

JUDICIAL COUNCIL MEETING

AGENDA

August 17, 2018

Large Conference Room (W19)

Matheson Courthouse

450 South State Street

Salt Lake City, Utah 84111

Chief Justice Matthew B. Durrant Presiding

1. 1:45 p.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 1:50 p.m. Chair’s Report..... Chief Justice Matthew B. Durrant
3. 1:55 p.m. Administrator’s ReportRichard Schwermer
4. 2:05 p.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Liaison Committee.....Justice Thomas Lee
Policy and Planning Judge Derek Pullan
Bar Commission..... Rob Rice, esq.
(Tab 2 – Information)
5. 2:15 p.m. Commissioner and Senior Judge Annual Recertifications.. Nancy Sylvester
(Tab 3 – Action)
6. 2:30 p.m. Executive session
7. 3:00 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. Forms Committee Forms
(Tab 4)

Brent Johnson

2. Probation Policies 1.4, 2.7, 2.8, and 4.8
(Tab 5)

Dawn Marie Rubio

3. Rules for Public Comment
(Tab 6) Michael Drechsel
4. Consideration of VOCA Grant for CASA Coordinator
(Tab 7) Martha Pierce
5. Committee – Membership
(Tab 8) GAL Oversight Committee – Stacey Snyder
Outreach Committee – Geoff Fattah
Self-Represented Parties Committee – Nancy Sylvester
MUJI – Civil Committee – Nancy Sylvester

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

July 16, 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
 Hon. Kara Pettit
 Justice Thomas Lee
 Hon. David Marx
 Hon. Mark May
 Hon. Derek Pullan
 Hon. Todd Shaughnessy
 Hon. John Walton
 Rob Rice, esq.

Staff:

Richard Schwermer
 Ray Wahl
 Jacey Skinner
 Heidi Anderson
 Shane Bahr
 Cathy Dupont
 Geoff Fattah
 Jim Peters
 Dawn Marie Rubio
 Stacey Snyder
 Jeni Wood

Excused:

Guests:

Dr. Doug Goldsmith
 Commissioner David Jordan
 Annie Knox
 John Larsen
 Hon. Douglas Thomas
 Dr. Jennifer Yim

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Kate Toomey moved to approve the minutes from the June 25, 2018 Judicial Council meeting. Judge Ryan Evershed seconded the motion, and it passed unanimously.

2. **OATH OF OFFICE – JUDGE MARK MAY: (Chief Justice Matthew B. Durrant)**
Chief Justice Durrant welcomed Judge Mark May to the Council and administered the oath of office.

3. **CHAIR’S REPORT: (Chief Justice Matthew B. Durrant)**
Chief Justice Durrant had nothing new to report.

4. **ADMINISTRATOR’S REPORT: (Richard Schwermer)**
Richard Schwermer thanked Judge May for his willingness to serve on the Council as a follow-up to the Council’s previous conversation about jury usage. Mr. Schwermer handed out a spreadsheet identifying FY17 and FY18 jury trials throughout the state. Mr. Schwermer noted that in FY18 Davis County cancelled 10% of their jury trials within 7 days of the scheduled trial date; Washington County had 36% cancel within 7 days of the scheduled trial date; and Salt Lake County had 32% cancel within 7 days of the scheduled trial date. This variance may be a topic for further discussion about jury management practices throughout the state.

Mr. Schwermer handed out a technical assistance bulletin from the U.S. Department of Health and Human Services that addressed child welfare data sharing. The bulletin noted the interface between the AOC and the Utah Division of Child and Family Services (DCFS) as a seamless process that allows for real-time information sharing. Utah’s system was commended as a best practice.

Mr. Schwermer noted the Council members would receive a copy of the National Center for State Courts publication entitled “Trends in the U.S. Courts.” Mr. Schwermer stated Chris Talbot has accepted the Facilities Director position. Mr. Talbot previously worked as a facilities director for the courts in Riverside County, California so he comes to the courts with a considerable amount of experience. There are two candidates for the Audit Director position being considered and a decision should be made in the next few days.

5. **COMMITTEE REPORTS:**
Management Committee Report:

The work of this committee is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee noted the committee has not met since the last Council meeting.

Policy and Planning Committee Report:

Judge Derek Pullan said the committee did not meet in July.

Bar Commission Report:

Rob Rice said Dickson Burton will be sworn in as Bar President and Herm Olsen will be sworn in as president-elect at the Annual Conference in Sun Valley.

**6. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) REPORT:
(Dr. Jennifer Yim and Commissioner David Jordan)**

Chief Justice Durrant welcomed Dr. Jennifer Yim and Commissioner David Jordan. Chief Justice Durrant noted Dr. Yim has demonstrated an understanding for procedural fairness and its application in the evaluation process. Chief Justice Durrant thanked Commissioner Jordan for serving on this Commission. Dr. Yim provided some background on Commissioner Jordan.

Commissioner Jordan said this year is the first time JPEC instituted a blind review of judges, which hopefully allows for an unbiased review. The blind review removes all identifying information of a judge, including their name, gender, and location.

Dr. Yim noted JPEC amended the survey to be more specific to inquire only about recent time-periods and behaviors. JPEC evaluated approximately 50 judges in 2018.

Dr. Yim said that in this non-election year, JPEC is working on process improvements including infrastructure issues to improve data reliability, tracking judges from first appointment to retirement, and improving evaluations for justice courts. Dr. Yim said Aden Batar, Director of Migration and Refugee Services, will join JPEC as a legislative appointee. Commissioner Jordan said JPEC would like input from the Council on the standards used when reviewing appellate court judges. It is difficult to measure the judicial performance of an appellate court judge, although other states have developed different processes.

Dr. Yim also discussed how and when JPEC provides feedback to the courts when an issue about a judge has come to light, such as the mental health of a judge. Mr. Schwermer said the courts confidentially review and address everything JPEC brings to their attention. Mr. Schwermer said JPEC has been terrific to work with.

**7. STANDING COMMITTEE ON CHILDREN AND FAMILY LAW REPORT:
(Judge Douglas Thomas and Ray Wahl)**

Chief Justice Durrant welcomed Judge Douglas Thomas. Judge Thomas thanked the Council for allowing the committee to provide an update. Judge Thomas reviewed the committee membership. There are two subcommittees: 1) divorce procedures subcommittee; and 2) custody evaluation subcommittee. Judge Thomas reviewed rules the committee is working on.

Judge Thomas described the domestic case manager pilot program that began in April in the Fourth and Seventh Districts. This pilot was a result of the recommendations of the recent Domestic Case Process Committee. The use of case managers has been very successful so far. The program allows for an electronic notice of a hearing to be sent within two business days when an answer in a domestic case has been filed. Many cases are being resolved at this initial hearing. This is especially helpful with self-represented litigants. While in the early stages of the pilot progress the hope is the time it takes to rule on a uncontested divorce will be reduced. Questions were asked about the difference in how case managers are used in the Second District, which has existed for a number of years, and the case manager process involved in the current pilot project.

8. GAL OVERSIGHT COMMITTEE REPORT: (Dr. Doug Goldsmith and Stacey Snyder)

Chief Justice Durrant welcomed Dr. Doug Goldsmith, Chair of the GAL Oversight Committee. Dr. Goldsmith stated that the Committee reviews the enumerated committee statutory requirements as agenda items at its quarterly meetings to ensure the committee is effective. Additionally, they regularly review the duties of the Guardian ad Litem so they do not become overburdened. The national average of cases per Guardian is 100 cases. Utah Guardian's, with assistance of support staff, average 150 clients, with a maximum of 100 families. Each child is counted as a client.

As a result of recent budget adjustments, the GAL Department added two FTE attorneys, two investigators, and staff. They also brought a social worker. Recently, the committee met with Brent Johnson to review statutory obligations and oversight requirements for guardians. The GALs work is in compliance with both federal and state statutes. The Committee is working on a policy about the process of removing private guardians. Private guardians must be in good standing with the Bar, meet CLE requirements, and have no complaints filed with the Bar. The Committee has discussed how complaints should be addressed and at what point the Committee should notify the judges of removals.

9. IT PLANNING AND PROJECT MANAGEMENT DEMONSTRATION: (Heidi Anderson and John Larsen)

Heidi Anderson introduced John Larsen, who is the new IT project manager. Mr. Larsen explained that Agile is a planning and delivery process that allows for the faster development of technology. Mr. Larsen discussed the development of software and how Agile will allow changes to programs on an expedited basis. This system is very helpful to track personnel resources needed and monitoring of time frames.

Mr. Larsen said the IT Department is moving to a system that allows for realtime review of progress on all projects. Mr. Schwermer said the new system will protect and recognize priorities set by Council, Technology Committee, and IT. Ms. Anderson said the structural changes to the department included eliminating separate developer groups. Projects can now be more evenly prioritized. Judge Shaughnessy thanked Ms. Anderson and her team, especially for their work on the PSA program. Judge Shaughnessy recommended having developers come to court to review how the programs are being used.

Mr. Larsen said listening to needs of court personnel has been productive in helping the courts move forward. Ms. Anderson said CORIS development has been prioritized, with the next two projects to be delivered being ODR and MyCase functionality. Probable cause, PSA, auto-dialer are all part of CORIS rewrite.

10. SENIOR JUDGE CERTIFICATION: (Nancy Sylvester)

Nancy Sylvester was unable to attend. Ray Wahl reviewed Judge Michael G. Allphin's application to become a senior judge.

Motion: Judge Toomey moved to approve Judge Michael G. Allphin as an active senior judge. Judge Evershed seconded the motion, and it passed unanimously.

11. APPROVAL OF INTERLOCAL AGREEMENT BETWEEN PAROWAN CITY AND PARAGONAH TOWN: (Jim Peters)

Jim Peters explained that Parowan City is seeking authorization from the Judicial Council to expand the territorial jurisdiction of the Parowan City Justice Court to include the town of Paragonah. The request is based on an interlocal agreement between Parowan City and the town of Paragonah, where the Parowan City Police Department provides law enforcement services. Additionally, Parowan City is requesting a waiver of the 180-day requirement as described in Utah Code § 78A-7-102. Mr. Peters said he anticipates a transition date of September/October.

Motion: Judge Shaughnessy moved to approve the expansion of the jurisdiction of the Parowan court as requested and approve the 180-day waiver with an effective date of September 1. Judge Toomey seconded the motion, and it passed unanimously.

12. JUDICIAL WORKLOAD AND JUDICIAL RESOURCES: (Richard Schwermer)

Mr. Schwermer explained the weighted caseload measure and how judicial resources have been requested in the past. Mr. Schwermer noted the weighted caseload includes a travel time adjustment for rural areas. Mr. Schwermer said the current resource needs evaluation process includes several criteria, filing trends, anecdotal information, time to disposition data, the number of positions needed, and the weighted workload percentage are all relevant factors.

Judge Todd Shaughnessy agreed that judicial positions should not be based on weighted caseloads alone. Judge Shaughnessy said the judicial needs should begin with approval of the Boards then move to Council for final consideration. Justice Lee said decision-making bodies need data to review when considering requests for additional resources, so perhaps the courts could create a metric with more criteria. Justice Lee said without data to review, the process becomes too impressionistic. Mr. Schwermer noted the Legislature requires the Council to prioritize judicial requests when more than one position is requested.

Chief Justice Durrant said the Council tries to account for differences in rural vs. urban judicial needs. He also noted that the Third District currently needs six more judges to reach the standard. Judge Shaughnessy said the Third District has spent a considerable amount of time considering its request, taking into account that workloads may change. Judge Shaughnessy said the courts could consider non-judicial positions to help alleviate some of the judges' workloads. Judge Shaughnessy said he will initiate a broader discussion about alternative possibilities to measure judicial needs with the Third District Bench. Justice Lee said having a series of facts with ways of measuring those factors would be an improvement. Mr. Schwermer said the courts adjusted their measurements with the JRI changes. Jacey Skinner said she believes forecasting judicial employment expectations with the Legislature would be helpful. Mr. Schwermer suggested Kim Allard review our current data inputs and report to the Council in September. The Council's consensus was that no one measure should determine whether a judicial resource requests be advanced.

13. EXECUTIVE SESSION

Motion: Judge Toomey moved to go into an executive session to discuss personnel issues and litigation. Judge Marx seconded the motion, and it passed unanimously.

14. CONSENT CALENDAR ITEMS**1) Committee appointments.**

- MUJI - Criminal Committee approval of committee term limits, and approval of Judge Linda Jones' term;
- Pretrial Release Committee appointment of Judge Keith Eddington. Approved without comment.

15. ADJOURN

The meeting adjourned.

Tab 2

JUDICIAL COUNCIL MANAGEMENT COMMITTEE

Minutes

August 7, 2018

Council Room

Matheson Courthouse

450 South State Street

Salt Lake City, Utah 84111

12:00 p.m. – 2:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members Present:

Chief Justice Matthew B. Durrant, Chair

Hon. Kate Toomey, Vice Chair

Hon. David Marx

Staff Present:

Richard Schwermer

Ray Wahl

Jacey Skinner

Shane Bahr

Tracy Chorn

Michael Drechsel

Cathy Dupont

Geoff Fattah

Dennis Moxon

Jim Peters

Karl Sweeney

Nancy Sylvester

Diane Williams

Jeni Wood

Excused:

Dawn Marie Rubio

Hon. Todd Shaughnessy

Guests:

Martha Pierce

Hon. Reuben Renstrom

David Wilkins, Intern

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

Chief Justice Matthew Durrant welcomed everyone to the meeting.

After reviewing the minutes, the following motion was made:

Motion: Judge Kate Toomey moved to approve the July 10, 2018 Management Committee meeting minutes. Judge David Marx seconded the motion, and it passed unanimously.

2. RECORDS ACCESS APPEAL: (Michael Drechsel)

Michael Drechsel addressed a records access appeal from Brady Eames. Mr. Drechsel noted rules 4-202.07 and 2-103 require a 15-day public notification of records access appeals, therefore, this issue needed to be readdressed. Mr. Eames notified the General Counsel's office that he would not attend the Management Committee meeting addressing this appeal. Mr. Eames did not appear at the July 10, 2018 Management Committee meeting. Mr. Eames felt the public notice should identify his name and the names of the cases. Mr. Drechsel stated the public notice met the requirements of the rule. Cathy Dupont said the appellate courts do not have any materials for either of the cases identified in this records request. Mr. Drechsel said Mr. Eames has physically reviewed the case files in the Fourth District Court. Mr. Drechsel stated all emails sent to court personnel by Mr. Eames are being directed to Brent Johnson.

The Committee reviewed a proposed order created by Mr. Drechsel, with the Committee making some suggested changes. Mr. Schwermer and Nancy Sylvester were not present for this discussion.

Motion: Judge Toomey moved to approve the denial of Mr. Eames records request appeal and approve the denial order as amended. Judge Marx seconded the motion, and it passed unanimously.

3. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Richard Schwermer noted the new Facilities Director, Chris Talbot, started yesterday. Mr. Schwermer introduced the new Audit Director, Karl Sweeney. Mr. Schwermer would like the Committee to hold the July 2019 Judicial Council meeting in Park City in conjunction with the Utah State Bar Summer Convention. Judge Toomey felt this would be a good idea, and agreed that we should encourage the Boards to meet there too.

4. PROBATION POLICIES 1.4, 2.7, 2.8, AND 4.8 (Dennis Moxon)

Dennis Moxon addressed each of the policies. Rule 1.4 needed significant revision because it had not been revised since 2002. Rule 2.7 and 2.8 were last revised in 2012 and only needed amendments to conform to H.B. 239 requirements. Rule 4.8 was revised to clarify the conditions and circumstances under which probation officers should recommend court orders for the collection of fingerprints and photographs of minors. Mr. Moxon confirmed the courts worked with the Utah Commission on Criminal and Juvenile Justice (CCJJ) on the development of the assessment tools as required by H.B. 239.

Motion: Judge Toomey moved to approve the proposed changes to rules 1.4, 2.7, 2.8, and 4.8, and to place this item on the Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

5. AUDIT REPORT – SECOND DISTRICT WEBER AND MORGAN COUNTY LIMITED AUDIT TRUST ACCOUNTS AND SEVENTH DISTRICT SAN JUAN COUNTY DISTRICT AND JUVENILE COURT FULL AUDIT: (Karl Sweeney, Tracy Chorn and Diane Williams)

Tracy Chorn provided a brief review of the Second District: Weber and Morgan County audits, as well as the Seventh District: San Juan County audit.

Second District: Ms. Chorn said an audit was performed on the trust accounts due to a change in the court clerk. Mr. Schwermer noted it is standard procedure to perform an audit with the change of the clerk. There were no findings as the result of this audit, and it was noted that that is quite unusual and only the second time in memory that has occurred.

Seventh District: Ms. Chorn said the San Juan county juvenile courts had never had an audit performed, which is the reason why the audit was conducted. There were two findings included in the report. The findings have been addressed quickly.

Motion: Judge Toomey moved to accept the Weber, Morgan, and San Juan County audits. Judge Marx seconded the motion, and it passed unanimously.

6. SENIOR JUDGE EDUCATION HOURS VARIANCE REQUEST: (Nancy Sylvester)

Ms. Sylvester explained rule 3-403 of the Utah Code of Judicial Administration requires active senior judges to receive a minimum of 60 education hours over a two-year period. The rule also allows for excusal of the education hours with approval from the Management Committee. Judge Judith Billings completed 40 education hours in 2017. During the course of 2018 Judge Billings expects to complete the remaining 20 education hours. Judge Billings is requesting approval from the Management Committee to reallocate 10 education hours from 2017 to 2018 and use future attendance at training to satisfy the required education hours.

Motion: Judge Toomey moved to approve the variance requested from Judge Billings. Judge Marx seconded the motion, and it passed unanimously.

**7. COMMITTEE APPOINTMENTS: (Martha Pierce, Geoff Fattah, and Nancy Sylvester)
GAL Oversight Committee**

Martha Pierce addressed the GAL Oversight Committee's need to fill a vacancy on the committee. Traditionally the General Counsel to the Governor has served in this position. The Committee recommended Ron Gordon, the new General Counsel to the Governor, be appointed.

Motion: Judge Toomey moved to approve the appointment of Ron Gordon to the GAL Oversight Committee, and to place this item on the Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

Outreach Committee

Geoff Fattah addressed three vacancies on the Outreach Committee. The Outreach Committee recommended Judge Jill Pohlman, Judge Craig Bunnell, and Kim Free be appointed to fill those positions.

Motion: Judge Toomey moved to approve the appointment of Judge Jill Pohlman, Judge Craig Bunnell, and Kim Free to fill the positions on the Outreach 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

Nancy Sylvester addressed the vacant position on the Self-Represented Parties Committee. The Self-Represented Parties Committee recommended Judge Suchada Bazzelle be appointed to fill the position.

Motion: Judge Toomey moved to approve the appointment of Judge Suchada Bazzelle to fill the position on the Self-Represented Parties Committee and to place this item on the Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

Model Utah Civil Jury Instructions Committee

Ms. Sylvester addressed the reappointment of Joel Ferre's term on the Model Utah Civil Jury Instructions Committee. The Model Utah Civil Jury Instructions Committee recommended the reappointment of Joel Ferre.

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

8. CONSIDERATION OF VOCA GRANT FOR CASA COORDINATOR: (Martha Pierce)

Ms. Pierce reviewed the proposed VOCA grant. The grant funds have already been received. The grant must be approved every two years. Mr. Schwermer explained the process of notifying the Legislature about grants.

Motion: Judge Toomey moved to approve the proposed VOCA grant and to place this item on the Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

9. PROPOSED REVISIONS TO JUSTICE COURT OPERATIONAL STANDARDS: (Judge Reuben Renstrom and Jim Peters)

Chief Justice Durrant welcomed Judge Reuben Renstrom. Judge Renstrom addressed justice court standards as explained in rule 9-108 of the Utah Code of Judicial Administration. The Committee discussed the proposed amendments and had several suggestions. Mr. Schwermer said the rule would need to be sent for public comment prior to the Council's approval.

The Committee decided to have the Board of Justice Court Judges review the suggestions regarding the proposed rule changes. Mr. Schwermer offered to attend the Board meeting to further discuss the proposal.

10. APPROVAL OF FY20 BUDGET AND PLANNING AGENDA: (Chief Justice Durrant)

Chief Justice Durrant addressed the proposed agenda for the August 17, 2018 FY20 Budget and Planning meeting.

Motion: Judge Toomey moved to approve the FY20 Budget and Planning agenda as presented. Judge Marx seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the proposed agenda for the August 17, 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.

12. EXECUTIVE SESSION

An executive session was held.

13. ADJOURN

The meeting adjourned.

Policy and Planning Committee

Council Room – N31
Matheson Courthouse
450 South State Street
Salt Lake City, UT

DRAFT

August 3, 2018
12:00 – 2:00 pm

Members Present:

Judge Augustus Chin
Judge Derek Pullan, Chair
Judge Ryan Evershed
Judge Kara Pettit
Rob Rice

Members Excused:

Judge John Walton

Staff:

Michael Drechsel
Minhvan Brimhall

Guests:

Shane Bahr
Kim Allard
Chris Palmer
Rob Parkes

(1) Welcome and Approval of Minutes:

Judge Pullan welcomed the members to the meeting. Judge Pullan addressed the June 1, 2018 minutes. There being no changes, Judge Chin made a motion to approve the minutes as written. Rob Rice seconded the motion and it passed unanimously.

Due to the Problem Solving Court working group meeting, Judge Walton was excused from this meeting.

Michael Drechsel was introduced as the new AOC staff member replacing Keisa Williams.

(2) CJA 4-508. Guidelines for Ruling on a Motion to Waive Fees:

The current CJA 4-508 form states that the form will be approved by the Board of District Court Judges (or the Board of Juvenile Court Judges, as relevant) on motion to waive fee matters. Suggested revision modifies the rule to state that the form will now be sent to the Judicial Council's Standing Committee on Court Forms for approval. Upon approval within this committee, Mr. Drechsel will present the proposed changes to the Judicial Council and send the rule out for public comment.

Mr. Rice moved to adopt the revision as recommended. Judge Kara Pettit seconded the motion and it passed unanimously.

(3) CJA 1-205. Standing and ad hoc committees:

Mr. Drechsel presented two proposed changes to Code of Judicial Administration rule 1-205:

Section (1)(B)(xiii) would be amended to include a representative from the Utah Indigent Defense Commission to the Committee on Pretrial Release and Supervision. The addition of a member from the Indigent Commission allows for input from that commission (which has important overlapping interests with the committee), as well as Ms. Williams' continuation participation with the committee.

Section (1)(B)(xiv) would include a court commissioner on the Committee on Court Forms. Commissioner T. Patrick Casey had been serving as a member of the committee as a representative from the Online Court Assistant Program. Commissioner Casey has retired. The Committee on Court Forms would benefit from input from a Court Commissioner as they move forward towards completion of the LPP and OCAP forms.

There was very brief discussion regarding how large some committees seem to be getting, with some minor concern that too many seats on committees makes it difficult to schedule meetings and get work accomplished. But because the requests for these proposed additions to these committee memberships originated with the committees themselves, it is assumed by Policy and Planning that these committees have good reason to request the additional members.

With no additional discussion, Judge Pettit moved to approve the proposed changes. Judge Chin seconded the motion and it passed unanimously.

(4) BDCJ Proposed Rule Change re: Consolidation of Probation:

This agenda item was a continued discussion (previously on the agenda April 6, 2018 and June 1, 2018) of practicalities regarding the Board of District Court Judges' proposed rule which would allow probation supervision and management to be consolidated before a single district court judge. Under the current system, the district courts lack the technological capacity to have a court clerk in one district to enter minutes and orders in the records of another district. The committee discussed the need to allow for clerks to access and enter minutes and orders in consolidation of probation cases. The current version of the proposed rule only requires minute entry and orders when a person is being supervised by Adult Probation and Parole. The committee discussed that, once consolidated, the supervising judge would have access to all of the probation-related records. But a sending judge in another district would have an incomplete file as minutes and prior consolidation orders would not exist in the sending judge's records. Ms. Allard discussed that the court clerks have indicated they would be willing to enter minute and orders within their jurisdiction, as well as provide information from the supervising judge to any sending judge upon termination of probation in the case. The committee discussed whether the specific details of the actual process for sharing probation-related records need to be in this

proposed rule. It was agreed that the internal process for actually delivering those records from the supervising judge to the sending judge did not need to be included in the proposed rule.

Mr. Drechsel reviewed the sentencing statute for criminal cases (Utah Code § 77-18-1) which indicates that upon filing of the affidavit alleging a violation of probation, “the court that authorized probation” will determine if the affidavit establishes probable cause. Mr. Drechsel noted that this language is unique within the scheme of the statute, meaning there are no other references to “the court that authorized probation” in the statute. In order for this proposed rule to comply with this statute, the supervising court would need to be the authorizing court. The committee discussed the need for a legislative change to the statutory language, or whether the rule could be drafted in such a way that the supervising court will authorization probation through the probation consolidation order. The committee does not believe that the language in the statute needs to be amended to permit the creation of this proposed rule.

The committee reviewed and made minor language changes for consistency throughout the rule and tasked Mr. Drechsel with additional minor revisions.

The Board of District Court judges will be meeting on August 24, 2018. Mr. Drechsel will present the proposed draft of the rule to the Board and hopefully, upon agreement from the BDCJ, have a rule to present at the next Judicial Conference.

The committee did not entertain a motion to approve changes to this rule at this time, as future discussion of the proposed rule is anticipated at the September 7 policy and planning committee meeting.

(5) Human Resources Professional Appearance Policy:

Since the time that this matter was previously before the Policy and Planning Committee, Mr. Parkes met with the Management Committee in reviewing changes made to the policy. The Management Committee posed some questions:

1. Should these policies be standard throughout the Utah court system, determined by the district, or determined by courthouse location?
2. Should the requirement of wearing a tie in the courtroom be removed?

Mr. Parkes reported that the management committee commented that the differences between the normal dress code and the courtroom dress code is very slight. Some members of the committee voiced that the requirement of wearing a tie in the courtroom should be removed and that polo shirts should be permitted. The Management Committee made several edits to the language of the policy, to align with consistency of the entire policy, as well as made edits of photos used in the policy.

Mr. Parkes reviewed that the reason these policies are being discussed is that Third District changed their dress standard that allowed for more flexibility in clothing. This was not changed in other districts, and such changes were not compliant with the now-existing policies in effect. Judge Pullan noted that the standards of dress should be raised not lowered, while in the

courtroom. Judge Pullan also notes that a single standard should be implemented statewide whether in court or out of court. Judge Pettit asked Mr. Parkes if he has received comments regarding the morale of court employees required to wear a tie to work every day. Mr. Parkes was unable to speak to this.

This committee agrees that the standard needs to be statewide, for both courtroom and non-courtroom dress. This committee could not agree that polo shirts should be allowed in the courtroom. There was discussion regarding a more formal dress code being required for court employees who are addressing the court during hearings (i.e., juvenile probation officers). There was discussion about the differences in role between various court employees and what it means to address the court. The committee discussed removing the distinction between a “business casual” dress guideline and a “courtroom” guideline (as the differences really come down to how a tie and collared polo shirts fit into the schemes). Some committee members believed the guidelines should read that “blazers, suits, or tie are optional, but preferred, while in court.”

After significant discussion on the matter, and without consensus among the committee members, the committee requested that Mr. Parkes develop one standard policy for court house appropriate attire and incorporate the items as discussed. Mr. Parkes will report at the next meeting.

Mr. Rice made a motion that whatever policy is adopted, formal or informal, be a statewide policy, without regional variations. Judges Pullan, Chin, and Evershed voted in favor of the motion. Judge Pettit opposed the motion. The motion passed by majority vote. Mr. Parkes will return to this committee on September 7 to brief the committee on the single dress guideline. The matter will then be subject to further discussion.

(6) CJA 3-414. Court Security:

Chris Palmer presented to the committee. He noted that this requested amendment revolves around the needs and limitations of Salt Lake County. He has spoken with the sheriff's association and there is a committee being formed to discuss security staffing levels. That committee has not yet met. Chris anticipates some resistance to getting to his desired staffing levels, since this will likely be perceived as an unfunded mandate. There was discussion about NCSC materials (provided by Mr. Palmer) regarding best practices for staffing and steps to implement those best practices. These NCSC best practices provide some basis for requesting security staffing at certain levels. Chair Pullan wondered why staffing levels is a conversation that needs to happen in the first place where it is about public safety, which is central to the sheriff's primary purposes.

Chair Pullan asked how viable it would be to have a State Marshal's Service (a state equivalent of the federal system). Mr. Palmer noted that there has been previous consideration of such a system and that it was predicted to run approximately \$20m annually. If implemented, this would likely result in the second largest personnel type in the courts. The courts have \$8.2m projected for annual bailiff / security expenses. The committee discussed whether private contractors could be hired with that money to provide better service than what is currently provided. Mr. Palmer was unequivocal that it would not be possible to get services as good or

better with that amount of money. Mr. Palmer discussed other security options than are employed around the state based upon the unique circumstances of each location, including, for instance, courts that don't have front door screening.

Chair Pullan wondered what the impact of amending Rule 3-414 would be on important relationships statewide. Mr. Palmer would like to work with the sheriffs' association committee to try to find an agreement first. Mr. Palmer would also like to present to the legislature a change in the statute that may clarify the obligations regarding staffing levels. Chair Pullan wondered if we could align our interests with the sheriffs and go to the legislature together. Mr. Palmer believes the interests are not that closely aligned.

Mr. Palmer will work with the sheriffs' association committee and then bring this back before this committee in September once he knows more about how that might work out. Chair Pullan would like to seek additional input from the judicial council after Mr. Palmer has been able to meet with that sheriffs' association committee. It is understood that, at this time, that committee will be comprised of rural sheriffs, urban sheriffs, and judges.

(7) Problem Solving Court Working Group Update

Due to his participation with the Problem Solving Court Working Group, Judge Walton was unable to provide an update. This item will be carried over for discussion at the next meeting.

(8) Adjourn

The next meeting is scheduled for September 7, 2018 in the Judicial Council room at 12:00 p.m. There being no other business the meeting was adjourned at 2:02 p.m.

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 *Nancy D. Sylvester*
Date: August 6, 2018
Re: Certification of Senior Judges and Commissioners

The commissioner and senior judge evaluation, the senior judge appointment, and the commissioner retention processes are governed by the following Utah Code of Judicial Administration rules:

- [Rule 3-111](#): governs commissioner and senior judge evaluations;
- [Rule 11-201](#): governs the appointment of senior judges of courts of record;
- [Rule 11-203](#): governs the appointment of senior judges of courts not of record; and
- [Rule 3-201](#): governs the retention of court commissioners.

During the Judicial Council's August meeting, the Council begins the process of recertifying for retention senior judges and commissioners whose terms expire December 31. The following senior judges and court commissioner fall in that category; two judges have also applied for an immediate status change from inactive to active status:

Court Commissioner:

Last_Name	First_Name	Salute	Geographic_Division
Tack	Michelle	Commissioner	Third Judicial District

Active Senior Judges

Last_Name	First_Name	Salute	Geographic_Division	Court
Atherton	Judith S.H.	Judge	Active	District Court
Bachman	L. Kent	Judge	Active	Juvenile Court
Bench	Russell W.	Judge	Active	Court of Appeals
Billings	Judith M.	Judge	Active	Court of Appeals
Cooper	Wayne	Judge	Active	Justice Court
Dever	L.A.	Judge	Active	District Court

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.

Last_Name	First_Name	Salute	Geographic_Division	Court
Judkins	Clint S.	Judge	Active	District Court
Lyon	Michael D.	Judge	Active	District Court
Oddone	Frederic M.	Judge	Active	Juvenile Court
Stott	Gary D.	Judge	Active	District Court
Wolthuis	Ronald C.	Judge	Active	Justice Court

Inactive Senior Judges:

Last_Name	First_Name	Salute	Geographic_Division	Court
Bohling	William B.	Judge	Inactive	District Court
Low	Gordon J.	Judge	Active (currently)	District Court
Vail	Allan D.	Judge	Inactive	Justice Court

Immediate Change of Status Senior Judge Applicants:

Judge Paul Maughan and Judge Scott Waterfall (inactive to active status).

A. CERTIFICATION PROCESS

You may consider the information regarding each judge or commissioner in an executive session, but your decision of whether to certify must be made at a public hearing.

If a judge or commissioner meets all of the certification standards, it is presumed that the Council will certify the individual for senior judge status. If the judge or commissioner fails to meet all of the standards, it is presumed you will not certify the individual. However, the Council has the discretion to overcome a presumption against certification upon a showing of good cause. Before declining to certify a senior judge or commissioner, you must invite him or her to meet with you to present evidence and arguments of good cause. If you decline to certify a senior judge or commissioner, the person will not be retained after the end of his or her term of office.

Any senior judge you certify will be sent to the Supreme Court for its consideration in the reappointment process.

Any commissioner you certify will be sent to the judges of the commissioner's district for decision. Retention is automatic unless the judges decide not to retain.

B. PERFORMANCE STANDARDS FOR COMMISSIONERS AND SENIOR JUDGES

i. Attorney Survey of Court Commissioners

A satisfactory score for an attorney survey question is achieved when the ratio of favorable responses is 70% or greater. A court commissioner's performance is satisfactory if at least 75% of the questions have a satisfactory score; and the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

ii. Cases Under Advisement

A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the senior judge or court commissioner for final determination. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the court.

A senior judge or court commissioner in a trial court demonstrates satisfactory performance by holding:

- no more than three cases per calendar year under advisement more than 60 days after submission; and
- no case under advisement more than 180 days after submission.

A senior judge in the court of appeals demonstrates satisfactory performance by:

- circulating no more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year; and
- achieving a final average time to circulation of a principal opinion of no more than 120 days after submission.

iii. Education

Court commissioners and active senior judges must comply annually with judicial education standards, which is at least 30 hours of continuing education per year.

iv. Substantial Compliance with the Code of Judicial Conduct

A senior judge's or commissioner's performance is satisfactory if their responses in their application or self-declaration form demonstrate substantial compliance with the Code of Judicial Conduct, and if the Council's review of formal and informal sanctions leads you to conclude they are in substantial compliance with the Code of Judicial Conduct.

Under Rules 11-201 and 11-203, any sanction of a senior judge disqualifies the senior judge from reappointment.

v. Physical and Mental Competence

If the response of the senior judge or court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct, the senior judge's or commissioner's performance is satisfactory.

vi. Performance Evaluations of Commissioners

Performance evaluations required annually for all court commissioners. The presiding judge is to provide a copy of each commissioner evaluation to the Judicial Council.

vii. Survey of Presiding Judges and Court Staff.

The Council also measures the performance of active senior judges by a survey of all presiding judges and trial court executives of districts in which the senior judge has been assigned.

C. COMMISSIONER REAPPOINTMENT

Commissioner Michelle Tack's term of office will expire on 12/31/2018. The results of her most recent attorney surveys, her self-declaration, and her performance evaluation are attached. Commissioner Tack does not have a complaint pending before the Commissioner Conduct Commission. Certification appears to be appropriate.

D. SENIOR JUDGE REAPPOINTMENT

The senior judges listed above have terms that will expire on December 31, 2018. None has complaints pending before the Utah Supreme Court or the Judicial Conduct Commission. Their applications are attached and certification appears to be appropriate. The Board of Justice Court Judges also recommends that the justice court senior judges be certified.

E. SENIOR JUDGE CHANGE OF STATUS

District Court Inactive Senior **Judge Paul Maughan** and Justice Court Inactive Senior **Judge Scott Waterfall** have applied for **active senior judge** status. Their applications show compliance with the minimum qualifications for office under Rules 11-201 and 11-203 of the Utah Code of Judicial Administration and also with judicial performance standards. Neither has any pending complaints and certification appears to be appropriate. The Board of Justice Court Judges recommends certification of Judge Waterfall.

F. ANNUAL COMMISSIONER EVALUATIONS

I will provide the non-retention annual commissioner evaluations to the Council next month.

COMMISSIONERS



Performance Evaluation Self Declaration Form

Michelle Tack

Commissioner, Third Judicial District

From 1/1/2015, the start of your current term of office, to the present:	Yes	No
(1) Have you held more than three cases per calendar year under advisement more than 60 days after submission?		X
(2) Have you held any case under advisement more than 180 days after submission?		X
(3) Are you in substantial compliance with the Code of Judicial Conduct?	X	
(4) Are you mentally and physically fit for office?	X	
(5) Do you have any disciplinary matters pending before the Judicial Council?		X
(6) Do you have any disciplinary matters pending before the Court Commissioner Conduct Committee of which you are aware?		X
(7) Please enter your education hours for the following calendar years.		
2015	2016	2017
32.45	32.5	43.5
2018		
16.75		
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 Judicial Conference and another yet-to-be-determined CLE.		

7/23/18
Date

Michelle Tack
 Commissioner, Third Judicial District

Please complete this form and return it no later than July 27, 2018 to:

Nancy J. Sylvester

P. O. Box 140241

Salt Lake City, Utah 84114-0241

FAX: 801-578-3843 Email: nancyjs@utcourts.gov

2018 Attorney Survey Scores: Commissioner Tack

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Demonstrates understanding of the substantive law and any relevant rules of procedure and evidence.	92.1%	92	31	7	1	1	0	4.61	4.61
Is attentive to factual and legal issues before the court.	92.3%	98	24	6	1	3	0	4.61	4.61
Adheres to precedent and is able to clearly explain departures from precedent.	89.0%	80	33	12	2	2	3	4.45	4.45
Grasps the practical impact on the parties of the [commissioner's] [senior judge's] rulings, including the effect of delay and increased litigation expense.	88.9%	88	27	9	4	4	0	4.45	4.45
Is able to write clear judicial opinions.	89.7%	51	15	6	4	0	56	4.49	4.49
Is able to clearly explain the legal basis for judicial opinions.	88.0%	76	35	10	6	1	4	4.40	4.40
Demonstrates courtesy toward attorneys, court staff, and others in the [commissioner's] [senior judge's] court	95.3%	111	15	3	2	1	0	4.77	4.77
Maintains decorum in the courtroom.	95.3%	106	19	6	0	0	1	4.76	4.76
Demonstrates judicial demeanor and personal attributes that promote public trust and confidence in the judicial system.	95.0%	109	15	4	2	1	1	4.75	4.75
Prepares for [hearings] [oral argument].	91.8%	93	27	7	3	1	1	4.59	4.59
Avoids impropriety or the appearance of impropriety.	94.7%	102	20	4	2	0	4	4.73	4.73
Displays fairness and impartiality toward all parties.	90.2%	92	23	10	6	1	0	4.51	4.51
Is able to clearly communicate, including explaining the basis for written rulings, court procedures, and decisions.	90.5%	89	30	7	5	1	0	4.52	4.52
Manages workload.	91.5%	68	19	8	2	0	35	4.58	4.58
Is willing to share proportionally the workload within the court or district, or regularly accepts assignments.	94.6%	40	3	5	0	0	84	4.73	4.73
Issues opinions and orders without unnecessary delay.	88.6%	74	30	14	1	2	11	4.43	4.43
Overall Average Score:	91.7%	1369	366	118	41	18	200	4.59	4.59

Utah Judicial Council's

Court Commissioner Performance Evaluation Program

Report for the Honorable Michelle Tack

June 2018

Report prepared by the National Center for State Courts



This Report offers a one-page overview of results from your 2018 Utah Judicial Council Court Commissioner Performance Evaluation. This overview consists of two sections. First, the *Survey Participants* table displays the number of eligible attorney evaluators that were selected to evaluate you and the number of evaluations completed by attorneys and the response rate. Second, the *Evaluation Summary* section displays the survey results for each of the 16 items on which you were rated. The first column in the table displays the mathematical average score you received on each item (shown in blue). The second column presents the average score for all court commissioners evaluated this year. The last two columns on the right side of the *Evaluation Summary* display the range of scores you received (also in blue), indicating your lowest and highest score for each question, by performance area, and in total. Following the evaluation summary are written responses to one optional question posed to attorney evaluators. These responses were taken directly from the survey responses, and were only edited for spelling. For more information about survey process, please refer to the Appendix.

Survey Participants

Number of eligible attorneys invited to respond	1,257
Number of fully completed evaluations	132
Number of surveys not completed for lack of experience with this commissioner	78
Response Rate	11%

Evaluation Summary

Behavior/Attribute Rated	Average Rating		Range of Ratings this Commissioner Received	
	Individual Mean Score	Average Score for all Court Commissioners	Lowest	Highest
Demonstrates understanding of the substantive law and any relevant rules of procedure and evidence.	4.61	3.96	1	5
Is attentive to factual and legal issues before the court.	4.61	3.93	1	5
Adheres to precedent and is able to clearly explain departures from precedent.	4.45	3.69	1	5
Grasps the practical impact on the parties of the commissioner's rulings, including the effect of delay and increased litigation expense.	4.45	4.05	1	5
Is able to write clear judicial opinions.	4.49	3.89	2	5
Is able to clearly explain the legal basis for judicial opinions.	4.40	3.75	1	5
Demonstrates courtesy toward attorneys, court staff, and others in the commissioner's court.	4.77	3.56	1	5
Maintains decorum in the courtroom.	4.76	3.64	2	5
Demonstrates judicial demeanor and personal attributes that promote public trust and confidence in the judicial system.	4.75	3.43	1	5
Prepares for hearings.	4.59	4.10	1	5
Avoids impropriety or the appearance of impropriety.	4.73	3.99	2	5
Displays fairness and impartiality toward all parties.	4.51	3.68	1	5
Is able to clearly communicate, including explaining the basis for written rulings, court procedures, and decisions.	4.52	3.81	1	5
Manages workload.	4.58	4.11	2	5
Is willing to share proportionally the workload within the court or district, or regularly accepts assignments.	4.73	4.43	2	5
Is willing to share proportionally the workload within the court or district, or regularly accepts assignments.	4.43	4.14	1	5
Overall Average Score:	4.59	3.89	1	5

Responses to the question: “How can this commissioner improve his or her performance?” (Note: these responses have been edited to correct spelling errors.)

I really think Commissioner Tack is the best of the commissioners. I cannot think of anything she can do to improve her performance.

She's a credit to the Bench

In a particularly heated and emotional case, Commissioner Tack was very good at handling the emotional and heated issues, as she educated the parties on the basis of her rulings - this helped my client understand how to better control the emotional part of the case and claims the Court needed to resolve

Nicest Commissioner in Utah. Always prepared. Just a respectful and kind jurist.

Sometimes she is “too fair,” meaning she gives people too many chances. I wish she was a little more willing to sanction parties for their misconduct.

I was concerned about her advising pro se litigants on how to proceed in the case. I have noticed a greater concern for pro se litigants among all the commissioners. I have concerns too because they are difficult to manage both substantive and procedural. I just think the bench needs to maintain impartial. It would be better to send them to the self help center.

Make decision rather than punting important decisions to the judge. In Commissioner Tack's courtroom, too many decisions are not being made but are reserved for later, when the parties need and deserve a decision on the issue right away. This especially impacts clients on the lower side of the income scale, because they cannot afford to pay attorneys more for the decision to be made later.

She's an excellent Commissioner.

She is the best commissioner in the city.

I have no complaints

Commissioner Tack is, by far, the best Commissioner in the State.

Commissioner Tack is usually one of my favorite commissioners. She is always well-prepared for hearings, having a strong understanding of the documents that have been filed beforehand. She is consistent in her rulings, which gives attorneys and parties the ability to predict results and make plans accordingly. She makes reasoned decisions, not emotional rulings.

While the rulings seemed rather fair, there was an overarching sense that she was not impartial towards the parties, but rather that she was erring on fairness instead of what the law and pleadings suggested in order to make both parties happy.

One of the best commissioners in the Third District. Commissioner Tack sets an example which any commissioners would be wise and well-served to follow. I can think of nothing she needs to improve. I have no complaints, not even niggling ones.

Best Commissioner Utah has. You know when you are going in front of her she will be ready, nice, not try to embarrass you in front of your client yet at the same time she gives correct rulings in a clear and fair way. Don't lose her. She is the good one. I love to go in front of her as I know the case will be about the issues and the Commissioner won't try to make it about themselves, like some of the others do.

Timing to receive a signed order could be improved. It regularly takes weeks to get a signed order after submission to the court.

Comm. Tack does a fine job. We are fortunate to have her on the bench.
does great. No problems.

Commissioner Tack does a very good job given the overwhelming case load. She is respectful to parties and attorneys that appear before her. She prepares well for hearings and has a good grasp of the issues. One area of improvement would be to take a little more time to focus on the evidence. At

times, she has missed, or at least failed to take action on, key important facts that were clear and evident. Partially, this is a fault of the way commissioners conduct hearings without taking testimony or formally admitting evidence.

I am astounded at the inability of this Commissioner to make any decisions at all, especially difficult ones. This needlessly increased the cost and caused unnecessary delay in the proceedings. NO reason why a case should take 4 years. Then, after the court ordered a custody evaluation, it completely rejected the findings of the expert. once that expert held custody should transfer to the father. The court ignored the parental kidnapping of the mother as well, including this Commissioner. UT family courts are biased against men, and are, stating it succinctly, a complete joke.

I have not criticisms of Commissioner Tack. She is fantastic. Even when I am the losing party, I can still understand and accept her logic. She is always respectful to the parties and the counsel in her courtroom. I also like the way she manages her calendar - other than Tooele where there was just one occasion where her calendar was very far behind, her hearings pretty much always start promptly. I also like that she tends to enforce the rules of evidence a bit more than other commissioners who tend to let inadmissible evidence slip in.

I think Commissioner Tack is an excellent Commissioner. She does not always rule in my clients' favor but her reasoning is always sound. She has great judicial demeanor and is courteous to all. In fact, she is probably a little to patient with some attorneys and some pro se litigants. Nevertheless, her professionalism is appreciated and refreshing. It is apparent that she has read the pleadings and is well prepared for hearings.

I couldn't say because what I see in the courtroom is excellent; and I don't have access to anything behind the scenes to comment on.

May need to improve on moving cases along. Sometimes lets parties and attorneys ramble too long and gets behind on the calendar.

Commissioner Tack follows the law. I like that I can tell my clients that she is likely to follow the law each time.

Commissioner Tack is an excellent judicial officer.

In my opinion, Michelle Tack exemplifies all that is desirable in a Domestic Relations Commissioner Apply for the District Court.

Understanding the legal precedent and the evidentiary burden re Rule 65. I am concerned about the complete revocation of parent time that occurs without a showing of substantial risk of irreparable harm. For example, an allegation of parental alienation based on statements of two individuals, one being the party seeking TRO, does not show substantial risk of irreparable harm so as to completely revoke parent time for the alleged alienating parent. Rule 65 needs to be put in place when there's abuse, neglect, threat of those things, or some other issue that truly is irreparable.

Probably the best Commissioner. If she ever seeks a judgeship, she would be highly recommended. But we need good commissioners too.

I feel like I don't have enough time before this commissioner to say.

Commissioner Tack is one of the very best commissioners we have in the state. Stay the course.

I can't think of anything specifically. Commissioner Tack does an excellent job at being consistent, at explaining her basis for her rulings, and at trying to move cases forward. I always appreciate her ability to work with pro se litigants without getting caught up and babying them through the process. She is clear about her expectations and what needs to happen and is quite fair in giving people a chance to prove their case.

This commissioner is the best in her district in what most would say is an undesirable thankless job.

I have no suggestions for improvement, as I was very pleased to appear in front of Commissioner Tack. She handled my client's difficult case very well.

There are times where I believe Commissioner Tack allows both attorneys and parties to ramble on too much.

Commissioner Tack is thoughtful and thorough. She is my favorite commissioner to appear before. She could keep the Courtroom decorum more civil at times. She sometimes allows attorneys or parties to interrupt, talk over or otherwise be uncivil and does little to nothing to take control or reprimand.

I enjoy practicing before Commissioner Tack. Even when I disagree with her rulings, I feel like she understands the issues, and is doing her best to give the Parties the best chance at having everything heard before the judge. By way of a constructive critique, I think she may give all the parties too much of a chance to be heard at trial. Pulling the trigger to deny relief as permitted by law, would not be terrible. Could end up saving money in the end.

Not let the attorneys talk so much but focus on just answering specific questions

I can't think of a thing! She is hands down the best commissioner in the state. I wish I could clone her for all my hearings.

What would most improve her performance is if she did not have such a heavy caseload, but considering how over-worked the commissioners are (in my experience), I think she does a fairly admirable job of managing her caseload and she does not as quickly reflect the frustration of the job or the tedium of hearing similar cases all day, as several of the commissioners do. I have not noticed a bias for ruling for one gender over another, as with some commissioners, and I appreciate that. I have appeared for both men and women and felt fairly treated each time.

The absolute best commissioner in the state of Utah. I would not change a thing for her. Even if I lose my case she always gives excellent reasons and treats everyone with the utmost respect. Just an awesome commissioner. I wish the judges and other commissioners were like her.

Never retire.

Commissioner Tack seems to favor women in custody hearings. Perhaps she was not adequately prepared and did not know the facts alleged, but it seemed to me that she acted with bias

I really can't think of anything. I think that Michelle Tack is an excellent commissioner.

She can clone herself. She is one of the best judicial officers in the state of Utah.

Her preparation is phenomenal and her rulings are usually quite fair (more than any other, in my opinion). However, she gives parties the benefit of the doubt far too often and it is nearly impossible to get fees awarded.

Commissioner Tack is easily one of the best commissioners on the bench. She is always thorough in her rulings and professional and courteous with counsel and parties. I have no additional feedback.

I think Commissioner Tack is a model of how a commissioner should perform.

Commissioner Tack is really good at making a party feel heard even when she disagrees with the request. She is also very good at explaining why she is making a particular decision.

Commissioner Tack remains one of the best commissioners on the bench.

Commissioner Tack is the best commissioner on the bench. She is thoughtful, attentive, smart, well spoken, amazing. Even if I disagree with her ruling, I always appreciate her reasoning and delivery.

When someone is trying to fix a vague order by means of a petition to modify, don't try to kill it by saying it is an inadequate order to show cause meaning another two months to get back to court on the same issue. Substance over what you apparently think is procedure.

I have practiced before Commissioner Tack many times and each time have been impressed by her professionalism and attention to facts/issues before the court. Only thing I would say is that sometimes hearings last a little longer than may be necessary due to this.

I believe Commissioner Tack to be one of the best on the bench. She is prepared, understands the filings, and is very aware of case law. I believe she sometimes she focuses on solving the practical

problem before the court despite controlling or dispositive law, but can appreciate where she's coming from in this regard. Even so, she is excellent at explaining her rulings, which helps both parties understand the landscape and move forward. She should keep doing what she's doing.

Taking a recess after hearing argument to consider the matter may help ensure recommendations are aligned with precedent.

I have practiced law for over 25 years. I have appeared in front of every commissioner in the Second and Third District. Commissioner Tack is without a doubt the most prepared and compassionate commissioner I have ever appeared before.

Commissioner Tack clearly belongs with the highest echelon of bench officers anywhere. She is one of the very few with whom I have utter confidence on any issue. Her judicial demeanor is imperturbable, and her style of addressing difficult issues leaves the vast majority of my clients, including those who do not get the rulings they would prefer, with an understanding that she heard both sides fairly. She is worth far more than her weight in gold.

Commissioner Tack is one of the most prepared, even-keel commissioners I go before. I honestly have no recommendations for improvement.

She is just excellent, as is.

It would be desirable for the commissioner to hold attorneys and parties accountable to following the rules of civil procedure. It would also be helpful for the commissioner to make more of an attempt to weigh arguments, evidence and credibility in making recommendations.

When giving her rulings, I think it would be helpful to include a little more detail about why she is ruling the way she is ruling, including any relevant case law or statute.

Appendix: Technical Notes

EVALUATION FORMS

Eligible participants for the evaluation included all practicing attorneys who represented a client that appeared before the evaluated court commissioner within the past 12 months. Respondents who opened the survey but did not complete it because they did not feel they had sufficient experience with this court commissioner were removed from the data analysis; but they *were* included in the "Number of Eligible Participants."

CALCULATION OF INDIVIDUAL ITEM SCORES

Individual item scores were derived using the following procedure. First, all individual respondent's ratings of the evaluated court commissioner were averaged across each of the 16 items on which court commissioners were evaluated. These scores were calculated as an arithmetic mean: the sum of all relevant ratings provided by the respondent was divided by the number of respondents and these appear in the first column labeled "*individual mean score*." The same process was used to generate a comparison score of all court commissioners evaluated during this period. This score was computed as the arithmetic mean across all respondents on all court commissioner evaluations; these scores appear in the second column labeled "average score for all court commissioners. Finally, an overall average score for each individual judge and all judges evaluated were computed by averaging the scores on the 16 individual scored items.

UTAH STATE COURTS COURT COMMISSIONER PERFORMANCE EVALUATION

Court Commissioner: Tack

District: Third

Presiding Judge: Skanchy

Evaluation Period: August 2017-August 2018

INSTRUCTIONS

Court commissioners shall be evaluated annually based on the sixteen performance criteria listed below, and provided with an overall rating for the review period. The presiding judge shall provide a rating and a written justification which summarizes the commissioner's performance on each of the criterion for the evaluation period. When rating a commissioner's performance, the presiding judge shall use the following scale:

- **Needs Improvement** – The commissioner does not meet expectations and requires improvement in the rating area as designated on the attached annual performance plan.
- **Meets Expectations** – The commissioner is performing at the expected level, and may periodically exceed expectations.
- **Exceeds Expectations** – The commissioner consistently exceeds expectations.

In evaluating the commissioner, the presiding judge may consider feedback from other members of the bench who work with the commissioner. The presiding judge should consider the objective data addressing the commissioner's performance provided by the TCE, and should review 5 of the commissioner's cases in conjunction with the performance evaluation.

PERFORMANCE CRITERIA

1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

2. Is Attentive to the Factual and Legal Issues before the Court

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

3. Adheres to Precedent and Clearly Explains Any Departures from Precedent

Rating: ☐ Needs Improvement ☒ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

4. Grasps the Practical Impact on the Parties of the Commissioner's Rulings, Including the Effect of Delay and Increased Litigation Expense

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

5. Writes Clear Judicial Opinions

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

6. Clearly Explains the Legal Basis for Judicial Opinions

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Commissioner's Court

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

8. Maintains Decorum in the Courtroom

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

10. Prepares for Hearings

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

11. Avoids Impropriety and the Appearance of Impropriety

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

12. Displays Fairness and Impartiality toward All Parties

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable
Justification:

13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

14. Manages Workload Appropriately

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

15. Shares Proportionally the Workload within the District

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

16. Issues Opinions and Orders without Unnecessary Delay

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

OVERALL PERFORMANCE RATING FOR EVALUATION PERIOD

Provide a cumulative rating of the court commissioner's performance for the designated evaluation period, reflective of the ratings for the sixteen performance criteria.

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

COMMISSIONER COMMENTS

Please attach or include any comments provided by the court commissioner to the evaluation.

CERTIFICATION

We have discussed this performance evaluation in detail and the court commissioner understands the evaluation. Future expectations are clear as the presiding judge has provided a new performance plan with clear objectives for the next evaluation period.

Court Commissioner Signature:

Date:

Presiding Judge Signature:



Date: 03 August 2018

Out of the 32 responses, only three contained a negative comment. She rates above average in every category against her peers. She is performing at an exceeds expectation level. We are scheduled to meet next week, so she and I have not yet reviewed this together.

ACTIVE SENIOR JUDGES



Senior Judge Application Active Status

Qualifications for Office

I, Judith S.H. Atherton, 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 8/1/2013.
- 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]

[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
40.25	42.25	31.75	10.75

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 conference, teaching (3 scheduled),
remains on line

- 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 7/20/18 Judith S.H. Atherton
 Judith S.H. Atherton

Please complete and return by July 27, 2018 to:

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

Attorney Survey Scores for Judith Atherton

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	94.3%	5	2	0	0	0	0	4.71	4.51
Behavior is free from bias and favoritism	91.4%	5	1	1	0	0	0	4.57	4.47
Avoids ex parte communications (contact with one party without the other parties present)	94.3%	5	2	0	0	0	0	4.71	4.56
Understands and correctly applies the rules of procedure and evidence	91.4%	5	1	1	0	0	0	4.57	4.25
Understands and correctly applies the substantive law	94.3%	5	2	0	0	0	0	4.71	4.29
Is attentive to presentations	91.4%	5	1	1	0	0	0	4.57	4.50
Is prepared for hearings and trials	91.4%	5	1	1	0	0	0	4.57	4.37
Explains the purpose of the hearing	91.4%	5	1	1	0	0	0	4.57	4.45
Demonstrates appropriate demeanor	91.4%	5	1	1	0	0	0	4.57	4.53
Maintains order in the courtroom	88.6%	4	2	1	0	0	0	4.43	4.57
Provides a fair and adequate opportunity to present evidence or proffers of evidence	91.4%	5	1	1	0	0	0	4.57	4.45
Oral and written decisions and orders are clear and well reasoned	91.4%	5	1	1	0	0	0	4.57	4.30
Issues recommendations without unnecessary delay	91.4%	5	1	1	0	0	0	4.57	4.40
Effectively uses pretrial procedures to narrow and define the issues	91.4%	5	1	1	0	0	0	4.57	4.43
Overall, the performance of this court commissioner is	91.4%	5	1	1	0	0	0	4.57	4.48
Overall Average Score:	91.8%	74	19	12	0	0	0	4.59	4.44

She is excellent -so leased that she will be substituting on the bench as needed. She is an exemplary judge and valuable asset to the Utah bench and bar.

She is an excellent judge.



Senior Judge Application Active Status

Qualifications for Office

I, L. Kent Bachman, 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 8/1/2010.
- 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]
 [REDACTED]
 [REDACTED]
 My email address and phone number are: [REDACTED]
 [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
41.5	44.5	38.5	

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.

At present I have 27.5 hours, with the Judicial Conference
in September I will have over 40 hours for 2018.

- 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 July 25, 2018

Judge L. Kent Bachman
 L. Kent Bachman

Please complete and return by July 27, 2018 to:

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

Attorney Survey Scores for L. Kent Bachman

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	85.0%	1	3	0	0	0	0	4.25	4.57
Behavior is free from bias and favoritism	85.0%	1	3	0	0	0	0	4.25	4.52
Avoids ex parte communications (contact with one party without the other parties present)	85.0%	1	3	0	0	0	0	4.25	4.62
Understands and correctly applies the rules of procedure and evidence	80.0%	0	4	0	0	0	0	4.00	4.33
Understands and correctly applies the substantive law	80.0%	0	4	0	0	0	0	4.00	4.40
Is attentive to presentations	80.0%	0	4	0	0	0	0	4.00	4.58
Is prepared for hearings and trials	80.0%	0	4	0	0	0	0	4.00	4.45
Explains the purpose of the hearing	80.0%	0	4	0	0	0	0	4.00	4.54
Demonstrates appropriate demeanor	80.0%	0	4	0	0	0	0	4.00	4.61
Maintains order in the courtroom	80.0%	0	4	0	0	0	0	4.00	4.63
Provides a fair and adequate opportunity to present evidence or proffers of evidence	80.0%	0	4	0	0	0	0	4.00	4.53
Oral and written decisions and orders are clear and well reasoned	80.0%	0	4	0	0	0	0	4.00	4.38
Issues recommendations without unnecessary delay	80.0%	0	4	0	0	0	0	4.00	4.48
Effectively uses pretrial procedures to narrow and define the issues	80.0%	0	4	0	0	0	0	4.00	4.51
Overall, the performance of this court commissioner is	85.0%	1	3	0	0	0	0	4.25	4.53
Overall Average Score:	81.3%	4	56	0	0	0	0	4.07	4.51

 I had no problem with him

 I had no problems with him

 I had no problem with him

PJ/TCE Scores for L. Kent Bachman

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	100.0%	1	0	0	0	0	0	5.00	2.83
Behavior is free from bias and favoritism	100.0%	1	0	0	0	0	0	5.00	3.33
Avoids ex parte communications (contact with one party without the other parties present)	100.0%	1	0	0	0	0	0	5.00	2.50
Understands and correctly applies the rules of procedure and evidence	100.0%	1	0	0	0	0	0	5.00	3.00
Understands and correctly applies the substantive law	100.0%	1	0	0	0	0	0	5.00	3.00
Is attentive to presentations	100.0%	1	0	0	0	0	0	5.00	3.17
Is prepared for hearings and trials	100.0%	1	0	0	0	0	0	5.00	3.33
Explains the purpose of the hearing	100.0%	1	0	0	0	0	0	5.00	1.50
Demonstrates appropriate demeanor	100.0%	1	0	0	0	0	0	5.00	3.17
Maintains order in the courtroom	100.0%	1	0	0	0	0	0	5.00	3.33
Provides a fair and adequate opportunity to present evidence or proffers of evidence	100.0%	1	0	0	0	0	0	5.00	3.17
Oral and written decisions and orders are clear and well reasoned	100.0%	1	0	0	0	0	0	5.00	3.33
Issues recommendations without unnecessary delay	100.0%	1	0	0	0	0	0	5.00	3.17
Effectively uses pretrial procedures to narrow and define the issues	100.0%	1	0	0	0	0	0	5.00	3.33
Overall, the performance of this court commissioner is	100.0%	1	0	0	0	0	0	5.00	3.33
Overall Average Score:	100.0%	15	0	0	0	0	0	5.00	3.03



Senior Judge Application Active Status

Qualifications for Office

I, Russell W. Bench, 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 within the limits established by rule 11-201.
- 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 1/1/2010.
- 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]

[REDACTED]

My email address and phone number are:

[REDACTED]

Judicial Performance Evaluation Information

I further declare as follows:

- 23) I have circulated not more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year.
- 24) I have achieved a final average time to circulation of a principal opinion of not more than 120 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	35	32.25	13


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.

<u>Annual Judicial Conference</u>	<u>13</u>
<u>Bar's Fall Forum</u>	<u>7</u>

- 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.

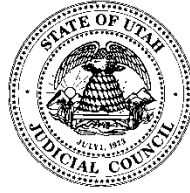
I waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission be sent to the person shown below, if requested.

21 July 2018
Date


Russell W. Bench

Please complete and return by July 27, 2018 to:

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



Senior Judge Application Active Status

Qualifications for Office

I, Judith M. Billings, 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 within the limits established by rule 11-201.
- 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 _____, and my retirement date is 1/1/2009.
- 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:

 My email address and phone number are: _____

Judicial Performance Evaluation Information

I further declare as follows:

- 23) I have circulated not more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year.
- 24) I have achieved a final average time to circulation of a principal opinion of not more than 120 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
30	41	40	

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.

I plan to attend the Annual Conference, which is worth up to 15 education hours.

Per CJA Rule 3-403(3)(A)(i), I would like to carry over 10 education hours from 2017.

I will attend other courses for the remaining 5 to 6 hours.

- 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.

July 23, 2018

/s/ Judith M. Billings

Date

Judith M. Billings

Please complete and return by July 27, 2018 to:

*By Nancy J. Sylvester at the direction of
Judith M. Billings*

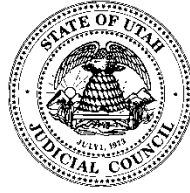
Nancy J. Sylvester

P.O. Box 140241

Salt Lake City, Utah 84114-0241

Fax: 801-578-3843

Email: nancyjs@utcourts.gov



Senior Judge Application Active Status

I, Wayne Cooper, apply for the office of active senior judge and declare as follows:

- (1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- (2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- (3) I demonstrate appropriate ability and character.
- (4) I was in office for at least five years.
- (5) I comply with the restrictions on secondary employment provided by the Utah Code.
- (6) I am physically and mentally able to perform the duties of judicial office.
- (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.
- (9) I will satisfy the education requirements of an active justice court judge.
- (10) I will accept assignments, subject to being called, at least two days per calendar year.
- (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 will continue to meet the requirements for certification as those requirements are determined by the Judicial Council to apply to active senior justice court 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 four years in office, whichever is greater. and
- (16) I did not resign from office 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 10/14/2016.
- (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.
- (22) The address at which I can be contacted after retirement is:

[REDACTED]

My email address & phone #: [REDACTED] [REDACTED]

JUDICIAL PERFORMANCE EVALUATION INFORMATION

I further declare as follows:

- (23) I have not had more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year; and
- (24) I have had no cases under advisement more than six months 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
50	63	46	Approx. 40

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

- (28) I have attended the spring conference in the years indicated.

2015	2016	2017	2018
True	True	True	True

- (29) 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.

July 23, 2018

Date

/s/ Wayne Cooper

Wayne Cooper

Please complete and return by July 25, 2018 to:

By Nancy J. Sylvester at the direction of
Wayne Cooper

Nancy Sylvester
P.O. Box 140241
Salt Lake City, Utah 84114-0241

Phone: 801-578-3808
Fax: 801-578-3843
Email: nancyjs@utcourts.gov



Senior Judge Application Active Status

Qualifications for Office

I, L.A. Dever, 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 _____ and my retirement date is 11/1/2014.
- 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:

 My email address and phone number are: _____

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	39.25	

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.

LITIGATION UPDATE 4.0

BAR CONVENTION 15.5

FALL JUDICIAL CONF 15.0

- 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.

25 July 2018

Date

L.A. Dever

Please complete and return by July 27, 2018 to:

Nancy J. Sylvester

P.O. Box 140241

Salt Lake City, Utah 84114-0241

Fax: 801-578-3843

Email: nancyjs@utcourts.gov



Senior Judge Application Active Status

Qualifications for Office

I, Clint S. Judkins, 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 _____, and my retirement date is 2/1/2013.
- 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 NO 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:

My email address and phone
 number are: _____

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
30.75	32	32.5	17.5

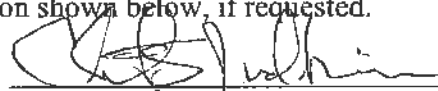
If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course.

ANNUAL JUDICIAL CONFERENCE (SNOWBIRD, SEPT. 19th, 20th & 21st)
Estimated additional Education hours - 13.5 for a total of
31 hrs.

- 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.

July 23rd 2018
 Date


 Clint S. Judkins

Please complete and return by July 27, 2018 to:

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

Attorney Survey Scores for Clint Judkins

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	88.8%	11	3	1	0	1	0	4.44	4.54
Behavior is free from bias and favoritism	88.8%	11	3	1	0	1	0	4.44	4.49
Avoids ex parte communications (contact with one party without the other parties present)	94.7%	12	2	1	0	0	1	4.73	4.55
Understands and correctly applies the rules of procedure and evidence	83.8%	9	3	2	2	0	0	4.19	4.30
Understands and correctly applies the substantive law	89.3%	11	1	2	1	0	1	4.47	4.33
Is attentive to presentations	91.3%	12	2	1	1	0	0	4.56	4.50
Is prepared for hearings and trials	87.5%	11	2	1	2	0	0	4.38	4.40
Explains the purpose of the hearing	91.3%	12	2	1	1	0	0	4.56	4.45
Demonstrates appropriate demeanor	93.8%	13	1	2	0	0	0	4.69	4.51
Maintains order in the courtroom	93.8%	12	3	1	0	0	0	4.69	4.53
Provides a fair and adequate opportunity to present evidence or proffers of evidence	93.3%	12	1	2	0	0	1	4.67	4.44
Oral and written decisions and orders are clear and well reasoned	88.0%	10	3	1	0	1	1	4.40	4.33
Issues recommendations without unnecessary delay	92.0%	11	2	2	0	0	1	4.60	4.40
Effectively uses pretrial procedures to narrow and define the issues	87.5%	11	2	1	2	0	0	4.38	4.45
Overall, the performance of this court commissioner is	87.5%	12	1	1	1	1	0	4.38	4.51
Overall Average Score:	90.1%	170	31	20	10	4	5	4.50	4.45

He could be more knowledgeable about the rights of criminal defendants.

Judge Judkins has always been fair in his rulings. They have not always gone the way i have desired but they have been fair and reasonable under the circumstances. Judkins is the standard by which other judges should be judged. He is the solid fencepost that can always be counted on to point the way to the straight path. He is free from public pressure or opinion. Thanks Judge Judkins. I have appreciated being in his courtroom.

I like the fact that Judge Judkins is very consistent so the attorneys who appear before him can generally know what to expect. He is a little concerned about applying new theories but I respect his position that he is there to decide the case and not make new law. The only suggestion would be for the attorneys to know this before they appear before him and not for him to change.

Judge Judkins is an admirable adjudicator and a premier member of the legal community. The judiciary of Utah is weaker for his retirement.

no substantive flaw comes to mind

Analyze with more care.

If the new appointment can take office, there will not be so much of a load on this senior judge. That might make it easier for him to continue to provide excellent service. It's unfortunate that the appointment process has taken so long.



Senior Judge Application Active Status

Qualifications for Office

I, Michael D. Lyon, 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 _____, and my retirement date is 9/1/2013.
- 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:

 My email address and phone number are: _____

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
33	37	32.5	33

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.

- 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 July 23, 2018

Michael D. Lyon
Michael D. Lyon

Please complete and return by July 27, 2018 to:

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

Attorney Survey Scores for Michael Lyon

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	100.0%	4	0	0	0	0	0	5.00	4.46
Behavior is free from bias and favoritism	95.0%	3	1	0	0	0	0	4.75	4.45
Avoids ex parte communications (contact with one party without the other parties present)	100.0%	3	0	0	0	0	1	5.00	4.52
Understands and correctly applies the rules of procedure and evidence	90.0%	2	2	0	0	0	0	4.50	4.26
Understands and correctly applies the substantive law	85.0%	2	1	1	0	0	0	4.25	4.36
Is attentive to presentations	100.0%	4	0	0	0	0	0	5.00	4.44
Is prepared for hearings and trials	95.0%	3	1	0	0	0	0	4.75	4.34
Explains the purpose of the hearing	90.0%	2	2	0	0	0	0	4.50	4.46
Demonstrates appropriate demeanor	100.0%	4	0	0	0	0	0	5.00	4.46
Maintains order in the courtroom	100.0%	4	0	0	0	0	0	5.00	4.49
Provides a fair and adequate opportunity to present evidence or proffers of evidence	100.0%	4	0	0	0	0	0	5.00	4.39
Oral and written decisions and orders are clear and well reasoned	95.0%	3	1	0	0	0	0	4.75	4.28
Issues recommendations without unnecessary delay	90.0%	2	2	0	0	0	0	4.50	4.41
Effectively uses pretrial procedures to narrow and define the issues	93.3%	2	1	0	0	0	1	4.67	4.41
Overall, the performance of this court commissioner is	100.0%	4	0	0	0	0	0	5.00	4.42
Overall Average Score:	95.6%	46	11	1	0	0	2	4.78	4.41

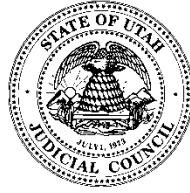
Nothing, he has ruled with me and against me and I have never had any doubt that he listened, he considered and then made the appropriate decision.

That would be difficult, because he's been a great judge. He still has a reputation for being pro-prosecution when it comes to ruling on legal issues, but perhaps that could be characterized simply as "conservative."

He is the most outstanding judge in our district. I cannot see where he could provide his performance.

PJ/TCE Scores for Michael Lyon

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	N/A	0	0	0	0	0	1	N/A	4.50
Behavior is free from bias and favoritism	N/A	0	0	0	0	0	1	N/A	5.00
Avoids ex parte communications (contact with one party without the other parties present)	N/A	0	0	0	0	0	1	N/A	4.17
Understands and correctly applies the rules of procedure and evidence	N/A	0	0	0	0	0	1	N/A	4.67
Understands and correctly applies the substantive law	N/A	0	0	0	0	0	1	N/A	4.67
Is attentive to presentations	N/A	0	0	0	0	0	1	N/A	4.50
Is prepared for hearings and trials	N/A	0	0	0	0	0	1	N/A	5.00
Explains the purpose of the hearing	N/A	0	0	0	0	0	1	N/A	3.17
Demonstrates appropriate demeanor	N/A	0	0	0	0	0	1	N/A	4.83
Maintains order in the courtroom	N/A	0	0	0	0	0	1	N/A	5.00
Provides a fair and adequate opportunity to present evidence or proffers of evidence	N/A	0	0	0	0	0	1	N/A	4.83
Oral and written decisions and orders are clear and well reasoned	N/A	0	0	0	0	0	1	N/A	5.00
Issues recommendations without unnecessary delay	N/A	0	0	0	0	0	1	N/A	4.83
Effectively uses pretrial procedures to narrow and define the issues	N/A	0	0	0	0	0	1	N/A	5.00
Overall, the performance of this court commissioner is	N/A	0	0	0	0	0	1	N/A	5.00
Overall Average Score:	N/A	0	0	0	0	0	15	N/A	4.68



Senior Judge Application Active Status

Qualifications for Office

I, Frederic M. Oddone, 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 _____, and my retirement date is 4/16/2013.
- 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:

My email address and phone
number are:

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	31	31	

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.

I will have 32 hours by December, which includes the Annual Judicial Conference.

- 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.

July 23, 2018

Date

Please complete and return by July 27, 2018 to:

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

/s/ Frederic M. Oddone

Frederic M. Oddone

*by Nancy J. Sylvester at the direction
of Frederic M. Oddone*

Attorney Survey Scores for Frederic Oddone

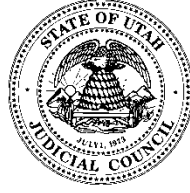
Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	98.2%	10	1	0	0	0	0	4.91	4.48
Behavior is free from bias and favoritism	100.0%	11	0	0	0	0	0	5.00	4.41
Avoids ex parte communications (contact with one party without the other parties present)	94.5%	9	1	1	0	0	0	4.73	4.55
Understands and correctly applies the rules of procedure and evidence	98.2%	10	1	0	0	0	0	4.91	4.20
Understands and correctly applies the substantive law	96.4%	9	2	0	0	0	0	4.82	4.28
Is attentive to presentations	98.2%	10	1	0	0	0	0	4.91	4.45
Is prepared for hearings and trials	94.5%	9	1	1	0	0	0	4.73	4.35
Explains the purpose of the hearing	98.2%	10	1	0	0	0	0	4.91	4.41
Demonstrates appropriate demeanor	100.0%	11	0	0	0	0	0	5.00	4.46
Maintains order in the courtroom	100.0%	11	0	0	0	0	0	5.00	4.49
Provides a fair and adequate opportunity to present evidence or proffers of evidence	94.5%	8	3	0	0	0	0	4.73	4.43
Oral and written decisions and orders are clear and well reasoned	92.0%	6	4	0	0	0	1	4.60	4.30
Issues recommendations without unnecessary delay	97.8%	8	1	0	0	0	2	4.89	4.35
Effectively uses pretrial procedures to narrow and define the issues	92.7%	7	4	0	0	0	0	4.64	4.42
Overall, the performance of this court commissioner is	98.2%	10	1	0	0	0	0	4.91	4.43
Overall Average Score:	96.9%	139	21	2	0	0	3	4.84	4.40

Don't scare people people by being too stern about things starting late.
 Judge Oddone is wonderful. I have learned so much from him by being in his court over the last 20 years. It is like no time has passed to have him fill in as a senior judge. I look forward to court when I know he is covering for one of our judges.

Judge Oddone does an excellent job in narrowing the issues and ruling promptly. He has a good basis of legal procedure and law. I think he does an excellent job.

PJ/TCE Scores for Frederic Oddone

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	80.0%	0	1	0	0	0	0	4.00	3.17
Behavior is free from bias and favoritism	100.0%	1	0	0	0	0	0	5.00	3.33
Avoids ex parte communications (contact with one party without the other parties present)	100.0%	1	0	0	0	0	0	5.00	2.50
Understands and correctly applies the rules of procedure and evidence	80.0%	0	1	0	0	0	0	4.00	3.33
Understands and correctly applies the substantive law	80.0%	0	1	0	0	0	0	4.00	3.33
Is attentive to presentations	100.0%	1	0	0	0	0	0	5.00	2.83
Is prepared for hearings and trials	100.0%	1	0	0	0	0	0	5.00	3.33
Explains the purpose of the hearing	N/A	0	0	0	0	0	1	N/A	3.17
Demonstrates appropriate demeanor	100.0%	1	0	0	0	0	0	5.00	3.17
Maintains order in the courtroom	100.0%	1	0	0	0	0	0	5.00	3.33
Provides a fair and adequate opportunity to present evidence or proffers of evidence	100.0%	1	0	0	0	0	0	5.00	3.17
Oral and written decisions and orders are clear and well reasoned	100.0%	1	0	0	0	0	0	5.00	3.33
Issues recommendations without unnecessary delay	100.0%	1	0	0	0	0	0	5.00	3.17
Effectively uses pretrial procedures to narrow and define the issues	100.0%	1	0	0	0	0	0	5.00	3.33
Overall, the performance of this court commissioner is	100.0%	1	0	0	0	0	0	5.00	3.33
Overall Average Score:	89.4%	11	3	0	0	0	1	4.47	3.19



Senior Judge Application Active Status

Qualifications for Office

I, Gary D. Stott, 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 _____, and my retirement date is 7/1/2009.
- 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:

 My email address and phone number are: _____

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
15	42	32.5	

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.

I will have completed all 30 hours by the end of the year through various courses.

- 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.

July 23, 2018

/s/ Gary D. Stott

Date

Gary D. Stott

Please complete and return by July 27, 2018 to:

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

*By Nancy J. Sylvester at the
direction of Gary D. Stott*

Attorney Survey Scores for Gary Stott

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	95.3%	14	2	1	0	0	0	4.76	4.50
Behavior is free from bias and favoritism	95.3%	14	2	1	0	0	0	4.76	4.45
Avoids ex parte communications (contact with one party without the other parties present)	93.3%	9	2	1	0	0	5	4.67	4.56
Understands and correctly applies the rules of procedure and evidence	87.1%	11	3	1	2	0	0	4.35	4.28
Understands and correctly applies the substantive law	85.0%	10	3	1	1	1	1	4.25	4.36
Is attentive to presentations	90.6%	10	6	1	0	0	0	4.53	4.51
Is prepared for hearings and trials	90.6%	12	2	3	0	0	0	4.53	4.37
Explains the purpose of the hearing	89.4%	10	5	2	0	0	0	4.47	4.47
Demonstrates appropriate demeanor	87.1%	10	5	1	0	1	0	4.35	4.56
Maintains order in the courtroom	89.4%	11	3	3	0	0	0	4.47	4.56
Provides a fair and adequate opportunity to present evidence or proffers of evidence	89.4%	11	3	3	0	0	0	4.47	4.47
Oral and written decisions and orders are clear and well reasoned	82.9%	8	3	1	1	1	3	4.14	4.36
Issues recommendations without unnecessary delay	87.1%	9	2	2	1	0	3	4.36	4.43
Effectively uses pretrial procedures to narrow and define the issues	86.0%	5	3	2	0	0	7	4.30	4.46
Overall, the performance of this court commissioner is	89.4%	11	4	1	1	0	0	4.47	4.50
Overall Average Score:	89.2%	155	48	24	6	3	19	4.46	4.46

Very professional in all aspects

Judge Stott is one of the finest Judges I have appeared before. It is always a privilege to work with him and I can honestly not think of anything he could do better.

see no areas for improvement

see no area of improvement

Apply for a full-time judgeship.

I was really impressed by Judge Stott. My client's didn't get everything they wanted, but they felt that they had a fair trial and were content with the outcome, because it was explained well by Judge Stott.

PJ/TCE Scores for Gary Stott

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	90.0%	1	1	0	0	0	0	4.50	3.00
Behavior is free from bias and favoritism	100.0%	2	0	0	0	0	0	5.00	3.33
Avoids ex parte communications (contact with one party without the other parties present)	50.0%	1	0	0	0	0	1	2.50	3.33
Understands and correctly applies the rules of procedure and evidence	100.0%	2	0	0	0	0	0	5.00	3.00
Understands and correctly applies the substantive law	100.0%	2	0	0	0	0	0	5.00	3.00
Is attentive to presentations	90.0%	1	1	0	0	0	0	4.50	3.00
Is prepared for hearings and trials	100.0%	2	0	0	0	0	0	5.00	3.33
Explains the purpose of the hearing	90.0%	1	1	0	0	0	0	4.50	1.67
Demonstrates appropriate demeanor	90.0%	1	1	0	0	0	0	4.50	3.33
Maintains order in the courtroom	100.0%	2	0	0	0	0	0	5.00	3.33
Provides a fair and adequate opportunity to present evidence or proffers of evidence	90.0%	1	1	0	0	0	0	4.50	3.33
Oral and written decisions and orders are clear and well reasoned	100.0%	2	0	0	0	0	0	5.00	3.33
Issues recommendations without unnecessary delay	90.0%	1	1	0	0	0	0	4.50	3.33
Effectively uses pretrial procedures to narrow and define the issues	100.0%	2	0	0	0	0	0	5.00	3.33
Overall, the performance of this court commissioner is	100.0%	2	0	0	0	0	0	5.00	3.33
Overall Average Score:	92.6%	23	6	0	0	0	1	4.63	3.13



**Senior Judge Application
Active Status**

I, Ronald C. Wolhuis, apply for the office of active senior judge and declare as follows:

- (1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- (2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- (3) I demonstrate appropriate ability and character.
- (4) I was in office for at least five years.
- (5) I comply with the restrictions on secondary employment provided by the Utah Code.
- (6) I am physically and mentally able to perform the duties of judicial office.
- (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.
- (9) I will satisfy the education requirements of an active justice court judge.
- (10) I will accept assignments, subject to being called, at least two days per calendar year.
- (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 will continue to meet the requirements for certification as those requirements are determined by the Judicial Council to apply to active senior justice court 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 four years in office, whichever is greater. and
- (16) I did not resign from office 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 1/1/2017.
- (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.
- (22) The address at which I can be contacted after retirement is:

[REDACTED]

My email address & phone #: [REDACTED]

JUDICIAL PERFORMANCE EVALUATION INFORMATION

I further declare as follows:

- (23) I have not had more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year; and
- (24) I have had no cases under advisement more than six months 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
52	37	42.5	26.5

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

Utah State Bar Summer Convention 6.0
Fall Justice Court Conference 5.0

- (28) I have attended the spring conference in the years indicated.

2015	2016	2017	2018
True	True	True	True

- (29) 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

7/23/2018

Ronald C. Wolhuis

[Signature]

Please complete and return by July 25, 2018 to:

Nancy Sylvester
P.O. Box 140241
Salt Lake City, Utah 84114-0241

Phone: 801-578-3808
Fax: 801-578-3843
Email: nancyjs@utcourts.gov

INACTIVE SENIOR JUDGES



Senior Judge Application
Inactive Status

I, William B. Bohling, 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 11/1/2004 (separation date) be sent to the person shown below, if requested.

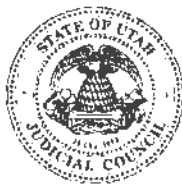
Date

July 20, 2018

William B. Bohling

Please complete and return no later than July 27, 2018 to:

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



**Senior Judge Application
Inactive Status**

1. Gordon J. Low, 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:

[REDACTED]

[REDACTED]

My email address and phone
number are:

[REDACTED]

I waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission since 9/1/2007 (separation date) be sent to the person shown below, if requested.

Date

29 June 2018

Gordon J. Low

Please complete and return no later than July 16, 2018 to:

Nancy Sylvester
P.O. Box 140241
Salt Lake City, Utah 84114-0241
Fax: 801-578-3808
Email: nancyjs@utecourts.gov



Senior Judge Application

Inactive Status

I, Allan D. Vail, apply for the office of senior judge, inactive status, and declare as follows:

- 1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- 2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- 3) I demonstrate appropriate ability and character.
- 4) I was in office for at least five years. My separation date is 2/20/2011.
- 5) I comply with the restrictions on secondary employment provided by the Utah Code.
- 6) 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.
- 7) 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.
- 8) The mailing address and phone number at which I can be contacted after retirement are:

[REDACTED]

[REDACTED]

My email address and phone

[REDACTED]

[REDACTED]

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.

July 21, 2018

Date

Allan D. Vail

Vail

If you wish to apply for appointment, please complete and return no later than July 25, 2018 to:

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

STATUS CHANGE APPLICANTS



Senior Judge Application Active Status

Qualifications for Office

I, Paul G. Maughan, 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 12/1/2016.
- 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 ____ 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]
[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
33	33.5	Ø	

→ I have been an inactive senior judge since December 2016. I am in compliance with CSA Rule 3-403(3)(A)(ii)(a).

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.

I am planning to attend CLE classes at BYU over 4 days
at the end of August, the annual judicial conference
and the mid year/winter bar conference. I'm not sure of the hours, but
 I assume I will be able to get 30 hours of CLE this year.

- 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.

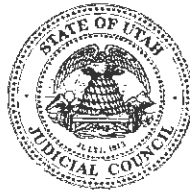
Date

July 16, 2018

Paul G. Maughan

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



**Senior Judge Application
Active Status**

I, R. Scott Waterfall, apply for the office of active senior judge and declare as follows:

- (1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- (2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- (3) I demonstrate appropriate ability and character.
- (4) I was in office for at least five years.
- (5) I comply with the restrictions on secondary employment provided by the Utah Code.
- (6) I am physically and mentally able to perform the duties of judicial office.
- (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.
- (9) I will satisfy the education requirements of an active justice court judge.
- (10) I will accept assignments, subject to being called, at least two days per calendar year.
- (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 will continue to meet the requirements for certification as those requirements are determined by the Judicial Council to apply to active senior justice court 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 four years in office, whichever is greater. and
- (16) I did not resign from office 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 10/31/2016.
- (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.
- (22) The address at which I can be contacted after retirement is:

My email address & phone #: _____

JUDICIAL PERFORMANCE EVALUATION INFORMATION

I further declare as follows:

- (23) I have not had more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year; and
- (24) I have had no cases under advisement more than six months 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
52	41	0	0 *

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

* I have been an inactive senior judge since December 22, 2016. I am in compliance with CJA Rule 3-403(3)(A)(ii)(a).

- (28) I have attended the spring conference in the years indicated.

2015	2016	2017	2018
True	True	False	FALSE

- (29) 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.

6/26/18
 Date

R. Scott Waterfall
 R. Scott Waterfall

Please complete and return by June 29, 2018 to:

Nancy Sylvester
 P.O. Box 140241
 Salt Lake City, Utah 84114-0241

Phone: 801-578-3808
 Fax: 801-578-3843
 Email: nancyjs@utcourts.gov

Tab 4

 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 _____

Notice of Voluntary Dismissal
(Utah Rule of Civil Procedure 41)

 Plaintiff/Petitioner

v.

 Defendant/Respondent

 Case Number

 Judge

 Commissioner (domestic cases)

1. I am the
 - ☐ plaintiff/petitioner
 - ☐ counterclaimant
 - ☐ crossclaimant
 - ☐ third-party claimant
2. ☐ I have not yet served the petition, complaint, counterclaim or other claim.

[] I served the petition, complaint, counterclaim or other claim. I have not been served with an answer or a motion for summary judgment in response.

3. I provide notice of dismissal of _____ (name of petition, complaint, counterclaim or other claim) filed on _____ (date).

4. I understand that court fees will not be refunded.

5. I may have the option to file a new petition, complaint, counterclaim or other claim. (Utah Rule of Civil Procedure 41(a)(1)(B)).

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

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Voluntary Dismissal 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 Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Motion to Appoint a Parent Coordinator

(Code of Judicial Administration Rule 4-509)

Case Number

Judge

Commissioner

1. This case involves a dispute about child custody or parent-time. I ask the court to appoint a parent coordinator because:

2. I ask the court appoint one of the following as a parent coordinator:
(Print the name of any qualified professionals listed you are willing to have appointed as parent coordinator. The requirements can be found in Utah Code of Judicial Administration Rule 4-509(4).)
- _____
- _____
- _____
3. I have attached a Parent Coordinator Qualification Statement for each professional as listed in paragraph 2.
4. I understand the law requires the parents to meet with the parent coordinator for at least 4 hours unless a parenting plan is finalized sooner. I believe (Choose one.):
- ☐ 4 hours is sufficient time.
- ☐ _____ additional hours would be required because
- _____
- _____
- _____
5. Petitioner should pay _____ % of the parent coordinator's fee and respondent should pay _____ % because:
- _____
- _____
- _____
6. (Choose one.)
- ☐ The parent coordinator will perform the services listed in Utah Code of Judicial Administration Rule 4-509.
- ☐ The parent coordinator will do only the following:
- _____
- _____
- _____
- _____
- _____

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

Signed at _____ (city, and state or country).

Date

Signature ► _____

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 will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided 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

Finding help

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

Aviso para el demandado (o acusado)

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

www.utcourts.gov/howto/filing/motions

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal

(www.utcourts.gov/howto/legalassist/) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Appoint a Parent Coordinator 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 ☐ 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 _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Motion to Waive 30-day Divorce Waiting Period (Utah Code 30-3-18 and Utah Rule of Civil Procedure 105)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	---

- The divorce petition was filed on _____ (date).
- I ask the court to waive the 30-day divorce waiting period because of these extraordinary circumstances:

3. [] The other party has signed a Stipulation to the divorce, which has been filed with the court.

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

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Waive 30-day Divorce Waiting Period 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

 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 Voluntarily Dismiss

☐ **Case**

☐ **Counterclaim**

☐ **Crossclaim**

☐ **Third-party Claim**

(Utah Rule of Civil Procedure 41)

 Case Number

 Judge

 Commissioner (domestic cases)

Do not use this form if you are asking to dismiss the other party's case or claim.

1. I am the
- ☐ plaintiff/petitioner
- ☐ counterclaimant

- ☐ crossclaimant
☐ third-party claimant

2. I ask to dismiss my

- ☐ case
☐ counterclaim
☐ crossclaim
☐ third-party claim

3. I ask to dismiss it because:

(Explain **why** you want the court to dismiss the case. Attach additional sheets if needed.)

4. ☐ I have attached the following documents in support of this motion:

5. ☐ I request a hearing.

☐ I do not request a hearing.

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

Signed at _____ (city, and state or country).

Date

Signature ► _____

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 will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided 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

Finding help

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

Aviso para el demandado (o acusado)

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

www.utcourts.gov/howto/filing/motions

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal

(www.utcourts.gov/howto/legalassist/) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Voluntarily Dismiss Case, Counterclaim, Crossclaim or Third-party Claim 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

 Name

 Address

 City, State, Zip

 Phone

 Email

 In the District Court of Utah

 _____ Judicial District _____ County

 Court Address _____

<hr/> Petitioner v. <hr/> Respondent	Order on Motion to Waive 30-day Divorce Waiting Period <hr/> Case Number <hr/> Judge <hr/> Commissioner
--	---

The matter before the court is ☐ petitioner's ☐ respondent's Motion to Waive 30-day Divorce Waiting Period. 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.

The court finds:

1. ☐ 30 days have passed since the case was filed, or
 ☐ Extraordinary circumstances have been shown
 ☐ Extraordinary circumstances have not been shown.

The court orders:

2. The Motion to Waive Divorce Waiting Period is
 ☐ no longer relevant because 30 days have passed
 ☐ granted
 ☐ denied

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 30-day Divorce Waiting Period 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 Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Petitioner</p> <p>v.</p> <p>_____</p> <p>Respondent</p>	<p>Stipulation to Appoint Parent Coordinator</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
---	--

- We agree that the court may appoint _____ (name)
as parent coordinator for a minimum of _____ hours (not less than 4 hours) of consultation.
- Petitioner should pay _____ % of the parent coordinator's fee and respondent should pay _____ %.

3. (Choose one.)

☐ The parent coordinator will perform the services listed in Utah Code of Judicial Administration Rule 4-509.

☐ The parent coordinator will do only the following:

Date

Sign here ► _____

Petitioner's Printed Name _____

Date

Sign here ► _____

Respondent'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 on Motion to Voluntarily Dismiss

☐ **Case**

☐ **Counterclaim**

☐ **Crossclaim**

☐ **Third-party Claim**

 Case Number

 Judge

 Commissioner (domestic cases)

The matter before the court is a Motion to Voluntarily Dismiss Case, Counterclaim, Crossclaim or Third-party Claim. 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), 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.

The court finds:

1. There ☐ is ☐ is not a counterclaim, crossclaim or third-party claim.
 ☐ The counterclaim, crossclaim or third-party claim would not be affected by a dismissal.
2. ☐ This case has been dismissed before.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court orders:

3. The Motion to Dismiss Case, Counterclaim, Crossclaim or Third-party Claim is
 ☐ granted ☐ denied.
4. ☐ The following is dismissed:
 - ☐ case
 - ☐ counterclaim
 - ☐ crossclaim
 - ☐ third-party claim
5. ☐ The case is dismissed without prejudice.
 ☐ The case is dismissed with prejudice under Utah Rule of Civil Procedure 41(a)(1)(B).

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 Voluntarily Dismiss Case, Counterclaim, Crossclaim or Third-party Claim 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 Court of Utah

_____ Judicial District _____ County

Court Address _____

**Memorandum Opposing Motion to
Appoint Parent Coordinator**

☐ Hearing requested

Petitioner

v.

Case Number

Respondent

Judge

Commissioner

1. ☐ I disagree with the opposing party's Motion to Appoint a Parent Coordinator because:

2. ☐ I don't want the court to appoint the following parent coordinators suggested by the other party:

because:

I want the court to appoint one of the following:

(Print the name of any qualified professionals listed you are willing to have appointed as parent coordinator. The requirements can be found in Utah Code of Judicial Administration Rule 4-509(4). Attach a Parent Coordinator Qualification Statement for each professional.)

3. ☐ I disagree with the amount of time for consultation with the parent coordinator. Instead, the court should order a minimum of _____ hours (not less than 4 hours) of consultation, unless a parenting plan is finalized sooner, because:

4. ☐ I disagree with the division of payment of the parent coordinator's fees. Instead, the court should order the petitioner to pay _____ % of the parent coordinator's fee and respondent to pay _____ % because:

5. ☐ I disagree with the proposed role of the parent coordinator because:

Instead:

☐ The parent coordinator should perform the services listed in Utah Code of Judicial Administration Rule 4-509.

☐ The parent coordinator should do only the following:

6. ☐ I request a hearing.

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

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

Certificate of Service

I certify that I filed with the court and served a copy of this Memorandum Opposing Motion to Appoint Parent Coordinator 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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Parent Coordinator Qualification
Statement**

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

1. I have completed graduate level coursework in child development, and:
(Choose at least one.)
 - ☐ I am a licensed clinical social worker in the state of Utah.
 - ☐ I hold a doctoral degree in psychology, and I am licensed as a psychologist in the state of Utah.
 - ☐ I am a physician in the state of Utah, and I am board certified in psychiatry.
 - ☐ I am a licensed marriage and family therapist in the state of Utah.
2. I have: (Choose one.)
 - ☐ at least 3 years of post-licensure clinical practice substantially focused on child therapy, marital therapy, or family therapy; and a working familiarity with

child custody and parent-time law and the ethical issues involved in custody matters.

[] been appointed as a parent coordinator in fewer than 10 cases, and the court is located in an area of the state where there is a shortage of parent coordinator services.

3. I agree to abide by all of the ethical and procedural requirements of a parent coordinator (Utah Code of Judicial Administration Rule 4-509).

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

Signed at _____ (city, and state or country).

Date

Sign here ► _____
Typed or Printed Name

Professional License Number

License Type

Certificate of Service

I certify that I filed with the court and served a copy of this Parent Coordinator Qualification Statement 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

In the District Court of Utah _____ Judicial District _____ County Court Address _____	
_____ Petitioner v. _____ Respondent	Order on Motion to Appoint a Parent Coordinator _____ Case Number _____ Judge _____ Commissioner

The matter before the court is ☐ petitioner's ☐ respondent's Motion to Appoint a Parent Coordinator.

This matter is being resolved by (Choose all that apply.):

- ☐ The default of ☐ petitioner ☐ respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.
- ☐ A hearing held on _____ (date).

Petitioner

- ☐ was ☐ was not present.
- ☐ was represented by _____.
- ☐ was not represented.

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:

1. This action involves a dispute about child custody or parent-time.
2. There ☐ are ☐ are not sufficient grounds to appoint a parent coordinator.

The court concludes:

3. The Motion to Appoint a Parent Coordinator should be ☐ granted ☐ denied.
4. The parent coordinator ☐ has ☐ does not have the credentials and other qualifications required by Utah Code of Judicial Administration Rule 4-509.

The court orders:

5. The Motion to Appoint a Parent Coordinator is ☐ granted ☐ denied.
6. ☐ _____ (name)
is appointed as parent coordinator.
7. ☐ The parties must consult with the parent coordinator:
☐ at least 4 hours unless a parenting plan is finalized sooner.
☐ at least _____ (at least 4) hours unless a parenting plan is finalized sooner.
8. ☐ Petitioner must pay _____ % of the coordinator's fees, and respondent must pay _____ %.
9. ☐ The parent coordinator will perform the services listed in Utah Code of Judicial Administration Rule 4-509.
☐ The parent coordinator will do only the following:

10. ☐ The parent coordinator must notify the court of the status of the parent coordination process in compliance with Utah Code of Judicial Administration Rule 4-509.

11. [] The parent coordinator must comply with the requirements of Utah Code of Judicial Administration Rule 4-509.

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

_____	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 Order on Motion to Appoint a Parent Coordinator 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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Petitioner</p> <p>V.</p> <p>_____</p> <p>Respondent</p>	<p>Parent Coordinator's Quarterly Report</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
---	--

- On _____ (date), the court ordered _____ hours of parent coordination.
- Status: (Choose all that apply.)
 - ☐ Parent coordination is ongoing.
 - ☐ I have consulted with the parties for _____ hours.
 - ☐ Parent coordination was never initiated.
 - ☐ Parent coordination is complete, and a proposed agreement has been sent to the parties.
 - ☐ Parent coordination is complete, and the issues have been resolved.
 - ☐ Parent coordination was unsuccessful (Explain in comments section).
 - ☐ Parent coordination was postponed (Explain in comments section).

3. Coordinator's comments: (Attach additional pages, if needed.)

<hr/>	Signature ►	<hr/>
Date	Parent Coordinator's Printed Name	<hr/>

Certificate of Service

I certify that I filed with the court and served a copy of this Parent Coordinator's Quarterly Report 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

Tab 5



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: August 7, 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 request placement on the Judicial Council's consent agenda for August 17, 2018.

Section 1.4, Probation Officer Code of Conduct (formerly Code of Ethics) [Recommendation to Approve]—*This policy, last updated in 2002, required significant revision to update and clarify probation officers' evolving roles and expectations with regard to technology changes, professionalism, mandatory reporting of suspected abuse or neglect, and facilitation of intervention groups.*

Section 2.7, Risk Assessment Tools [Recommendation to Approve]—*This policy, last updated in 2012, required revision in order to conform to changes in statute resulting from HB 239 last year. The purpose of the policy is to provide direction to probation officers on the administration of the various tools used to assess risk and/or screen minors for further assessment and services. Significant changes include requirements for all referred youth to be offered the Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2), and for existing protocols regarding both the Pre Screen Risk Assessment (PSRA) and Protective and Risk Assessment to be followed in cases resulting in nonjudicial adjustment.*

Section 2.8, Court Reports (formerly Dispositional Report) [Recommendation to Approve]—*This policy, last updated in 2012, required revision in order to conform to changes in statute resulting from HB 239 last year. The purpose of the policy is to provide direction to probation officers in preparing written reports for all delinquency hearings. Proposed revisions to this policy conform to proposed amendments to CJA 7-302, which have been forwarded to the Policy and Planning Committee for review and consideration.*

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.

Section 4.8, Fingerprints and Photographs [Recommendation to Approve]—*This policy was last updated in 2012. Changes are being recommended to clarify the conditions and circumstances under which probation officers should recommend court orders for the collection of fingerprints and photographs of minors.*

I will be available to respond to questions during your meeting on August 7, 2018.

Thank you.

cc:

Honorable James R. Michie, Jr., Chair-Board of Juvenile Court Judges

ATTACHMENTS

1.4 Probation Officer Code of Conduct

Policy:

This policy provides direction to probation staff regarding professional code of conduct specific to interactions with minors and families. This policy supplements the Human Resources Policy and Procedures Code of Personal Conduct 500.

Scope:

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

Authority:

- U.C.A. § 62A-4a-403
- Code of Judicial Administration 4-202.03
- Human Resources Policy and Procedures
 - Code of Personal Conduct 500
 - Policy on the Use of Social Media 560

Procedure:

1. Probation officers shall maintain the confidentiality of all minors referred to the Juvenile Court.
2. Probation officers shall only access cases in CARE to which they are assigned or have a legitimate work related reason to access.
3. Probation officers shall maintain professional boundaries with minors and their families.
 - 3.1. The probation officer shall treat all minors with dignity, respect and consideration and shall not discriminate based on race, ethnicity, national origin, religion, gender, sexual orientation, age or disability.
 - 3.2. The probation officer shall not subject any minor to bullying, humiliation, shaming, abuse, neglect, exploitation, coercion or manipulation.
 - 3.3. The probation officer shall not initiate or develop any type of inappropriate personal relationship with a minor or a minor's immediate family members including, but not limited to:
 - 3.3.1. Dating
 - 3.3.2. Engaging in sexual activities including physical interactions or the use of digital or social media platforms
 - 3.3.3. Business dealings

- 3.3.4. Sharing contact information such as personal email addresses, home address, personal phone numbers and social media applications and networks (e.g., YouTube, Twitter, Facebook, Instagram or anything similar)
4. Probation officers shall notify the Division of Child and Family Services when there is reason to believe that a minor has been abused or neglected.
 - 4.1. The probation officer shall document any report of abuse or neglect in the minor's case notes in CARE.
5. Probation officers shall notify the minor's parent, guardian, or custodian when there is a reason to believe that the minor poses a real threat of harm to themselves or others.
 - 5.1. The probation officer shall document the discussion in the minor's case notes in CARE.
6. Probation officers shall not allow minors to access any secure area in a court facility without supervision.
7. Probation officers who facilitate groups for minors referred to the juvenile court shall adhere to the following standards:
 - 7.1. The facilitator shall maintain the confidentiality of all minors participating in the group;
 - 7.1.1. The facilitator may share information about the minor's participation and behavior in group with the minor's assigned probation officer, parents and/or guardians. The facilitator shall not share information with any other party unless authorized by the Court.
 - 7.1.2. The facilitator shall not discuss the details of a minor's case while in the presence of other minors or persons.
 - 7.1.3. The facilitator shall not photograph or video the group or allow anyone else to photograph or video group participants without written parental consent and prior management approval. (Addendum 8.1.3)
 - 7.1.4. The facilitator shall not allow outside observation without prior authorization by management. (Addendum 8.1.4)
 - 7.1.5. The facilitator shall not allow anyone other than minors under the jurisdiction of the court to participate in group.
 - 7.2. The facilitator shall maintain a safe and professional environment during the group.
 - 7.2.1. The facilitator shall make every effort to accommodate a minor's responsivity needs.

- 7.2.2. The facilitator shall treat participants in the group with equity.
- 7.3. The facilitator shall observe the following security measures.
 - 7.3.1. The group shall be supervised by at least two staff, when possible.
 - 7.3.2. Facilitators shall ensure group participants have left the building if the group ends after business hours.
- 7.4. The facilitator shall adhere to the program model. Groups shall only be facilitated by staff who have been trained in the curriculum.
- 7.5. The facilitator shall maintain the same standards for conducting groups for parents of minors referred to the court.
- 7.6. Probation management or district designee shall observe at least one group per cycle, and provide timely feedback to the group facilitators on their service delivery skills.

History:

Approved by Chiefs March 15, 2018

Approved by JTCEs May 3, 2018

Update Policy Group May 30, 2018

Approved by Board of Juvenile Court Judges July 13, 2018

Addendum 1.4.1 Audio Visual Release Form

Addendum 1.4.2 Juvenile Court Group Observation Confidentiality Agreement

UTAH JUVENILE COURT

Draft Date: 1/18/18



AUDIO/VIDEO INTERVIEW RELEASE FORM

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

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

Members of the public WILL NOT see these images.

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

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

Name of Parent/Guardian (please print): _____

Phone Number of Parent/Guardian: _____

Parent/Guardian's Signature

Date

Probation Officer's Signature

Date

Section 2.7 Risk Assessment Tools

Policy:

This policy provides direction to probation staff on administering assessments to minors referred to the Utah State Juvenile Court.

~~The probation department shall conduct risk assessments as outlined below to identify risk and protective factors and focus on early intervention with youth. Probation officers administering risk assessment tools shall be required to attend risk assessment training.~~

~~Note: If the minor denies the offense the probation officer should refer to Policy 2.1 Preliminary Inquiry regarding denials.~~

Scope:

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

Authority:

Utah Rules of Judicial Administration

- ~~Juvenile Court Operations Rule [7-304](#)~~
- ~~Courts Agency Record Exchange (C.A.R.E)~~

Utah Code Annotated 78A-6-117

- ~~Pre-Screen Risk Assessment (PSRA)~~
- ~~Protective **and** Risk Assessment (PRA)~~
- ~~Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (**JSORRAT-II**)~~
- ~~(JSORRAT-II)~~

Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2) and Training Manual

Procedure:

Risk Assessments:

1. **The probation officer shall complete a**~~A Pre-Screen Risk Assessment (PSRA) shall be completed on all minors referred to the juvenile court. cases in which a petition is filed unless:~~
 - 1.1. ~~It is a non-judicial case petitioned for non-compliance; or~~
 - 1.2. ~~It is a traffic, wildlife, or boating violation; or~~
 - 1.3. ~~It is an infraction or other minor offense.~~
2. **The probation officer shall complete**~~When the PSRA score is moderate or high, a Protective **and** Risk Assessment (PRA) on all minors who score moderate or high risk on the PSRA. should be completed according to the district's Quality Assurance Plan (QAP):~~
 - 2.1. **The PRA shall be completed within 14 days of the completion of the PSRA on moderate and high risk nonjudicial cases.**
 - 2.2. **The PRA shall be completed within 14 days following adjudication on moderate and high risk cases.**
 - 2.3. **The PRA shall be updated within 14 days of a new charge or significant change that increases or decreases scoring values for the PRA questions. A closing PRA shall be completed within 7 days of termination of court jurisdiction.**
3. ~~When a PSRA or Protective Risk Assessment (PRA) cannot be completed before adjudication, it should be completed prior to disposition. **The probation officer shall update the risk assessment(s) prior to disposition when charges have been modified.**~~
4. ~~When a minor is placed on probation and the risk score for the PSRA is moderate or high, a PRA~~

shall be completed within 45 days of disposition.

- 4.1. ~~4.~~ The results of the PRA shall be used to make appropriate recommendations for court reports and case plans.~~ning;~~
- 4.2. ~~A reassessment of the PRA shall be completed when significant events occur or a least every 180 days. A reassessment will also be completed at the time of termination from probation.~~
5. **The probation officer shall request that the minor complete the Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2) as part of the preliminary interview on all minors referred to the juvenile court between the ages of 12-17 who have not participated in the screening in the past 14 days. The minor may be requested to complete an additional MAYSI-2 when significant events or stressors are evident in the minor's life.**
 - 5.1. **The probation officer shall meet with the minor individually to collect further information if secondary screening questions are generated by the initial screening.**
 - 5.2. **The probation officer shall provide referral information to the minor's parent/guardian if the secondary screening questions indicate a need for further assessment(s).**
 - 5.3. **The probation officer shall release the minor to a parent/guardian or other responsible adult when a minor scores above the "warning" cut-off on the suicide ideation section.**
 - 5.4. **The probation officer shall not use the MAYSI-2 score, scales or individual answers to make recommendations to the court.**
 - 5.5. **The probation officer shall eFile the MAYSI-2 assessment, including any secondary questions in CARE under Probation Records (Safeguarded) MAYSI-2 results.**
 - 5.6. **The probation officer may refer to the "MAYSI-2 Training Manual" for procedural information.**
6. **The probation officer shall use the Juvenile Sexual Offense Recidivism Risk Assessment Tool - II (JSORRAT-II): to determine the need for further assessment.**
 - 6.1. ~~When processing sex offenses, the probation officers shall use the JSORRAT-II risk level to determine the need for further assessment.~~
 - 6.2. ~~The JSORRAT-II shall be used as a risk assessment when the following conditions exist:~~
 - 5.2.1.1. ~~The referred minor is a male.~~
 - 5.2.1.2. ~~The date of adjudication is on or after the minor's 12th birth date, and prior to the minor's 18th birth date.~~

- 5.2.1.3. ~~The case is adjudicated delinquent for a sexual offense; the JSORRAT-II may be used pre-adjudication to determine a preliminary risk score only. In such cases, the presenting offense should be counted.~~
- 6.3. **6.1 The p** Probation officers shall adhere to the JSORRAT-II instructions to assure proper completion of the assessment tool.
- 6.4. ~~Probation officers shall use the following table to determine a recommendation for further assessment:~~

JSORRAT-II Risk Level	Score	Sexual Recidivism Rate	Recommended Action
Low	0-3	8.3 %	Little to no further sex specific assessment.
Moderate	4-7	18.2%	Sexual Behavioral Risk Assessment (SBRA) and any other assessment deemed appropriate by clinical assessor.
High	8+	24.6%	Psycho-Sexual or less as deemed appropriate by clinical assessor.

- 6.5. The JSORRAT-II tool shall not be utilized in plea negotiations and/or the adjudication process. It is not appropriate for the JSORRAT-II to be utilized as the sole source for hold and release recommendations from detention. **The probation officer shall not use the JSORRAT-II information for detention release purposes.**
- 6.6. The probation officer shall continue to comply with the PSRA and PRA policy and procedures.
7. Probation officers should refer to their district's QAP for further detail on conducting assessments.

History:

Effective August 10, 2012—Revised February 15, 2017
Revised by Policy group May 15, 2018

Addendum 2.7.1 Pre-Screen Risk Assessment Tool

- Complete the Pre-Screen Assessment Tool online

Addendum 2.7.2 Protective Risk Assessment Tool

- Complete the Full Risk Assessment Tool online

~~Addendum 2.7.3 Juvenile Court Assessment Process Flowchart~~

Addendum 2.7.4 Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II)

- Complete the JSORRAT-II Tool online

Editorial Note from 5.1: There is some debate on this subject and whether or not the parents are to be present. Here is the response from the MAYSI creator on the subject. *"We recommend that kids be told (prior to taking MAYSI) that their answers won't be shown to parents, for the reason that you mention. However, it is also true that sometimes we have to tell parents things we learn from kids if we think they are in danger (e.g., suicidal). So typically we tell them (before the MAYSI) that we won't tell parents anything unless we think they (the youth) is in danger. Once you have told the youth that, it applies both to the MAYSI and the second screening questions."*

Section 2.7 Assessment Tools

Policy:

This policy provides direction to probation staff on administering assessments to minors referred to the Utah State Juvenile Court.

Scope:

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

Authority:

Utah Code Annotated 78A-6-117

Pre-Screen Risk Assessment (PSRA)

Protective and Risk Assessment (PRA)

Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II)

Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2) and Training Manual

Procedure:

1. The probation officer shall complete a Pre Screen Risk Assessment (PSRA) on all minors referred to the juvenile court.
2. The probation officer shall complete a Protective and Risk Assessment (PRA) on all minors who score moderate or high risk on the PSRA.
 - 2.1. The PRA shall be completed within 14 days of the completion of the PSRA on moderate and high risk nonjudicial cases.
 - 2.2. The PRA shall be completed within 14 days following adjudication on moderate and high risk cases.
 - 2.3. The PRA shall be updated within 14 days of a new charge or significant change that increases or decreases scoring values for the PRA questions. A closing PRA shall be completed within 7 days of termination of court jurisdiction.
3. The probation officer shall update the risk assessment(s) prior to disposition when charges have been modified.
4. The results of the PRA shall be used to make appropriate recommendations for court reports and case plans.
5. The probation officer shall request that the minor complete the Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2) as part of the preliminary interview on all minors referred to the juvenile court between the ages of 12-17 who have not participated in the screening in the past 14 days. The minor may be requested to complete an additional MAYSI-2 when significant events or stressors are evident in the minor's life.
 - 5.1. The probation officer shall meet with the minor individually to collect further information if secondary screening questions are generated by the initial screening.
 - 5.2. The probation officer shall provide referral information to the minor's parent/guardian if the secondary screening questions indicate a need for further assessment(s).
 - 5.3. The probation officer shall release the minor to a parent/guardian or other responsible adult when a minor scores above the "warning" cut-off on the suicide ideation section.

- 5.4. The probation officer shall not use the MAYSI-2 score, scales or individual answers to make recommendations to the court.
- 5.5. The probation officer shall eFile the MAYSI-2 assessment, including any secondary questions in CARE under *Probation Records (Safeguarded) MAYSI-2 results*.
- 5.6. The probation officer may refer to the "MAYSI-2 Training Manual" for procedural information.
- 6. The probation officer shall use the Juvenile Sexual Offense Recidivism Risk Assessment Tool - II (JSORRAT-II) to determine the need for further assessment.
 - 6.1. The probation officer shall adhere to the JSORRAT-II instructions to assure proper completion of the assessment tool.
 - 6.2. The probation officer shall not use the JSORRAT-II information for detention release purposes.

History:

Effective August 10, 2012

Approved by Chiefs February 8, 2018

Revised by Policy group May 15, 2018

Approved by Juvenile TCEs May 31, 2018

Approved by Board of Juvenile Court Judges July 13, 2018

Addendum 2.7.1 Pre-Screen Risk Assessment Tool

Addendum 2.7.2 Protective Risk Assessment Tool

Addendum 2.7.3 Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II)

Editorial Note from 5.1: There is some debate on this subject and whether or not the parents are to be present. Here is the response from the MAYSI creator on the subject. *"We recommend that kids be told (prior to taking MAYSI) that their answers won't be shown to parents, for the reason that you mention. However, it is also true that sometimes we have to tell parents things we learn from kids if we think they are in danger (e.g., suicidal). So typically we tell them (before the MAYSI) that we won't tell parents anything unless we think they (the youth) is in danger. Once you have told the youth that, it applies both to the MAYSI and the second screening questions."*

Utah Courts Intranet

Section 2.8 Dispositional Report

Table of Contents

Policy:

The probation department (or any agency designated by the court) shall prepare a dispositional report in writing in all petitioned cases required by statute.

Scope:

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

Authority:

- UCA 78A-6-605
- Utah Rules of Judicial Administration
 - Juvenile Court Operations - Rule 7-302
- Utah Rules of Juvenile Procedure - Rule 45
- Working with Dually Involved Youth

Procedure:

1. The probation department (or other agency designated by the court) shall prepare a dispositional report in writing in all cases in which a petition has been filed, except:
 - 1.1 Traffic violations.
 - 1.2 Fish and game violations.
 - 1.3 Boating violations.
 - 1.4 Parks and recreation violations, and
 - 1.5 Other minor cases where the Board of Juvenile Court Judges, by rule, has waived preparation of the report.
2. The probation officer will conduct a preliminary inquiry interview with the minor and the parent(s)/guardian(s), if possible, to gather social information for the dispositional report.
 - 2.1 If it is established that the minor is in the custody of the Division of Child and Family Services, the assigned probation officer will communicate with the DCFS case worker regarding all recommendations.

Refer to the Dually Involved Youth Toolkit

- 2.2 If the minor denies the allegation(s), the interview may continue but no social information shall be gathered on the minor during the preliminary inquiry unless the minor and the parent/guardian, or custodian, give their written consent using the Utah State Juvenile Court Notice & Acknowledgment to Legal Rights of Minor and Parents (Addendum 2.1.1).
3. The content of the dispositional report shall include the following, but is not limited to:
 - 3.1 Referral history and action taken by the probation department.
 - 3.2 Facts as outlined in the police report.
 - 3.3 Presenting offense episode and pattern of behavior (the story).
 - 3.4 Victim impact statements and restitution worksheets based on the victim's claimed loss.
 - 3.5 Minor's attitude toward rehabilitation.
 - 3.6 Parent(s) or guardian(s) attitude and what action they took to correct the behavior.
 - 3.7 Academic, behavior, or attendance problems at school.
 - 3.8 Collateral contacts with agencies.
 - 3.9 A list of strengths and weaknesses as perceived by the minor and parent(s) or guardian(s), and a list of risk and protective factors as assessed by the PRA/PSRA.
 - 3.10 Any physical problems, emotional problems, or diagnosis the minor may have.
 - 3.11 Employment history.
 - 3.12 Substance history.
 - 3.13 Any previous "stayed" or "suspended" orders (detention, custody, fines, etc.).
 - 3.14 Minor's placement history (detention, out of home placement, mental health, etc.).
 - 3.15 History of previous services the minor and/or his parent(s) or guardian(s) have received (mental health counseling, drug and alcohol counseling, etc.).
 - 3.16 Where the minor falls on the sentencing guidelines and a statement of why or why not the guidelines should be followed. Aggravating and mitigating factors should be identified when applicable..
 - 3.17 Recommendations based upon the information gathered and justification of the recommendations specific to the balanced and restorative justice principles and evidence based practices.
 4. The dispositional report and social studies shall be provided by the author to the minor's counsel, the prosecuting attorney, the guardian ad litem, and counsel for the parent, guardian or custodian of the minor at least two days prior to the dispositional hearing. When the minor or the minor's parent, guardian or custodian are not represented by counsel, the court may limit inspection of reports by the minor or the minor's parent, guardian or custodian if the court determines it is in the best interest of the minor.
 5. The dispositional report shall be uploaded in CARE at least two days prior to the hearing.
 6. The probation officer shall verify all information in the dispositional report.

History: Effective September 26, 2007 - Revised August 10, 2012

[Table of Contents](#) | [Previous](#) | [Next](#)

Section 2.8 Court Reports

Policy:

This policy provides direction to probation officers in preparing written court reports

Scope:

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

Authority:

- UCA 78A-6-602
- UCA 78A-6-605
- Utah Rules of Judicial Administration
- Juvenile Court Operations - Rule 7-302
- Utah Rules of Juvenile Procedure - Rule 45
- Working with Dually Involved Youth Toolkit

Procedure:

1. The probation officer will conduct a preliminary interview to gather information and prepare a written report for all dispositional hearings (See Section 2.1 Preliminary Interview).
 - 1.1. A written report should also be prepared for all other court hearings unless otherwise directed by the court.
 - 1.2. All court reports shall be eFiled at least 48 hours prior to the hearing.
2. The probation officer shall include the following pertinent information in the court report:
 - 2.1 Delinquency history and prior court involvement
 - 2.2 Statement of the circumstances surrounding the matter before the court
 - 2.3 Summary of the Victim Impact Statement and restitution claim
 - 2.4 Steps taken by the minor's parent/guardian/custodian to address the behavior
 - 2.5 Information received from the Education Court Report
 - 2.6 Collateral contacts and the history with agencies
 - 2.7 Risk level indicated by the PSRA/PRA
 - 2.8 Mental health history
 - 2.9 Employment history
 - 2.10 Substance use history
 - 2.11 Sentencing guideline results including aggravating and mitigating factors.
 - 2.12 Recommendations specific to the minor's risk level that consider restorative justice principles and evidence based practices
 - 2.13 Responses to compliant and noncompliant behavior
 - 2.14 A list of strengths and weaknesses as perceived by the minor and parent(s) or guardian(s), and a list of risk and protective factors as assessed by the PRA/PSRA.
 - 2.15 Any other relevant information.

History: Effective September 26, 2007 - Revised August 10, 2012

policy group 9/6/17 - reviewed 12/13/17 to forward for CPO approval January 2018

Chiefs 1/11/2018

TCE's 2/1/2018

Approved by Board of Juvenile Court Judges July 13, 2018

Section 4.8 Fingerprints & Photographs

Policy:

This policy outlines when fingerprints and photographs **of minors** will be taken. ~~Photographs will be stored and displayed in C.A.R.E. to help in the identification and tracking process.~~

Scope:

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

Authority:

- UCA 78A-6-1104
- UCA 78A-6-701
- UCA 78A-6-702
- UCA 78A-6-103
- Utah Rules of Juvenile Procedure - Rule 27(a)

Procedure:

1. ~~The P~~**probation** officers shall recommend **to** the **Court an order for the** collection of fingerprints and photographs of **any** minors **who is** 14 years of age **or older** (at the time of offense) ~~or older, who are~~ **and is** adjudicated on an offense that would be a Class A misdemeanor or a felony if the minor ~~were~~ **was** 18 years of age or older **an adult, including offenses held in abeyance.** ~~In cases where the minor has previously been fingerprinted or photographed as a result of prior adjudication or admission to a detention facility fingerprints or photographs do not need to be re-collected.~~
2. **The probation officer shall ensure that fingerprints and photographs are collected from any minor ordered by the Court.**
 - 2.1 ~~The P~~**probation** officers shall direct the minor to a juvenile detention facility or local law enforcement agency for fingerprinting. Upon verification that law enforcement has obtained the fingerprints, the probation officer shall create a fingerprint critical message in C.A.R.E. **CARE.**
 - 2.2 ~~The P~~**probation** officers ~~are required to~~ **shall** ensure that a current photograph of the **all eligible** minors **is** taken and uploaded **displayed** in C.A.R.E. **CARE.**
 - ~~1.3 Probation officers shall take the photograph or fingerprints of any minor if ordered by the court.~~

2.3 The probation officer shall inform the court when the minor has previously been fingerprinted or photographed as a result of a prior adjudication or admission to a detention facility.

3. ~~Photographs may be retained in social files, electronic files (C.A.R.E.), and tracking files.~~

4.~~3.~~ Photographs may be distributed or disbursed to state or local law enforcement agencies, the judiciary, and the Division of Juvenile Justice Services.

5.~~4.~~ ~~When a minor's juvenile record is expunged, a~~All photographs and other records shall be sealed upon **an expungement** order of **by** the ~~e~~Court. Fingerprint records may not be destroyed.

History:

Effective June 13, 2008

Updated February 10, 2012

Policy Group 4/23/18

Note:

- Board of Juvenile Court Judges: Approved 6/13/08 & 02/10/12
- Trial Court Executive: Approved 7/07/08 & 02/02/12 & 4/5/2018
- Chief Probation Officers: Approved 04/04/08 & 10/13/11 & 4/5/2018

Section 4.8 Fingerprints & Photographs

Policy:

This policy outlines when fingerprints and photographs of minors will be taken.

Scope:

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

Authority:

- UCA 78A-6-1104
- UCA 78A-6-701
- UCA 78A-6-702
- UCA 78A-6-103
- Utah Rules of Juvenile Procedure - Rule 27(a)

Procedure:

1. The probation officer shall recommend to the Court an order for the collection of fingerprints and photographs of any minor who is 14 years of age or older (at the time of offense) and is adjudicated on an offense that would be a Class A misdemeanor or a felony if the minor was an adult, including offenses held in abeyance.
2. The probation officer shall ensure that fingerprints and photographs are collected from any minor ordered by the Court.
 - 2.1. The probation officer shall direct the minor to a juvenile detention facility or local law enforcement agency for fingerprinting. Upon verification that law enforcement has obtained the fingerprints, the probation officer shall create a fingerprint critical message in CARE.
 - 2.2. The probation officer shall ensure that a current photograph of all eligible minors is taken and displayed in CARE.
 - 2.3. The probation officer shall inform the court when the minor has previously been fingerprinted or photographed as a result of a prior adjudication or admission to a detention facility.
3. Photographs may be distributed or disbursed to state or local law enforcement agencies, the judiciary, and the Division of Juvenile Justice Services.

4. All photographs and other records shall be sealed upon an expungement order by the Court. Fingerprint records may not be destroyed.

History:

Effective June 13, 2008

Updated February 10, 2012

Policy Group April 23, 2018

Note:

- Board of Juvenile Court Judges: Approved 6/13/08 & 02/10/12 & 7/13/2018
- Trial Court Executive: Approved 7/07/08 & 02/02/12 & 4/5/2018
- Chief Probation Officers: Approved 04/04/08 & 10/13/11 & 4/5/2018

Tab 6



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

Jacey Skinner
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council Members

FROM: Michael C. Drechsel, Associate General Counsel – AOC

DATE: August 3, 2018

RE: Amendment to CJA Rule 1-205 – Membership of Pretrial Release and Court Forms committees

These rule amendments would modify CJA Rule 1-205 in two separate ways:

- 1) CJA Rule 1-205(1)(B)(xiii) outlines the membership of the Committee on Pretrial Release and Supervision. Presently, the membership does not include a representative from the Utah Indigent Defense Commission, which commission was created in 2016. The Chair of the Committee on Pretrial Release, Judge Harmond, and the State Court Administrator believe it would be helpful to have input from the Utah Indigent Defense Commission on this committee, as many of the issues addressed by the Committee and the Commission overlap. This proposed amendment is found on Line 91 of the accompanying proposed rule.
- 2) CJA Rule 1-205(1)(B)(xiv) outlines the membership of the Committee on Court Forms. Presently, the membership of this committee does not include a court commissioner. Prior to this time, court commissioner input was received from a member of the committee who was selected by the Online Court Assistance Program and who also happened to be a court commissioner. Because the court forms are utilized in court action before court commissioners, the Committee on Court Forms believes court commission input is valuable and necessary. This proposed amendment is found on Lines 93-94 of the accompanying proposed rule.

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

The Policy and Planning Committee addressed these rule amendments at its August 3, 2108 meeting. At that meeting, the Policy and Planning committee voted in favor of recommending that the Judicial Council adopt the proposed amendment(s). Pursuant to CJA Rule 2-203, the recommended amendment(s) should be published for public comment, prior to final consideration by the Judicial Council.

Draft July 11, 2018

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

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

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

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

Applicability:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B) Composition.

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

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

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

(1)(B)(iv) The Judicial Branch Education Committee shall consist of one judge from an appellate court, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, the education liaison of the Board of Justice Court Judges, one state level administrator, the Human Resource Management Director, one court executive,

one juvenile court probation representative, two court clerks from different levels of court and different judicial districts, one data processing manager, and one adult educator from higher education. The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

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

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

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

(1)(B)(viii) The Committee on Resources for Self-represented Parties shall consist of two district court judges, one juvenile court judge, 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, one representative of the Utah Indigent Defense Commission, and the court's general counsel or designee.

(1)(B)(xiv) The Committee on Court Forms shall consist of one district court judge, one court commissioner, 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 subcommittees 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.**

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

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

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

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

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

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

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

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

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

146
147 Effective May 1, 2018



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

Jacey Skinner
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council Members

FROM: Michael C. Drechsel, Associate General Counsel – AOC

DATE: August 3, 2018

RE: Amendment to CJA 4-508 - Guidelines for Ruling on a Motion to Waive Fees

This rule amendment would modify CJA Rule 4-508(1) to state that the Motion to Waive Fees and the Financial Affidavit court forms would be approved by the “Judicial Council’s Standing Committee on Court Forms.” The current version of Rule 4-508(1) states that the court form would be approved by the Board of District Court Judges or, in the juvenile court, by the Board of Juvenile Court Judges.”

The Policy and Planning Committee addressed this rule amendment at its August 3, 2018 meeting. At that meeting, the Policy and Planning committee voted in favor of recommending that the Judicial Council adopt the proposed amendments. Pursuant to CJA Rule 2-203, the recommended amendments should be published for public comment, prior to final consideration by the Judicial Council.

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

Draft June 6, 2018

Rule 4-508. Guidelines for ruling on a motion to waive fees.

Intent:

To promote statewide consistency in deciding motions to waive fees in civil cases and in the expungement of criminal records in which the moving party is not a prisoner.

To promote statewide consistency in deciding motions to waive fees in juvenile court cases in which the moving party is not a prisoner.

Nothing in this rule should be interpreted as limiting the discretion of the judge to decide a motion to waive fees.

Applicability:

This rule applies to all civil and small claims cases and in the expungement of criminal records in which the moving party is not a prisoner.

This rule applies to all juvenile court cases in which the moving party is not a prisoner.

As used in this rule “fee waiver” and similar phrases include waiving the fee in full or in part, as may be ordered by the judge.

Statement of the Rule:

(1) The moving party must complete a motion to waive fees and a financial affidavit approved by the ~~Board of District Court Judges or, in the juvenile court, by the Board of Juvenile Court Judges~~ Judicial Council's Standing Committee on Court Forms. The moving party must provide supporting documentation of the claims made in the affidavit. In juvenile court, the minor or a minor's parent, guardian or authorized representative may move to waive fees.

(2) Upon the filing of a motion to waive fees and financial affidavit, the court, sheriff or any other provider of a service offered by or through a government entity shall do what is necessary and proper as promptly as if the fee had been fully paid.

(3) A motion to waive fees may be decided without notice to the other parties, requires no response, request to submit for decision or hearing. The court will review the affidavit and make an independent determination whether the fee should be waived. The court should apply a common sense standard to the information and evaluate whether the information is complete, consistent and true. Section 78A-2-304 requires a

31 party to pay a full or partial fee if the financial affidavit and any further questioning
32 demonstrate the party is reasonably able to pay a fee.

33 (4) In general, a party is reasonably able to pay a fee if:

34 (4)(A) gross monthly income exceeds 100% of the poverty guidelines updated
35 periodically in the Federal Register by the U.S. Department of Health and Human
36 Services under the authority of 42 U.S.C. 9902(2).

37 (4)(B) the moving party has liquid assets that can be used to pay the fee without
38 harming the party's financial position;

39 (4)(C) the moving party has credit that can be used to pay the fee without harming
40 the party's financial position;

41 (4)(D) the moving party has assets that can be liquidated or borrowed against
42 without harming the party's financial position;

43 (4)(E) expenses are less than net income;

44 (4)(F) Section 30-3-3 applies and the court orders another party to pay the fee of the
45 moving party; or

46 (4)(G) in the judge's discretion, the moving party is reasonably able to pay some part
47 of the fee.

48 (5) If the moving party is represented by private counsel, the motion to waive fees
49 may be granted in proportion to the attorney's discount of the attorney fee. The moving
50 party's attorney must provide an affidavit describing the fee agreement and what
51 percentage of the attorney's normal, full fee is represented by the discounted fee.

52 (6) A motion to waive fees should be ruled upon within ten days after being filed.

53 (6)(A) If the fee is fully waived, the court, sheriff or any other provider of a service
54 offered by or through a government entity shall do what is necessary and proper as
55 promptly as if the fee had been fully paid.

56 (6)(B) If the fee is not fully waived, the court, sheriff or any other provider of a service
57 offered by or through a government entity may require payment of the fee before doing
58 what is necessary and proper. If the service has already been performed, the court,
59 sheriff or service provider may do what is necessary and proper to collect the fee,
60 including dismissal of the case.

61 (6)(C) If the fee is not fully waived, the court shall notify the party in writing of the fee
62 amount, the procedure to challenge the fee; the consequences of failing to pay the fee.

63 (6)(D) If the motion is rejected because of a technical error, such as failure to
64 complete a form correctly or to attach supporting documentation, the court shall notify
65 the moving party, and the moving party may file a corrected motion and affidavit within
66 14 days after being notified of the decision.

67 (7) In addition to any statutory remedies, an order granting a fee waiver may be
68 reviewed at any time if the court has jurisdiction of the case. If the court determines,
69 after waiving a fee, that the moving party is reasonably able to pay the fee, including
70 from the proceeds of a judgment, the court may modify its previous order. The court
71 may allocate the fee among the parties under Utah Rule of Civil Procedure 54, Utah
72 Code Section 30-3-3, or as otherwise provided by law.

Tab 7



John Bell <johnb@utcourts.gov>

Fwd: VOCA Application Notification

1 message

Stacey Snyder <staceys@utcourts.gov>
To: John Bell <johnb@utcourts.gov>

Wed, Aug 1, 2018 at 11:07 AM

----- Forwarded message -----

From: **Melanie Speechly** <melaniems@utcourts.gov>
Date: Wed, Jun 27, 2018 at 11:29 AM
Subject: Fwd: VOCA Application Notification
To: Stacey Snyder <staceys@utcourts.gov>

----- Forwarded message -----

From: **Tallie Viteri** <tviteri@utah.gov>
Date: Fri, Jun 22, 2018 at 1:34 PM
Subject: VOCA Application Notification
To: Melanie Speechly <melaniems@utcourts.gov>

Melanie Speechly
Utah Guardian Ad Litem's Office/CASA Program

Dear Ms. Speechly,

The Utah Office for Victims of Crime recently completed the 2018-2019 VOCA grant screening and approval process. The Utah Guardian Ad Litem's Office/CASA VOCA Application has been carefully reviewed and will receive up to \$99,702.11 pending any necessary revisions. Within the next week, you will receive an email from the online grants management system asking you to make revisions to your application. The instructions that are attached to this email will assist you when you need to make revisions to your application. Any changes made to the application besides the requested revisions will not be considered. A final award will be given once all requested grant revisions are completed.

Should you have any questions or need additional clarification, please contact me at (801) 297-2620 or Dale Oyler at (801) 333-3522.

We commend you for developing and implementing victim service programs and look forward to working with you during the 2018-2019 program year.

--

Tallie Viteri, SSW, MPA
VOCA Program Manager
Utah Office for Victims of Crime
350 E 500 S, Ste 200
Salt Lake City, UT 84111
(801) 297-2620
In-Office Hours: Tuesday-Friday, 8:00 am - 6:00 pm

--

Melanie Speechly
Statewide CASA Program Administrator

Utah Administrative Office of the Courts
Office: 801-447-3942 Mobile: 801-502-9636

Visit us at UtahCASA.org

--

Stacey M. Snyder JD, CWLS*
Office of Guardian ad Litem and CASA, Director
*Child Welfare Law Specialist
National Association of Counsel for Children

This message is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. This message may not be used without the express consent of the original sender.



Sub-Recipient Revisions Instructions.pptx
1227K

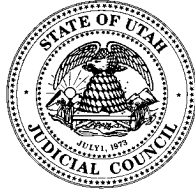
Courts FY 2019 Grant Request

(not included with original budget submission)

July 1, 2018 through June 30, 2019

Grant Title	CFDA Number	ARRA mark "x"	Full Grant Award Amount	Annual Match Requirement								\$ of grant passed through	% Pass Through	New Permanent Staff	Notes/In Kind Source/Fed Requirements	Received Award Letter/ Similar Documentation? (Y/N)	Award Letter/Similar Documentation Included? (Y/N)
				Matching State Funds							Local/Other Match						
				General Fund	Dedicated Credits	Restricted Funds	Other Funds	In Kind	Maint. Of Effort	Total State Match							
COURTS																	
1 Victims of Crime (VOCA)	N/A		\$99,702	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%	0.00	VOCA has awarded a 12 month grant to fund one Court Appointed Special Advocate (CASA) coordinator in the 3rd Distrit West Jordan GAL office. Research has demonstrated positive outcomes for children who have a CASA assigned to their case. 3rd District has a heavy GAL caseload and the addition of this position will provide a much needed coordinator to recruit, train, and monitor CASA volunteers. The FTE is time limited based on grant funding.	Y	Y
COURTS TOTALS			\$ 99,702	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			

Tab 8



Administrative Office of the Courts

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

July 26, 2018

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

MEMORANDUM

TO: Judicial Management Committee & Judicial Council

FROM: Stacey M. Snyder, on behalf of the GAL Oversight Committee

SUBJECT: Nominee for GAL Oversight Committee Vacancy

Currently, there is one vacancy to on the Guardian ad Litem Oversight Committee. This was created when Jacey Skinner joined the AOC, leaving a vacancy for the Governor's General Counsel.

Ron Gordon is currently serving as General Counsel to Governor Herbert and has agreed to become a member of this Committee.

For the Judicial Management Committee and the Judicial Council's consideration, the Guardian ad Litem Oversight Committee recommends that **Ron Gordon** be appointed.

ToThe 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.



Jeni Wood <jeniw@utcourts.gov>

Fwd: GAL Oversight Committee

1 message

Stacey Snyder <staceys@utcourts.gov>

Wed, Jul 25, 2018 at 1:36 PM

To: Jeni Wood <jeniw@utcourts.gov>

----- Forwarded message -----

From: **Ron Gordon** <rbgordon@utah.gov>

Date: Wed, Jul 25, 2018 at 1:34 PM

Subject: Re: GAL Oversight Committee

To: Stacey Snyder <staceys@utcourts.gov>

Thank you. I look forward to joining the Oversight Committee.

Best,
Ron

Ron Gordon
General Counsel
Office of the Governor
State of Utah
801-538-1504

On Wed, Jul 25, 2018 at 12:14 PM, Stacey Snyder <staceys@utcourts.gov> wrote:

Ron,

Good afternoon. This email is to confirm your agreement to join the GAL Oversight Committee to fill the Governor's General Counsel vacancy. We look forward to having you on the Committee and appreciate your willingness to participate.

Regards,

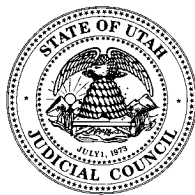
Stacey

Stacey M. Snyder JD, CWLS*
Office of Guardian ad Litem and CASA, Director
*Child Welfare Law Specialist
National Association of Counsel for Children

This message is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. This message may not be used without the express consent of the original sender.

--

Stacey M. Snyder JD, CWLS*
Office of Guardian ad Litem and CASA, Director
*Child Welfare Law Specialist
National Association of Counsel for Children



Administrative Office of the Courts

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

July 30, 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 Defense Attorney Reappointment

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

Reason for Vacancy: Joel Ferre's term expired July 1. He has requested to serve a subsequent term.

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

Current committee member list:

Last	First	Title	Phone	E-mail	Appointed	Current Term Start	Term End	Role
Sylvester	Nancy	Staff		nancyjs@utcourts.gov	6/23/2014	6/23/2014	-	Staff
Stone	Andrew	Judge	801-238-7176	ahstone@utcourts.gov	9/1/2012	9/11/2017	9/11/2020	Chair, Judge
Di Paolo	Marianna		801-581-4389	dipaolo@hum.utah.edu	2/26/2003	10/27/2014	10/27/2018	Linguist
Ferre	Joel		801-366-0100	jferre@utah.gov	7/1/2015	7/1/2015	7/1/2018	Defendant
Fowler	Tracy		801-257-1900	tfowler@swlaw.com	2/26/2003	10/27/2014	7/1/2019	Defendant
Kelly	Keith	Judge		kakelly@utcourts.gov	11/20/2017	11/20/2017	11/20/2020	Judge

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

Mortensen	Doug		801-349-8597	dmort@dgmattorneys.com	4/16/2018	4/16/2018	4/16/2021	Plaintiff
Shapiro	Ruth		801-323-5000	ruth.shapiro@chrisjen.com	2/27/2017	2/27/2017	2/27/2020	Defendant
Shurman	Lauren		801-703-4669	lauren.shurman@stoel.com	11/20/2017	11/20/2017	11/20/2020	Defendant
Simmons	Paul		801-533-0400	psimm@dkolaw.com	2/26/2003	10/27/2014	7/1/2019	Plaintiff
Summerill	Peter		801-326-8400	psummerill@gmail.com	11/19/2007	10/27/2014	7/1/2019	Plaintiff
Von Maack	Christopher		801-359-9000	vonmaack@mvmlegal.com	10/29/2015	10/29/2015	10/29/2018	Plaintiff

Description of recruitment process:

Chairman Judge Stone asked Joel if he would like to serve for another term.

List of names for consideration:

Joel Ferre

Statement of interest:

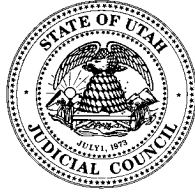
Joel Ferre responded to an email that he would like to continue to serve.

List of other current and past court committee assignments:

N/A

Recommendation:

The committee recommends that Joel Ferre be reappointed.



Administrative Office of the Courts

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

July 26, 2018

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

MEMORANDUM

**TO: Management Committee
Utah Judicial Council**

**FROM: Geoffrey Fattah, staff
Standing Committee on Judicial Outreach**

RE: Appointment of Judge Jill Pohlman, Judge Craig Bunnell, and Kim Free

These vacancies were created after Justice John Pearce stepped off the committee after his first term, Judge Shauna Lund served out her second term, and Judicial Institute Director Tom Langhorne requested to have one of his staff fill the Judicial Education seat.

Each candidate will fill the Appellate Judge, Juvenile Judge, and Judicial Education positions respectively. Judge Pohlman was nominated by the Board of Appellate Court Judges, Judge Craig Bunnell was nominated by the Board of Juvenile Court Judges, and Dr. Kim Free was nominated by Director Tom Langhorne.

Judge Pohlman currently serves as co-chair of the Committee's Bench-Media Subcommittee. Dr. Free also serves on the Committee's Community Relations Subcommittee and Trust and Confidence Survey Work Group.

Judge Pohlman's statement of interest:

"I am interested in becoming an official member of the Judicial Council's Committee on Judicial Outreach. I have been serving as a non-voting member of the committee for the past 18 months and I have enjoyed working with its members to maintain strong working relationships between the judicial branch and the media and to better educate our communities about judicial processes and the functions of our courts. I would like to continue to help in that work."

Judge Pohlman currently also serves on the Utah Supreme Court's Advisory Committee on the Rules of Appellate Procedure.

Judge Craig Bunnell's statement of interest:

"I am very much interested in serving on the Judicial Outreach Committee. I believe gaining and maintaining the public's trust in and respect for the judiciary is key to maintaining the integrity of the judicial branch. I would be honored to assist in developing policies and programs that provide effective and meaningful outreach opportunities for the judiciary."

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

Judge Bunnell currently serves Court Improvement Training Steering Committee (plans and implements ongoing state-wide training for primary Juvenile Court role-players: Judges, Child Protection AGs, DCFS caseworkers, GAL attorneys, Parental Defense attorneys). This committee meets on a monthly basis or as needed in preparation for the biennial CIP Summit conference and other training events.

Dr. Free's statement of interest:

"I am honored to be nominated for a seat on the Judicial Outreach Committee, chaired by Judge Hruby Mills and staffed by Geoff Fattah.

My interest in this committee is simple. I believe our jobs as court employees revolve around education. We have all heard the statement: 'Knowledge is power.' I believe the more we reach out to educate all the 'worlds' we touch, the more powerful we will be as a community. I believe discontent and injustice is a result of ignorance. If we reach out to teach and share ideas and perceptions, we will progress. Thanks you for this opportunity to serve."

Here is a list of Dr. Free's other committee involvement:

- Standing Education Committee
- Lawyer and Judge Well-Being Committee (Staff)
- Community Relations Subcommittee
- Court Survey Work Group
- Justice Court Trust & Confidence Committee (subcommittee)
- Pending: Procedural Reform for Justice Courts Committee
- PSA Work Group
- PC/PSA Work Group

Rule 3-114. Judicial Outreach

Standing Committee on Judicial Outreach

Intent of the committee:

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

Current member list of the Standing Committee on Judicial Outreach:

Judge Elizabeth Hruby-Mills, District Court judge representative (Chair)

xxxx, Appellate Court judge representative

xxxx, Juvenile Court judge representative

Brent Johnson, state level administrator representative

xxxx, state level judicial education representative

Joyce Pace, court executive representative

Michelle Oldroyd, Utah State Bar representative

Michael Anderson, communication representative

Jessica Van Buren, Utah State Library representative

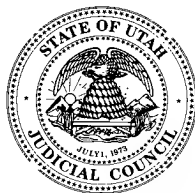
xxxx, civic community representative

xxxx, state education representative

Judge Jill Pohlman, Utah Court of Appeals, ex officio

Geoffrey Fattah, Director of Communications, staff liaison

###



Administrative Office of the Courts

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

July 30, 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: Judge Elizabeth Knight stepped down from the committee.

Eligibility requirements: The position requires a juvenile 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
Vacant		Public			
Hernandez	Carl	J Reuben Clark Law School	28-Apr-14	28-Apr-17	28-Apr-20
Hoskins	Catherine	Juvenile court judge	01-May-18	01-May-18	01-May-

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

					21
Kent	Jacob	OCAP (ULS)	27-Feb-17	27-Feb-17	27-Feb-20
Vacant		Juvenile court judge			
Lawrence	Barry	CHAIR-District court judge	23-Nov-15	10-Dec-16	10-Dec-19
Martinez	Chris	Legal Aid Society of Salt Lake	28-Apr-14	28-Apr-17	28-Apr-20
Vacant		Bar			
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	-	-
Mann	Kara	Ex Officio/Language Access	22-Sep-17	-	-
Bentley	Leti	Ex Officio/Public	28-Apr-14		

Description of recruitment process:

The Board of Juvenile Court Judges sent out a request for volunteers to all juvenile court judges. Judge Suchada Bazzelles volunteered.

List of names for consideration:

Judge Suchada Bazzelle

Statement of interest:

See attached.

List of other current and past committee assignments:

See attached.

Recommendation:

The Board of Juvenile Court Judges and the committee recommend Judge Bazzelle.

Dear Management Committee,

I would like to volunteer to serve on the Self-Represented Parties Committee. As a Juvenile Court Judge, I am seeing growing numbers of parties who either do not want or cannot afford an attorney. Such cases are fraught with problems and provide challenges to our commitment to fairness and procedural due process. It is important that we continue to develop resources to assist unrepresented parties, as well as to identify best practices for judges to ethically and effectively assist these individuals. An active effort by our Courts to address these issues will increase public confidence in our court system. I would very much like to be a part of that effort.

I have been a Juvenile Court Judge in the Fourth District for 11 years. During that time, I have had extensive courtroom experience and have dealt with many unrepresented parties. I have also served on a number of committees and in positions of leadership, as follows:

State Level

2008 - 2014	Board of Juvenile Court Judges -Member/Vice Chair -Chair
2009 - 2015	Supreme Court of Utah Advisory Committee on Professionalism
2017	Presiding Judge Manual Committee
2009 - 2010	Juvenile Court CARE “Dashboard” Subcommittee
2010 - 2011	Truancy Committee
2018 - Present	Problem Solving Courts Recertification Committee

District Level

2014 - 2018	Presiding Judge, Fourth District Juvenile Court
2009 - 2016	Blue Ribbon Committee
2007 - Present	Child Welfare Interagency Committee
2007 - Present	Fourth District Executive Drug Court Committee
2017 - Present	Art Committee for Fourth District Provo Courthouse

Thank you for your consideration. If I am selected, I look forward to serving.

Suchada Bazzelle