the ADA;
- 7) red flag laws for dangerous individuals; and
- 8) expungement issues.

Ms. Skinner asked that if there are recommendations to add to this list, please contact her. Ms. Skinner would like to have a member of the Grand Jury Panel attend the next legislative interim meeting.

12. DETERMINATION TO FILL THIRD DISTRICT COURT COMMISSIONER VACANCY: (Peyton Smith)

Chief Justice Durrant welcomed Peyton Smith. Mr. Smith introduced himself as the Third District TCE. Mr. Smith stated Commissioner T. Patrick Casey would be retiring from the courts in October. The commissioner rule requires that the Council approved the advertisement of the position.

Motion: Judge Toomey moved to approve filling the Third District Court Commissioner vacancy when Commissioner Casey leaves in October. Judge Shaughnessy seconded the motion, and it passed unanimously.

Mr. Smith will notify Human Resources to advertise the position.

13. RECOGNITION OF COUNCIL MEMBER JUDGE MARY NOONAN: (Chief Justice Matthew Durrant)

Chief Justice Durrant said Judge Noonan is a delightful person who is consistently engaged and thoughtful. Chief Justice Durrant said it is his privilege to wish Judge Noonan well in her retirement. Judge Noonan provided an Irish blessing and thanked the Council.

14. EXECUTIVE SESSION

An executive session was not held.

15. CONSENT CALENDAR ITEMS

1) Committee appointments.

- Language Access Committee appointment of Yadira Call;
- Education Committee appointment of Judge Kimberly Hornak and Shelly Waite. Approved without comment.

2) Rules for public comment. CJA Rules 3-401; 3-414; 4-403; 4-701; 4-202.03; and 4-202.09. Approved without comment.

3) Forms Committee forms for final approval. Motion to appear remotely / Order on motion; Notice of relocation / Motion for orders regarding relocation / Order on motion; Motion to change venue / Order on motion; Motion to continue / Order on motion; Motion to vacate dismissal and reinstate case / Order on motion. Approved without comment.

4) Rules for final approval. CJA 3-111, 3-407; 4-202.02; 4-202.07; 4-202.09; 4-510.03, 9-109, and “disclaimer language for auto-dialer.” Approved without comment.

5) Probation policies. Revisions to 2.10 and delete policy 2.15. Approved without comment.

16. ADJOURN

The meeting adjourned.

Tab 2

A photograph of several large, white, fluted classical columns, likely from a government building, with warm lighting from the left.

Utah State Courts

Report to the Judicial Council

Standing Committee on Children
and Family Law

July 16, 2018

Membership

- Judge Sherene Dillon—
Co-Chair
- Judge Douglas
Thomas— Co-Chair
- Judge Elizabeth Hruby-
Mills
- Judge Brent
Bartholomew
- Comm. Michelle
Blomquist
- Anna Trupp
- Sen. Todd Weiler
- Shane Bahr
- Dawn Marie Rubio
- Mark Brasher
- Russell Minas
- James Hanks
- Nini Rich
- Stacey Snyder
- Jared Hales
- Ray Wahl -Staff

Sunset of Committee

- In May of 2011 the Council was presented with a recommendation to not sunset the committee
- The Council approved the continuation of standing committee at that time
- The Committee was continued until 2017
- The Council voted in July 2017 to continue the Committee to implement the recommendations of the DCPIC

Two Subcommittees

- Divorce Procedures (ongoing)
- Custody Evaluations (ongoing)

Divorce Procedures Subcommittee – chaired by Comm.
Blomquist

- Met 4 times this year
- Rule 109 out for comment; issues of service and wording have been resolved. This rule would create an automatic temporary order in every divorce and parentage case

Divorce Procedures (cont)

- Rule 108 – trying to come to consensus on input from General Counsel’s office, Judges, and attorneys
- Subcommittee hopes to have a proposal to Standing Committee soon
- Rule 101 – proposal to give commissioners direct authority to hear less complicated matters telephonically to reduce costs, fees and time to resolution

Divorce procedures (cont)

- Subcommittee considering creating new uniform procedures for pre-trial conferences. Issue was on hold until Domestic Case Process Improvement Subcommittee completed its work
- The thought now is to give some time to evaluate the pilot case processing practices before finalizing the procedures.

Custody Evaluation

Subcommittee – chaired by Russ Minas

- Addressing Rules 4-902 and 903 – Uniform Custody evaluations. Last meeting was March 2018
- Rule addressed who can do the evaluations, who shall bear the costs, the timing of the evaluation, and the factors to be considered in the evaluation.
- Two additional issues will be studied – a shortened version of the process and parent time evaluation (related to DCPIC recommendations).

Custody Evaluations (con't)

- Concerns expressed by Clinical Mental Health Counselors; feel they are qualified to conduct evaluations. Subcommittee and Committee voted to include them as evaluators as their training and expertise is comparable to others who do evaluations.
- Looking to amend rules further as the result of Domestic Case Processing recommendations.

Domestic Case Processing Improvement Subcommittee

- Subcommittee reported to the Council in July 2017; Council asked that the Standing Committee implement recommendations
- Presented to the Board of District Court Judges, Family Law section of the Bar, and the Judiciary Interim Committee of the Legislature
- Recommendations include:
 - Hire domestic case managers to triage, track, and administer divorce and paternity cases.

Domestic Case Process Improvement Committee (cont)

- Recommendations (cont.)
 - Cases with self represented parties should receive specialized case management
 - Court should be more involved in administering cases
 - Orders produced at the conclusion of every hearing
 - Custody evaluations should only be ordered when parties request them and they can afford them

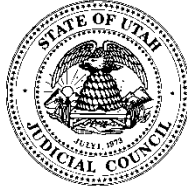
Recommendations - cont

- Different tools should be used to resolve custody disputes
- Checklists should be used to move cases through the court
- Modifications to statutes (30-3-12 to 30-3-18)
- Uniformity between districts

Update on DCPIC

- A pilot program in 4th and 7th District is operating to determine if the role of Domestic Case Manager should be implemented statewide.
- The rule implementing the case management process will be considered by the Standing Committee after experience with the pilot program.
- SB 25 has changed the wait period from 90 to 30 days.

Tab 3

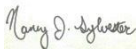


Administrative Office of the Courts

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: June 29, 2018
Re: Certification of Judge Michael G. Allphin as an Active Senior Judge

Judge Michael G. Allphin has applied to be appointed as an **Active Senior Judge**. I have attached Judge Allphin's application form, which shows compliance with the minimum qualifications for office and with judicial performance standards. Judge Allphin meets all of the performance standards, and certification appears to be appropriate. The Council's certification decision will be forwarded to the 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, Michael G. Allphin, 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 10-16-18
- 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]

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
31	34	31	<u>10.75</u>

was ill during District Conf

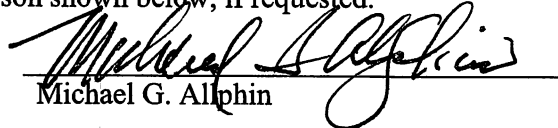
If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course.

Annual Conf.	18	
Web classes offered by Tom	2.00	
		Total 30.75

- 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.

Date 6-13-18


Michael G. Allphin

Please complete and return by July 23, 2018 to:

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

Tab 4



35 East 100 North
Phone: (435) 477-3331

P.O. Box 576
Fax: (435) 477-8092

Parowan, UT 84761
www.parowan.org

June 21, 2018

Administrative Office of the Courts
Mr. James Peters, Justice Court Administrator
P.O. Box 140241
Salt Lake City, Utah 84114-0241

RE: Territorial Expansion of Justice Court

Dear Mr. Peters,

Parowan City is seeking a authorization and approval from the Utah Judicial Council to expand the territorial jurisdiction of the Parowan City Justice Court. This request is based on the inter-local agreement dated March 1, 2016 between Parowan City and the town of Paragonah for police services to be provided to the residents of Paragonah by the Parowan City Police Department.

Parowan believes it is in the best interest of the citizens of Paragonah to have their court matters handled through the Parowan Justice Court since the Parowan Police Department is now providing those services. Without the territorial jurisdiction expansion the residents and officers now have to travel to Cedar City to have their cases handled in the Iron County Justice Court. Just for a reference, Parowan is approximately five miles south of Paragonah and Cedar City is approximately 20 miles south of Paragonah.

Parowan City is seeking this expansion as outlined in Utah State Code 78A-7-102(4) through 78A-7-102(6). Parowan City has an established justice court that meets the requirement of Utah State Code 78A-7-103 and has been re-certified by the Utah Judicial Council for the past several years.

Parowan City is also seeking a waiver of the 180 day day time frame as listed in 78A-7-102(4) (c)(ii). The reason for this request is the Parwoan City Justice Court is already certified by the Judicial Council and the inter-local agreement for police services was adopted a little over two years ago.

Enclosed you will find a copy of the Parowan City Justice Court's current certification from the Judicial Council, a copy of the inter-local agreement between Parowan City and the town of Paragonah and a copy of the resolution from the Parowan City Council agreeing to the court handling cases for Paragonah.

If you have any further questions or comments, please contact me at 435-477-3331. Thank you for your consideration of this matter.

Sincerely,

David C. Matheson
Parowan City Manager

APPLICATION FOR JUSTICE COURT EXPANSION

This application is divided into three sections. Section I asks for background information. Section II contains those requirements that are statutory and are not waivable. Section III contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

SECTION I

Name of Applicant: Parowan City Justice Court

Existing Court Location: 68 South 100 East, Parowan, UT 84761

Judge: Brent Dunlap

Anticipated Level of the Expanded Court (Circle one): Case I II III IV

Filings per Month:

Existing Court: 10-50

In Territory to be Added by Existing Court: 2-3 per month

Total Anticipated upon Expansion: 2-3 per month

Daily Court Hours: 8:00 a.m. - 4:00 p.m. M-TH; 8:00 a.m. - 12:00 p.m. Friday

Number of Full-time Clerks: 1

Hours Worked per Week per Clerk: 40

Number of Part-time Clerks: 0

Hours Worked per Week per Clerk: 0

Please attach a map which shows the boundaries of the existing Court's jurisdiction **and** the proposed (expanded) Court's jurisdiction.

State the population within the jurisdiction of the proposed (expanded) Court according to the most recent figures. 3,249

List all law enforcement agencies which will be regularly involved in law enforcement within the jurisdiction of the proposed (expanded) Court.

Parowan PD, Iron County Sheriff, Utah Highway Patrol

SECTION II

The following items are statutory and cannot be waived. Approval of the proposed (expanded) Court will not be granted unless each requirement is met.

Please indicate Yes or No to each of the following:

1. Arrangements have been made so that all official court business will be conducted in a public facility. Yes
2. Court is open daily. Yes
3. The hours of court operation will be posted conspicuously. Yes
4. The judge and the clerk will be required to attend court at regularly scheduled times based on the level of the court. Yes
5. The judge will be compensated at a fixed rate, within the statutory range. Yes
6. The responsible governmental entity will provide and compensate sufficient clerical personnel necessary to conduct the business of the court. Yes
7. The responsible governmental entity will assume the expenses of the travel of the judge for purposes of required judicial education. Yes
8. The responsible governmental entity will assume the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. Yes
9. The responsible governmental entity will provide the Court with:
 - a. Sufficient prosecutorial support Yes
 - b. Funding for attorneys for indigent defendants, as appropriate Yes
 - c. Sufficient local law enforcement officers to attend court as provided by statute Yes
 - d. Security for the court as provided by statute Yes
 - e. Witness and juror fees Yes
 - f. Copies of the motor vehicle laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials Yes
10. Procedures have been adopted to insure that fines, surcharges and assessments which are payable to the state will be forwarded as required by law. Yes

11. Court will be held within the jurisdiction of the court, except as provided by law (78A-7-212). Yes
12. All required reports and audits will be filed as required by law or Rule of the Judicial Council. Yes
13. A verbatim record of all court proceedings will be maintained by an appropriate audio recording system. Yes

SECTION III

Section III contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for certification.

Please indicate **YES or NO** to each of the following:

1. Arrangements have been made so that court will be open each day as appropriate for the classification of the court. Yes
2. Arrangements have been made so that the judge will be available to attend court and to conduct court business as needed. Yes
3. Minimum furnishings in the courtroom have been provided, including:
 - a. Desk and chair for the judge Yes
 - b. A six inch riser Yes
 - c. Desk and chair for the court clerk Yes
 - d. Chairs for witnesses Yes
 - e. Separate tables and appropriate chairs for plaintiffs and defendants Yes
 - f. A Utah State flag Yes
 - g. A United States flag Yes
 - h. A separate area and chairs for at least four jurors Yes
 - i. A separate area with appropriate seating for the public Yes
 - j. An appropriate room for jury deliberations Yes
 - k. An appropriate area or room for victims and witnesses which is separate from the public Yes
 - l. A judicial robe Yes
 - m. A gavel Yes
 - n. Current bail schedules Yes
 - o. A copy of the Code of Judicial Administration Yes

- p. Necessary forms and supplies Yes
 - q. Office space for the judge Yes
 - r. Office space for the court clerk Yes
 - s. Secure filing cabinets Yes
 - t. Appropriate office supplies Yes
 - u. A cash register or secured cash box Yes
 - v. At least one computer with internet access Yes
 - w. Access to a copy machine Yes
4. The appropriate number of clerks will be provided as required by the classification of the court, and will be present during the time court is open each day and as needed during court sessions. Yes
5. Does the applicant have a law enforcement department? Yes
6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: Parowan PD

7. A security plan will be submitted consistent with C.J.A. Rule 3-414. Yes
8. The court has the ability to electronically report to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. Yes
9. I am familiar with the minimum operational standards for this court, and except as noted below, those standards are currently in place and available to the court. Yes

SIGNATURE PAGE

By signing below, I certify that the information contained in this Application for Justice Court Expansion is true and correct to the best of my knowledge.

DATED this 10th day of May, 2018.

David C. Mat
Signature

Parowan City Corp.
Applicant

city Manager
Signatory's Title

SUBSCRIBED AND SWORN to before me this 10th day of May, 2018.



Judy Schiers
NOTARY PUBLIC

Residing at: Parowan, IRON County

Utah

My Commission Expires:

April 3, 2019



INTERLOCAL COMPACT AGREEMENT

COMES NOW **Parowan City, State of Utah**, a municipal corporation, (hereinafter "Parowan") and **Paragonah Town, State of Utah**, a municipal corporation (hereinafter "Paragonah") and does hereby enter into this Interlocal Compact Agreement on this 24th day of May, 2018, for the betterment and benefit of both Parowan and Paragonah .

WHEREAS, the Interlocal Cooperation Act, Section §11-13-101, *et. seq.*, Utah Code Ann. 1953 as amended, permits local governmental entities to make the most efficient use of their powers by enabling them to combine or provide joint services, and to insure the most efficient, economic and beneficial use of their economic resources are utilized for the benefit of its citizenry; and

WHEREAS, Utah Code Ann. §11-13-202, *et. seq.* provides for a public agency to provide law enforcement services under the interlocal agreement, and

WHEREAS Parowan City provides law enforcement services for the benefit of Paragonah Town; and

WHEREAS, the Parowan City Justice Court is a court duly organized and established in accordance with the U.C.A. §78A-7-101, *et. seq.*; and

WHEREAS, municipalities are permitted pursuant to U.C.A. §78A-7-102 to enter into interlocal agreements for the purpose of sharing court services; and

WHEREAS, because of the proximity of Paragonah Town with Parowan City, it would be in the best interest and convenience of Paragonah residents to have court proceedings available in Parowan City; and

WHEREAS for cost efficiency and travel purposes, it would be in the best interest for the Parowan Police Department and convenience of Paragonah citizens to have court services in Parowan City; and

WHEREAS, said Agreement is for the mutual advantage and for the overall promotion and general welfare of both municipalities and its citizens, and will provide the benefit of economy of scale and maximize utilization of both Parties resources; and

WHEREAS, Parowan and Paragonah, desire to enter into this Interlocal Compact Agreement wherein the Parowan City Justice Court shall provide court services for infractions, town ordinances, and Class B and Class C Misdemeanors, and other violations as outlined in U.C.A. §78A-7-106, as amended.

NOW THEREFORE, IN CONSIDERATION of the foregoing, and of the mutual covenants, promises and conditions, contained herein, each Party agrees as follows:

1. **Court Services.** Parowan agrees to provide Paragonah with the following services:
 - A. Parowan shall continue to maintain the Parowan City Justice Court in accordance with all requirements, certifications and standards imposed by the Judicial Council, and shall prosecute all matters permitted under U.C.A. §78A-7-106, as amended, which arise within Paragonah Town's jurisdictional boundaries.
 - B. Parowan shall make reasonable efforts to collect all fines and payments arising from crimes committed within Paragonah which are prosecuted in the Parowan City Justice Court.
 - C. Parowan shall credit to Paragonah 30% of any net funds collected from criminal fines or charges arising within Paragonah Town's jurisdictional limits which are prosecuted in the Parowan City Justice Court; (net funds are defined as 30% of all funds collected by the Justice Court for citations issued in Paragonah's jurisdictional boundaries, after deduction of the Court's payment of all fees and expenses required by U.C.A. §78A-7-120).
 - D. All court services rendered and supplied to Parowan citizens shall be rendered and supplied to Paragonah citizens, and Paragonah citizens shall be considered to have the same accessibility and rights to the Parowan Justice Court as those afforded to Parowan citizens.
2. **Payment.** Paragonah and Parowan shall treat any funds collected as a credit toward sums owing by Paragonah to Parowan for police protection. An accounting of the fees shall be rendered on a yearly basis in accordance with standard accounting principles.
3. **Agreement.** Parowan and Paragonah agree that this Interlocal Compact Agreement shall be deemed effective immediately upon approval by the State of Utah's Judicial Administration, and shall continue and remain in full force and effect until terminated as required by law.

4. Miscellaneous.

A. This Agreement shall be governed by the laws of the State of Utah and is subject to and to be construed pursuant to such laws.

B. In the event of breach or default hereunder, the prevailing party shall be entitled to recover from the other for all costs and a reasonable attorney's fee incurred in determining, protecting or enforcing their rights hereunder.

DATED this 24th May, 2018.

PAROWAN CITY:

By: [Signature]
Its Mayor

COUNTERSIGNED & ATTESTED:

By: [Signature]
Its City Recorder



PARAGONAH TOWN:

By: [Signature]
Its Mayor

COUNTERSIGNED & ATTESTED:

By: [Signature]
Its: Town Recorder

(Seal)



RESOLUTION NO 2018-05-01

A RESOLUTION ADOPTING INTERLOCAL
COMPACT AGREEMENT FOR COURTS

WHEREAS Parowan City is a municipal corporation which provides police services to Paragonah Town for the protection, safety and welfare of Paragonah Town citizens; and

WHEREAS the Parowan City currently has a justice court which is known as the Parowan City Justice Court; and

WHEREAS Parowan City desires to enter into an Interlocal Compact Agreement for the purpose of providing Justice Court Services for the benefit of Paragonah Town; and

WHEREAS Parowan City believes that it is in the best interest of Parowan City and Paragonah Town to maximize utilization of both Parties resources by expanding the territorial jurisdiction of an Established Justice Court; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Parowan City to enter into an Interlocal Compact Agreement for the purpose of expanding the territorial jurisdiction of its established justice court to include the town limits of Paragonah Town.

Passed and approved by the City Council of Parowan City, Utah this 24th day of MAY, 2018.



Preston Griffiths, Mayor

<u>Voting:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
James W. Shurtleff	<input checked="" type="checkbox"/>	_____	_____
James M. Harris	<input checked="" type="checkbox"/>	_____	_____
Patricia Vesely	<input checked="" type="checkbox"/>	_____	_____
Alan Adams	<input checked="" type="checkbox"/>	_____	_____
Vickie Hicks	<input checked="" type="checkbox"/>	_____	_____

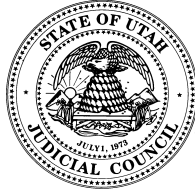
Attested by:



Callie Bassett



Tab 5



Administrative Office of the Courts

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

June 25, 2018

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Criminal Jury Instructions – Membership Term Limits

Name of Committee: Advisory Committee on Model Utah Criminal Jury Instructions

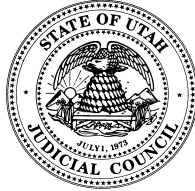
Eligibility requirements: Membership and term limits are outlined in CJA 1-205(1)(B)(xii) and (3)(B)

Request: The majority of the members' terms have expired or will be expiring soon. However, given the nature of this committee losing nearly all of the members at once would be unworkable. The Chair requests that the current members be assigned new term expiration dates to allow gradual rotation, as proposed below.

In addition, one of the members, David Perry, has been unable to attend a single meeting since 2016. The Chair is requesting that he be removed from the committee so that a more active replacement can be sought. When Judge Linda Jones took the bench, she created a defense attorney vacancy. Due to her vast knowledge and experience, the Chair requests that she remain on the committee as an emeritus member.

LAST NAME	FIRST NAME	ROLE	CURRENT TERM EXPIRATION	PROPOSED TERM EXPIRATION
Blanch	James	Chair, District Court Judge (3 rd)	Oct. 2019	Sept. 2023
Andrus	Jennifer	Linguistics Professor	Oct. 2019	Sept. 2023
Field	Mark	Prosecutor	Sept. 2016	Sept. 2021
Johnson	Sandi	Prosecutor	Aug. 2017	Sept. 2023
Klucznik	Karen	Prosecutor	Sept. 2016	Sept. 2019
McCullagh	Brendan	Justice Court Judge (West Valley City)	Feb. 2012	Sept. 2019
Nelson	Stephen	Prosecutor	Apr. 2021	Sept. 2023
Perry	David	Defense Attorney	Apr. 2021	Immediate
Phelps	Nathan	Defense Attorney	Jun. 2021	Sept. 2021
Westfall	Michael	District Court Judges (5 th)	Oct. 2019	Sept. 2021
Young	Scott	Defense Attorney	Aug. 2017	Sept. 2021
Jones	Linda	District Court Judge	N/A	Emeritus
VACANT		Defense Attorney		
VACANT		Criminal Law Professor		

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



Administrative Office of the Courts

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

June 25, 2018

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Juvenile Court Judge Vacancy

Name of Committee: Standing Committee on Pretrial Release and Supervision

Reason for Vacancy: The vacancy was created when Judge Angela Fannesbeck resigned.

Eligibility requirements: Membership is outlined in CJA 1205(1)(B)(xiii)

Current Committee Membership:

LAST NAME	FIRST NAME	ROLE
Carlos	Wayne	Commercial Surety Agent
Harmond	George	District Court Judge (7 th)
Hillyard	Lyle	State Senator
Hutchings	Eric	State Representative
Johnson	Brent	Court's General Counsel
Kendall	William	District Court Judge (3 rd)
Kimball	Pat	Representative of County Pretrial Services Agency
McCullagh	Brendan	Justice Court Judge
Romney	Rick	Justice Court Judge
Trupp	Adam	Representative of Counties
Kiddle	Corey	County Sheriff (Represented by Lieutenant)
Stringham	Reed	Representative of Utah Insurance Department
Tangaro	Cara	Defense Attorney
Crandall	Kimberly	Prosecutor
Thompson	Marshall	CCJJ
Vacant		Juvenile Court Judge

Description of Recruitment process: Dawn Marie Rubio circulated an email to all Juvenile Court Judges.

Recommendation: The Board of Juvenile Court Judges recommends that the Judicial Council appoint Judge Keith Eddington, 8th District, as the juvenile court judge representative on this committee.

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