

JUDICIAL COUNCIL MEETING

AGENDA

December 17, 2018

Council Room

Matheson Courthouse

450 South State Street

Salt Lake City, Utah 84111

9:00 a.m. – 12:00 p.m.

Chief Justice Matthew B. Durrant Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 9:05 a.m. Chair’s Report..... Chief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator’s ReportRichard Schwermer
4. 9:20 a.m. Judicial Council Selection of Study Item.....Richard Schwermer
(Action)
5. 9:30 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Liaison Committee.....Justice Thomas Lee
Policy and Planning Judge Derek Pullan
Bar Commission..... Rob Rice, esq.
(Tab 2 – Information)
6. 9:40 a.m. Technology Committee Report..... Justice John Pearce
(Tab 3 – Information) Heidi Anderson
7. 9:50 a.m. Board of Juvenile Court Judges Report Judge Jim Michie
(Information) Neira Siaperas
8. 10:05 a.m. Justice Court RecertificationsJim Peters
(Tab 4 – Action)
9. 10:25 a.m. Legislative UpdateCathy Dupont
(Information)
10. 10:40 a.m. Rules for Final Approval Michael Drechsel
(Tab 5 – Action)
11. 10:50 a.m. ADR Committee ReportJudge Royal Hansen
(Tab 6 – Information) Nini Rich

- | | | | |
|-----|------------|---|---------------------------------------|
| 12. | 11:00 a.m. | Civil Jury Instructions Committee Report
(Tab 7 – Information) | Judge Andrew Stone
Nancy Sylvester |
| 13. | 11:10 a.m. | Executive Session | |
| 14. | 12:00 p.m. | Adjourn | |

Consent Calendar

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

- | | | |
|----|--|--|
| 1. | Committee Appointments
(Tab 8) | Ethics Advisory Committee – Brent Johnson
Facility Planning Committee – Chris Talbot
Outreach Committee – Geoff Fattah
Pretrial Release and Supervision Committee – Michael Drechsel
Self-Represented Parties Committee – Nancy Sylvester
Standing Committee on Children and Family Law – Ray Wahl
Technology Committee – Heidi Anderson
Uniform Fine and Bail Committee - Shane Bahr |
| 2. | Forms Committee Forms
(Tab 9) | Brent Johnson |
| 3. | Rules for Public Comment
(Tab 10) | Cathy Dupont |
| 4. | Commissioner Evaluations
(Tab 11) | Nancy Sylvester |
| 5. | Probation Policies 2.9 and 4.1
(Tab 12) | Neira Siaperas |

Tab 1

JUDICIAL COUNCIL MEETING

Minutes
November 19, 2018
Matheson Courthouse
Council Room
450 S. State St.
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. Kevin Allen
 Hon. Augustus Chin
 Hon. Ryan Evershed
 Hon. Paul Farr
 Justice Thomas Lee
 Hon. David Marx
 Hon. Mark May
 Hon. Kara Pettit
 Hon. Derek Pullan
 Hon. John Walton
 Rob Rice, esq.

Excused:

Hon. Todd Shaughnessy

Staff:

Richard Schwermer
 Ray Wahl
 Shane Bahr
 Cathy Dupont
 Brent Johnson
 Jim Peters
 Neira Siaperas
 Jessica Van Buren
 Jeni Wood

Guests:

Hon. Mark DeCaria
 Randy Dryer
 Commissioner Rick Hoffman, JPEC
 Hon. Christine Johnson
 Hon. Reuben Renstrom
 Aimee Thoman, JCC
 Dr. Jennifer Yim, JPEC

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 Judicial Council minutes from the October 22, 2018 meeting, as presented. Judge David Marx seconded the motion, and it passed unanimously.

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

Chief Justice Durrant had nothing new to report.

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

Richard Schwermer stated the new Provo Courthouse won the Utah Construction & Design 2018 Most Outstanding Project award. The courthouse is scheduled to be ready for move-in in January. Interviews for the juvenile court administrator position will be held December 10. Neira Siaperas is the acting juvenile court administrator. Mr. Schwermer reported there have been 300 case filings with the new online ODR program in West Valley Justice Court.

Mr. Schwermer said the AOC has accomplished several things over the past year, including:

- Realignment of the Legal Departments assignments;
- The new Audit Director, Karl Sweeney, has automated many processes including self-evaluations with justice courts;
- The Juvenile Court Department worked tirelessly on the implementation of H.B. 239 changes and expenditures associated with the appropriation;
- Added staff capacity for the Public Information Officer;
- Created a new consolidated DV and a program coordinator position, expanded clerk education, and revised district leadership, including presiding judges;
- The new Facilities Director, Chris Talbot, has created new relationships with DFCM and legislators;
- Court Services won a National Center for State Courts award for best data;
- The new Chief Information Officer, Heidi Anderson, implemented a new management strategy called "agile" which includes a dashboard for IT to track status of projects;
- It is anticipated that Ms. Anderson will share lessons learned in this process with other states; and
- Implementation of the new PSA system, development of the new LPP program, creation of an online ODR small claims program, ABA/OPC study, and the judge and lawyer well-being initiative.

All of these efforts have been staffed by the AOC in the last year. Chief Justice Durrant thanked Mr. Schwermer for his leadership.

4. **COMMITTEE REPORTS:**

Management Committee Report:

The work of this committee is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee met with Cathy Dupont and Michael Drechsel to discuss the 2019 legislative session. The Committee scheduled several meetings. Mr. Schwermer said Mr. Drechsel would assist Ms. Dupont with the 2019 legislative session.

Policy and Planning Committee Report:

Judge Derek Pullan said the work of this committee is reflected in the minutes. The Committee meets monthly for two hours and twice a year for an all-day session. The Committee reviews the Code of Judicial Administration every five years. Judge Pullan thanked the Committee members for their continued dedication.

Bar Commission Report:

Rob Rice said Dickson Burton and John Baldwin met with the Governor's Office of Management and Budget to discuss the Governor's interest in expanding sales tax to services, including healthcare, attorneys, architects, and cosmetology/barber services. Utah's sales tax revenue has continued to decline over the past several years. Mr. Burton will prepare a response to that office.

5. JUDICIAL COUNCIL SELECTION OF STUDY ITEM: (Richard Schwermer)

Mr. Schwermer explained the history of Council study items and presented possible items for discussion.

- Justice For All – fines and fees that the court assesses (see Arizona study).
- Mental health issues – improving how the courts deal with individuals who have mental health issues. This will be a topic at the midyear Conference of Chief Justices and State Court Administrators in May 2019.
- Court security – variety of court security structures used in Utah and other states.
- Justice court reform – procedural issues; this hasn't been reviewed for 11 years

Judge Kevin Allen said he believes fines and fees are a pressing issue. Mr. Schwermer said this is an issue in district, juvenile, and justice courts. Judge Kara Pettit said fines and fees would have the largest impact for court patrons. Judge Toomey said a Justice Court Reform Committee is looking at procedural reforms to reduce inefficiencies and restructuring. Justice Lee recommended the Supreme Court work on the justice court reform should be completed before the Council selects justice court reform as a study item.

Chief Justice Durrant asked the Council members to consider the items and the issue will be discussed at the next Council meeting. Justice Lee would like input from the Boards before making a decision.

6. FORMS COMMITTEE REPORT: (Randy Dryer and Brent Johnson)

Chief Justice Durrant welcomed Randy Dryer and thanked him for this work on the Committee. Mr. Dryer stated the Committee focuses much of their time on the LPP forms in anticipation of the LPP program beginning in 2019. The Committee created a numbering system for all court forms. Mr. Dryer said the Committee has approved 169 forms. Mr. Dryer thanked Brent Johnson and Jessica Van Buren for their continued effort and service on this Committee.

Chief Justice Durrant thanked Randy Dryer for his report.

7. PROPOSED JPEC RULE AMENDMENTS: (Dr. Jennifer Yim and Commissioner Rick Hoffman)

Chief Justice Durrant welcomed Dr. Jennifer Yim and Commissioner Rick Hoffman. Dr. Yim introduced Commissioner Rick Hoffman. Mr. Schwermer thanked Commissioner Hoffman for his frequent service to the courts, including his active participation on the ODR Steering Committee.

Dr. Yim reviewed the proposed changes to JPEC rule 597-3-5, which would no longer require a person's name and contact information when submitting a comment. Dr. Yim noted JPEC members are currently required to contact individuals who leave a comment but do not complete all of their contact information.

Dr. Yim said judges would get the comments minus the name and contact information. JPEC decided not change the process regarding comments. Dr. Yim noted 95% of judges do not receive any comments.

The Council was concerned that the new rule would allow one person to submit multiple comments. Dr. Yim said JPEC has the ability to see an IP address when a person leaves a comment therefore if a person submits multiple comments, JPEC will be able to identify that the comments are from the same person.

Justice Lee thanked Dr. Yim for the Commission's continued support and respect for the judiciary.

8. JUDICIAL PERFORMANCE EVALUATION COMMISSION: (Dr. Jennifer Yim and Commissioner Rick Hoffman)

Dr. Yim addressed the recent judicial retention elections. JPEC members are allowed to answer questions from the public but they do not proactively speak about judges. JPEC voted to retain all 44 judges that were on the ballot for retention. Dr. Yim noted New Mexico and Colorado have a similar retention election system.

Chief Justice Durrant thanked Dr. Yim and Commissioner Hoffman for their presentation.

9. JUDICIAL CONDUCT COMMISSION REPORT: (Aimee Thoman)

Chief Justice Durrant welcomed Aimee Thoman. Ms. Thoman said the Commission is comprised of 11 members from throughout the state. In fiscal year 2018, the Commission received 58 complaints, of which 53 were resolved and 5 are pending. The vast majority of complaints were with the district courts. The Commission moved from Ogden to Salt Lake City. Ms. Thoman said the Commission had considered but would not yet offer online complaint forms.

Chief Justice Durrant thanked Ms. Thoman.

10. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge Christine Johnson and Shane Bahr)

Chief Justice Durrant welcomed Judge Christine Johnson. Judge Johnson noted the new Board chair is Judge Samuel Chiara and Judge Johnson is the new vice chair. Judge Chiara was not able to attend the Council meeting because of a jury trial. The Board has several new members. Many judges throughout the state volunteer within their community, such as speaking at schools, these outreach efforts are reported at each Board meeting. The Attorney General's Office, JPEC, AP&P, Bar, and the Indigent Defense Commission reported to Board. The Board goals for FY19 include a focus on civility with the Bar; review of the 60 day under advisement

rule; review civil rules 54 and 108; increasing efficiency between judges with shared documents; and better measures to manage caseloads.

Chief Justice Durrant thanked Judge Johnson.

11. BOARD OF JUSTICE COURT JUDGES REPORT: (Judge Reuben Renstrom and Jim Peters)

Chief Justice Durrant welcomed Judge Reuben Renstrom. Judge Renstrom said the justice courts now have presiding judges in each of the districts. The presiding judges are using the district courts benchbook as a guideline. Justice courts throughout the state have more than 80 judges and 400 clerks. All of the justice court clerks now have Google accounts.

Mr. Peters meets quarterly with the administrators. Judge Renstrom thanked Judge Toomey for her assistance with the justice court reform meetings.

Chief Justice Durrant thanked Judge Renstrom.

12. RECOGNITION OF OUTGOING COUNCIL MEMBERS: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant presented Judge Mark DeCaria with a Judicial Council plate and thanked him for his service on the Council. Judge DeCaria said he enjoyed his time on the Council and the Liaison Committee. Judge DeCaria announced his retirement for April 15, 2019.

13. SENIOR JUDGE CERTIFICATION: (Brent Johnson)

Brent Johnson reviewed Judge Glen Dawson's application to become an active senior judge.

Motion: Judge Toomey moved to approve Judge Glen Dawson to become an active senior judge. Judge Marx seconded the motion, and it passed unanimously.

14. EXECUTIVE SESSION

Motion: Judge Toomey moved to go into an executive session to discuss a character, competence or physical mental health of an individual. Judge Marx seconded the motion, and it passed unanimously.

15. CONSENT CALENDAR ITEMS

a) Committee Appointments.

Forms Committee appointment of Judge Randy Birch and Commissioner Russ Minas. Approved without comment.

MUJI - Civil Committee appointment of Alyson McAllister. Approved without comment.

b) 2019 IOLTA Grant. Approved without comment.

c) Rules for Public Comment. Rule 1-205 – Standing and Ad Hoc Committees, Rule 2-208 – Publication and Distribution, Rule 3-103 – Administrative Role of Judges, Rule 3-104 –

Presiding Judges, Rule 3-106 – Legislative Activities, Rule 3-107 – Executive Branch Policy Initiatives, Rule 3-111 – Performance Evaluations of Senior Judges and Court Commissioners, Rule 3-413 – Judicial Library Resources, Rule 3-501 – Insurance Benefits upon Retirement, Rule 4-202.09 – Miscellaneous, Rule 4-403 – Electronic Signatures and Signature Stamp Use, Rule 4-405 – Juror and Witness Fees and Expenses, Rule 4-508 – Guidelines on Ruling on a Motion to Waive Fees. Approved without comment.

16. ADJOURN

The meeting adjourned.

Tab 2

**UTAH JUDICIAL COUNCIL
POLICY AND PLANNING COMMITTEE
MEETING MINUTES**

Judicial Council Room (N301), Matheson Courthouse
450 South State Street, Salt Lake City, Utah 84114
December 7, 2018 – 12:00 p.m. to 2:00 p.m.

DRAFT

MEMBERS:

PRESENT EXCUSED

Judge Derek Pullan, <i>Chair</i>	•	
Judge Augustus Chin	•	
Judge Ryan Evershed	•	
Judge Kevin Allen	•	
Judge John Walton	•	
Mr. Rob Rice	•	

GUESTS:

None

STAFF:

Michael Drechsel
Minhvan Brimhall (recording secretary)

(1) WELCOME AND APPROVAL OF MINUTES:

Circumstances required Judge Pullan, Judge Evershed, and Judge Walton to participate in the meeting via telephone. Judge Pullan welcomed the committee to the meeting. The committee considered the minutes from the November 2, 2018 meeting. With no changes, Mr. Rice moved to approve the draft minutes. Judge Chin seconded the motion. The committee voted and the motion passed unanimously.

(2) HR 590 – INTERNS AND WORK CONFLICTS:

Justice Himonas had a scheduling conflict that prohibited him from attending the meeting today. Arrangements have been made to have him participate in the January meeting.

The committee briefly discussed the draft policy. Judge Pullan noted that HR 590 would allow court interns to accept employment positions outside court, while simultaneously being employed as a court intern. The “Scope” section of the current draft notes that the policy is “an exception” to the general rule prohibiting such activity. Judge Pullan was concerned about creating that sort of exception to the general rule, and wasn’t comfortable with the language in the “Scope” section for that reason.

Judge Pullan also recommended that, at a minimum, the draft policy should include language making it clear that recusal should be both case-based AND issue-based. In other words, if an intern hasn’t worked on a particular case, but has worked on a particular ISSUE, that issue-based conflict should result in the intern’s recusal and screening from participating in the matter. Judge Pullan recommended changes to the draft on specific line numbers. Mr. Drechsel will make those changes and send the revised draft to Justice Himonas and Nancy Sylvester in advance of the next meeting.

The committee welcomes further discussion with Justice Himonas to continue exploring how to get to a workable policy. This matter was tabled until the January meeting.

(3) RULES BACK FROM PUBLIC COMMENT:

Mr. Drechsel reported to the committee regarding the four rules that had been published for public comment from September 28, 2018 to November 12, 2018.

- CJA 1-205 – Standing and Ad Hoc Committees: one comment was received for this rule in connection with the change related to the membership of the Committee on Pretrial Release and Supervision. Joanna Landau of the Utah Indigent Defense Commission (UIDC) commented that the intent and purpose of the amendment to the rule would be better served if the language stated “a person to represent the Utah Indigent Defense Commission, who is designated by the Commission’s Chair.” This would allow the chair to assign a staff member or designee at their discretion. Mr. Drechsel recommended changing the language to read “ the Director of the Indigent Defense Commission or designee.”

With no further discussion, Mr. Rice moved to recommend to the Judicial Council that the amended language, as described by Mr. Drechsel, be approved as a final change to the rule. Judge Allen seconded the motion. The motion was unanimously approved and the amended language (as well as the language regarding the Committee on Court Forms, which remained changed) is recommended to the Judicial Council for final approval.

- 4-202.02 – Records Classification: no comments were received.
- 4-508 – Guidelines for Ruling on a Motion to Waive Fees: no comments were received.
- Appendix I – Summary of Classification of Court Records: no comments were received.

With no further discussion, Judge Chin motioned to recommend to the Judicial Council that these rule changes be adopted for final approval. Judge Walton seconded the motion. The motion was unanimously approved.

(4) COURT COMMISSIONER CONDUCT COMMITTEE:

CJA 3-201.02 was last amended in 2004. This proposed amendment had first been considered by the committee at the November 2, 2018 meeting. Since that time, Mr. Drechsel has reviewed the current rule, the feedback from the committee from the November 2, 2018 meeting, and the court’s and Judicial Conduct Commission’s complaint resolution processes. Mr. Drechsel then took that information and prepared a draft of Rule 3-201.02, which draft was included in the committee’s meeting materials. Mr. Drechsel reviewed the draft with the committee. The committee discussed the draft, including significant conversation regarding confidentiality and when certain people should be notified a complaint was received and investigated. Several of the committee members stated that they believed it was not necessary for the commissioner or the presiding judge to be notified of the complaint unless the initial review was to result in additional investigation. Rob Rice suggested that the rule should be drafted so that “dismissal” isn’t so prominent. In other words, a complaint should move forward under certain circumstances. If the complaint is not advanced in the complaint resolution process, then it would be dismissed. But dismissal should not appear in the rule to be a desired resolution to the complaint process. The committee agreed that the Presiding Judge would need to be involved in the complaint resolution process, since by statute, the presiding judge is the court commissioner’s supervisor.

Mr. Rice inquired why the typical Human Resource policies for employees complaint resolution and discipline (since commissioners are employees) were not sufficient for this process. Mr. Drechsel informed the committee that commissioners and judges are excluded from the normal HR policies for typical employees and that the processes outlined in Rule 3-201.02 and 3-201 are the avenue for complaint resolution and sanctions against a commissioner. For this reason, Mr. Drechsel explained, it is important that the process be sufficiently detailed. The committee reviewed some of the procedures related to the Judicial Conduct Commission’s complaint resolution process, including the statutes and the associated administrative rules. The committee agreed that the court commissioner conduct committee process should be similar to the JCC processes (though perhaps not identical).

The committee discussed several language modifications of the rule for clarity. Without finishing a complete review of the draft rule, Judge Pullan suggested that the Court Commissioner Conduct Committee should be asked to provide direction on the complaint process outlined in the rule. The committee agreed with this approach to revising the rule. Mr. Drechsel was tasked with meeting with Judge Christiansen Forster, chair of the court commissioner conduct committee, to discuss recommendations made by this committee. Mr. Drechsel will bring this item for review at the January meeting.

(5) HR 480 – EMPLOYEE EXERCISE POLICY (NEW POLICY):

Mr. Drechsel reported that the TCEs have been discussing a new policy, numbered HR 480. Human Resources believes an employee exercise policy is a good way to improve employee satisfaction and attract more individuals to work for the court. The policy encourages wellness and fitness in the workplace. The committee membership all agreed that such a policy appears to address desirable purposes.

The committee discussed concerns regard two items in the policy. The first item addresses the time at which employees are allowed to use the exercise time described in the policy. The current policy allows for 30 minutes and must be used during the employees work time, contiguous with their lunch break. Judge Pullan believed this was unnecessarily restrictive and that the time should be available to the employee at whatever time works best for the employee and supervisor in meeting court staffing needs (including using the time at the beginning or end of the workday or at other times throughout the day). The committee agreed with this position, noting that supervisors would be in the best position to assess when an employee using such time would be least disruptive.

The second item is in regards to how this policy would relate to Workers' Compensation if the employee were to be injured during exercise time. Mr. Drechsel reported running this by David Lund (not mentioned by name in the meeting because Mr. Drechsel couldn't recall his name off the top of his head) at the State Department of Risk Management. Mr. Lund noted that similar policies were in effect for other state agencies, and appear to be working well. Mr. Lund wasn't sure that compensated time would ever not be considered subject to Workers' Comp claims. As a result of that feedback, and based on research conducted by Mr. Drechsel, the committee decided that it would be wise for the current policy to not address whether injuries would be subject to Workers' Compensation claims. There is a separate process available to determine applicability and speaking to that in the policy would not be outcome determinative.

An additional source of liability is if employees are able to bring in and store their own exercise equipment at courthouses. A few questions related to such equipment would be who would be responsible for maintaining and supervising the use of those items. Mr. Drechsel expressed concerns that it is a liability consideration for the court if an employee were to get injured during their workout when using their own, or another employee's, donated equipment on court property, especially if such equipment wasn't adequately supervised. Mr. Drechsel stated that the course of action that most clearly eliminates this potential liability is to prohibit the use or storage of donated exercise equipment on court premises. Mr. Drechsel also noted that this may be unpopular in certain areas where there may be a desire to have such equipment available on the courthouse. If such equipment is

Judge Allen stated that one way to resolve some of these concerns would be take a closer look at how similar policies are implemented in other agencies, including where there is equipment on-site. Judge Allen recommended that the State Capitol be contacted to see how they operate their exercise room. Mr. Drechsel will review employee exercise policies from other state agencies and conduct further research. Mr. Drechsel will provide recommended revisions to the current policy following his review and will bring this to the committee for review at the January meeting.

(6) ELECTION OF CHAIR FOR 2019:

Rule 1-204 states that "[t]he members of the Policy and Planning Committee . . . shall elect their respective chairs annually and select a new chair at least once every two years." Mr. Drechsel explained that Judge Pullan had become chair of the committee after a vote at the January 2017 meeting. Mr. Drechsel noted that, as a result, it was time for the committee to elect a new chair. The committee discussed the rule. Judge Pullan stated he is happy to continue to chair the committee unless someone else on the committee would like an opportunity to serve in that position.

Judge Allen nominated Judge Pullan to be elected as the new, continuing chair of the committee. Both Judge Walton and Judge Chin seconded the motion. The committee voted and the motion passed unanimously. Judge Pullan will serve as chair of the committee for 2019.

(7) ADJOURN

With no further items for discussion, Judge Chin motioned to adjourn the meeting. Judge Walton seconded the motion. The motion was approved unanimously. The meeting adjourned at 1:30 PM. The next meeting is scheduled for January 4, 2019, in the Judicial Council room at 12:00 p.m.

At the conclusion of the meeting, Mr. Drechsel noted that he has been asked to participate in the courts' Legislative Liaison activities during the upcoming legislative session. Mr. Drechsel will have conflicting schedules during the February 1 and March 1 meetings. The Committee requested that Ms. Sylvester staff those meetings in behalf of Mr. Drechsel. Mr. Drechsel will make the necessary arrangements.

DRAFT

Tab 3



Utah
State
Courts



Technology Standing Committee

Justice Pearce
Heidi Anderson

Judicial Council Annual Report December 2018



Agenda

- ▶ Introduction and Thank you
- ▶ Program Overview
- ▶ Security
- ▶ Projects
 - ▶ Development
 - ▶ Operations
- ▶ Questions





Utah State Courts



000021

Program Overview

Agile – best in class

Transparency in IT

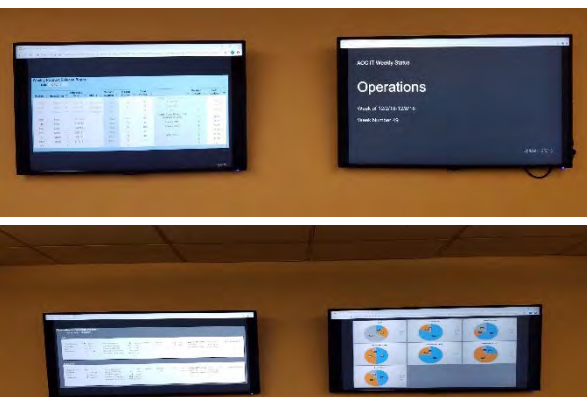
White Paper – Agile rollout

Proof of Concepts

Team Communication – everyone has a voice

Maintenance Schedules – Plans for catching up

Training – upskilling



	A	al	al	B	bl	bl	C	cl	cl	cl	D	dl	dl	dl	NOTES
PROJECT	10/15	10/15	10/15	10/15	10/15	10/15	10/15	10/15	10/15	10/15	10/15	10/15	10/15	10/15	beta, still beta
CONC	01	01	01	01	01	01	01	01	01	01	01	01	01	01	
CARE	00	00	00	00	00	00	00	00	00	00	00	00	00	00	
SCAN	18	18	18	18	18	18	18	18	18	18	18	18	18	18	
Who Man	00	00	00	00	00	00	00	00	00	00	00	00	00	00	
PO	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
WHouse	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
JURY	11	11	11	11	11	11	11	11	11	11	11	11	11	11	
ERLING	19	19	19	19	19	19	19	19	19	19	19	19	19	19	
AS	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
EPHEDRO	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
ODR	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
Training															





Utah
State
Courts



000022

Security Update

Security Assessment

- Evaluated and created a plan of action
- Quickly remediated areas of concern
- Identified and purchased new tools

CIS 20

- Starting point was .93 out of 5
- Today's result 1.8
- 18 month goal of 3.0
- Items to come are data encryption, port security and administrative rights

Proactive Tools/controls

- **November Results**
- 230 Alerts based on 4,342,858 notable observations
- 1966 devices attached to network
- 1,136,901 Bad Protocol Observations
- 14,733 Geographical Blacklist Observations
- **1,249,649** known attacks successfully blocked





Development Projects

Accomplished

- ▶ HB239
- ▶ ODR
- ▶ PC/PSA/SID
- ▶ Auto Dialer
- ▶ MyCase – ODR
- ▶ OSDC
- ▶ AIS Workspace Report Packages
- ▶ JURY
- ▶ OCAP
- ▶ Xchange Delinking
- ▶ Development Standards
- ▶ Web Calendar

In Progress

- ▶ Coris/Judicial Workspace Case Summary
- ▶ HB239 Service Provider Payments
- ▶ JJS Priorities
- ▶ Coris Payment Processing
- ▶ MyCase P2
- ▶ Problem Solving Court Module
- ▶ Application Server Migration
- ▶ CIP – Annual Permanencies
- ▶ AIS Q3 Priority List Enhancements
- ▶ WebSphere 9 Upgrade



Operations Projects

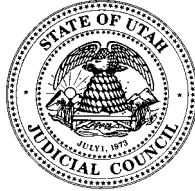
Accomplished

- ▶ New Wireless Networks
- ▶ New Server Farms in Matheson and St George
- ▶ New Firewall and Switches in Matheson and St George
- ▶ Implemented new Security Software Statewide
- ▶ Upgrade St George VOIP
- ▶ Upgraded EOL Adobe
- ▶ Upgraded 6 Courtroom A/V's
- ▶ Hired additional A/V resource
- ▶ Implemented Google 2-Step statewide

In Progress

- ▶ Application Migration to new Servers
- ▶ Database encryption
- ▶ File level Encryption
- ▶ ~20 Courtroom A/V Upgrades
- ▶ Email Filtering SW
- ▶ Network Security Upgrades
- ▶ DB Replication
- ▶ High Availability Test
- ▶ Redundancy
- ▶ Wireless Bandwidth Upgrade
- ▶ Administrative Password Remediation

Tab 4



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

MEMORANDUM

TO: Judicial Council

FROM: James M. Peters
Justice Court Administrator

DATE: December 3, 2018

RE: 2019 Recertification of the County Justice Courts

Pursuant to Rule 9-108(1)(B) of the Code of Judicial Administration, the Board of Justice Court Judges met recently to review applications for recertification of the county justice courts. The Board recommends that all county justice courts be recertified, with the five exceptions noted below. I will report on efforts to address their deficiencies in January.

Juab County Justice Court – Judge Sharla Williams

The Juab County Justice Court employs fewer clerks than is required for its workload. In addition, the court should be open for one hour longer on Fridays. Judge Williams has requested a waiver of the requirement that the court have two full-time clerks, but she does not address the court's hours of operation. Before recertification can be recommended for Juab County, it will need to adjust its hours or revise its request that the Council waive certain requirements.

Kane County Justice Court – Judge Gary Johnson

The legal opinion provided by Kane County indicated that "the Kane County Justice Court is in compliance will [sic] all the above [requirements] except for numbers 11 (Judge Compensation). Regarding compensation, this issue has been raised in previous years and the office of the state court administrator (AOC) has provided guidance that ultimately this is not a prohibitive issue." Before recertification can be recommended for Kane County, it will need to rectify any issues with compensation and provide a revised opinion.

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

Morgan County Justice Court – Judge Brian Brower

The affidavit received from Judge Brower expressed concerns about the adequacy of clerical coverage. Morgan County currently provides one half-time clerk. Before recertification can be recommended for Morgan County, it will need to provide a plan for clerical coverage in the event that its primary clerk is sick or on vacation.

Uintah County Justice Court – Judge Jody Petry

The legal opinion provided by Uintah County declined to address the “feasibility of maintaining a Justice Court.” Before recertification can be recommended for Uintah County, it will need to provide a revised opinion.

Wayne County Justice Court – Judge Roy Brown

The affidavit received from Judge Brown is incomplete. Before recertification can be recommended for Wayne County, it will need to provide a revised affidavit and rectify any issues with its hours of operation.

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

MEMORANDUM

TO: Judicial Council / Management Committee
FROM: Michael C. Drechsel, Associate General Counsel – AOC
DATE: Monday, December 10, 2018
RE: Rules for Final Approval

The Policy and Planning Committee recommends to the Judicial Council that the following four rules be submitted for final approval. These four rules were published for public comment from September 28, 2018 until November 12, 2018. During the comment period, one of the proposed amendments received one comment (regarding the membership of the Committee on Pretrial Release and Supervision). No other comments were received in connection with any of these rules.

If the Judicial Council grants final approval for these rule changes, it is requested that the effective date for these changes be January 1, 2019.

1-205 – Standing and Ad Hoc Committees

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

- 1) COMMITTEE ON PRETRIAL RELEASE AND SUPERVISION: CJA Rule 1-205(1)(B)(xiii) outlines the membership of the Committee on Pretrial Release and Supervision. The only comment received during the public comment process was received in connection with this proposed amendment. For reference, the following language is the synopsis that was included in the August 3, 2018 memo to the Judicial Council seeking approval to publish for public comment:

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

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Utah Indigent Defense Commission on this committee, as many of the issues addressed by the Committee and the Commission overlap.

The only comment received was from the Director of the Indigent Defense Commission, Joanna Landau. Ms. Landau pointed out that the language used in the draft that was published for public comment would result in a “member of the Commission,” rather than the Director or someone from her office, being appointed to the committee. This was valuable feedback. As a result of that comment, Policy and Planning reconsidered the language in the rule change on December 7, 2018. After reconsideration, Policy and Planning recommends that the Judicial Council adopt the following language: “the Director of the Indigent Defense Commission or designee.” The included redline version of the rule shows this reconsidered language.

- 2) COMMITTEE ON COURT FORMS: CJA Rule 1-205(1)(B)(xiv) outlines the membership of the Committee on Court Forms. No comments were received in connection with this proposed amendment. For reference, the following language is the synopsis that was included in the August 3, 2018 memo to the Judicial Council seeking approval to publish for public comment:

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.

4-202.02 – Records Classification

No public comments were received in connection with this proposed amendment. The draft is unchanged from when the Judicial Council approved this for public comment. For reference, the following language is the synopsis that was included in the August 3, 2018 memo to the Judicial Council seeking approval to publish for public comment:

This proposal comes from a problem in implementing recent legislation. That legislation changed the options available to a juvenile court as it pertained to collecting restitution. In the district and justice courts, when a court issues a restitution order, the court is to enter that amount as a civil judgment. Entering the amount as a civil judgment allows the victim to independently collect the amounts that are owed. Prior to recently enacted legislation, victims did not have the same opportunity in juvenile court. The new legislation states that the juvenile court is to enter restitution as a civil judgment, which would then allow the victim to collect the judgment. The problem that was not considered by the legislature is that the juvenile courts presently do not have the ability to create civil judgments and enter such judgments into a civil docket. Although all cases in the juvenile courts are considered civil, the juvenile courts do not have the ability to enter monetary civil judgments.

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In order to resolve this problem, a process was developed by which the juvenile court would enter a civil judgment in the docket. The court would then create an abstract of the judgment which will be filed in district court, where the victim could then take advantage of the collection procedures available in the district courts. The legislation does not expressly provide for this process and the legislature may not have understood that civil judgments cannot be entered in juvenile court and they probably intended that such judgments would stay there. This means that the legislature would have expected these judgments to remain confidential, similar to other documents entered in the juvenile courts.

Therefore, the proposal is to have these juvenile court abstracts of judgment classified as “private” when they are filed in the district court. The designation will still allow the victim to take advantage of civil processes, but will keep the confidentiality that was perhaps intended.

4-508 – Guidelines for Ruling on a Motion to Waive Fees

No public comments were received in connection with this proposed amendment. The draft is unchanged from when the Judicial Council approved this for public comment. For reference, the following language is the synopsis that was included in the August 3, 2018 memo to the Judicial Council seeking approval to publish for public comment:

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.

Appendix I – Summary of Classification of Court Records

No public comments were received in connection with this proposed amendment. The draft is unchanged from when the Judicial Council approved this for public comment. For reference, the following language is the synopsis that was included in the August 3, 2018 memo to the Judicial Council seeking approval to publish for public comment:

Appendix I of the Code of Judicial Administration outlines a summary of the classification of court records by case type. One of the case types listed in that summary is “Criminal Investigations.” These are cases where a prosecutor is seeking judicial authorization to conduct a criminal investigation, pursuant to Utah Code section 77-22-1 et seq. The current version of Appendix I states that the court records associated with this case type are “Protected.” While this “Protected” designation is consistent with both CJA 4-202.02(5)(J) and Utah Code section 63G-2-305(10), it does not accurately reflect the underlying statutory process used to create the records.

Utah Code section 77-22-2 contains provisions that allow a court, upon request from a prosecutor, to order that activities and documents associated with the criminal investigation be kept secret. See Utah Code §§ 77-

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22-2(6)(a), (6)(d), and (7)(a). If the request is granted, the court records subject to the order would be “protected.” Until such a request is made and granted, the court records are “public” records (see Utah Code § 77-22-2(7)(c) (stating that in granting the request, the court “shall order that all information be placed in the public file except information that [should be protected]”; see also Utah Code § 77-22-2(7)(d) (stating that “the court shall narrow the secrecy order as much as reasonably possible in order to preserve the openness of court records while protecting the interests [that favor protecting the records]”).

The current version of CJA Appendix I presumes that court records related to criminal investigations are always “protected.” After reviewing this matter, the Policy and Planning Committee believes that a more accurate summary of the classification of court records associated with the “Criminal Investigation” case type is “Public unless otherwise ordered.” This classification starts with the premise that these court records are public by default, but upon being presented with an appropriate request, a court could order that the records be “protected.”

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Rule 1-205**DRAFT: 12/07/2018****1 Rule 1-205. Standing and Ad Hoc Committees.****2 Intent:**

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

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

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

8 Applicability:

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

10 Statement of the Rule:**11 (1) Standing Committees.**

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

- 14 (1)(A)(i) Technology Committee;
- 15 (1)(A)(ii) Uniform Fine Schedule Committee;
- 16 (1)(A)(iii) Ethics Advisory Committee;
- 17 (1)(A)(iv) Judicial Branch Education Committee;
- 18 (1)(A)(v) Court Facility Planning Committee;
- 19 (1)(A)(vi) Committee on Children and Family Law;
- 20 (1)(A)(vii) Committee on Judicial Outreach;
- 21 (1)(A)(viii) Committee on Resources for Self-represented Parties;
- 22 (1)(A)(ix) Language Access Committee;
- 23 (1)(A)(x) Guardian ad Litem Oversight Committee;
- 24 (1)(A)(xi) Committee on Model Utah Civil Jury Instructions;
- 25 (1)(A)(xii) Committee on Model Utah Criminal Jury Instructions;
- 26 (1)(A)(xiii) Committee on Pretrial Release and Supervision; and
- 27 (1)(A)(xiv) Committee on Court Forms.

28 (1)(B) Composition.

- 29 (1)(B)(i) The Technology Committee shall consist of:
 - 30 (1)(B)(i)(a) one judge from each court of record;
 - 31 (1)(B)(i)(b) one justice court judge;

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- 32 (1)(B)(i)(c) one lawyer recommended by the Board of Bar
 33 Commissioners;
 34 (1)(B)(i)(d) two court executives;
 35 (1)(B)(i)(e) two court clerks; and
 36 (1)(B)(i)(f) two staff members from the Administrative Office.
- 37 (1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of:
 38 (1)(B)(ii)(a) one district court judge who has experience with a
 39 felony docket;
 40 (1)(B)(ii)(b) three district court judges who have experience with a
 41 misdemeanor docket;
 42 (1)(B)(ii)(c) one juvenile court judge; and
 43 (1)(B)(ii)(d) three justice court judges.
- 44 (1)(B)(iii) The Ethics Advisory Committee shall consist of:
 45 (1)(B)(iii)(a) one judge from the Court of Appeals;
 46 (1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;
 47 (1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7,
 48 or 8;
 49 (1)(B)(iii)(d) one juvenile court judge;
 50 (1)(B)(iii)(e) one justice court judge; and
 51 (1)(B)(iii)(f) an attorney from either the Bar or a college of law.
- 52 (1)(B)(iv) The Judicial Branch Education Committee shall consist of:
 53 (1)(B)(iv)(a) one judge from an appellate court;
 54 (1)(B)(iv)(b) one district court judge from Judicial Districts 2, 3, or 4;
 55 (1)(B)(iv)(c) one district court judge from Judicial Districts 1, 5, 6, 7,
 56 or 8;
 57 (1)(B)(iv)(d) one juvenile court judge;
 58 (1)(B)(iv)(e) the education liaison of the Board of Justice Court
 59 Judges;
 60 (1)(B)(iv)(f) one state level administrator;
 61 (1)(B)(iv)(g) the Human Resource Management Director;
 62 (1)(B)(iv)(h) one court executive;
 63 (1)(B)(iv)(i) one juvenile court probation representative;
 64 (1)(B)(iv)(j) two court clerks from different levels of court and
 65 different judicial districts;

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- 66 (1)(B)(iv)(k) one data processing manager; and
 67 (1)(B)(iv)(l) one adult educator from higher education.
 68 (1)(B)(iv)(m) The Human Resource Management Director and the
 69 adult educator shall serve as non-voting members. The
 70 state level administrator and the Human Resource
 71 Management Director shall serve as permanent
 72 Committee members.
- 73 (1)(B)(v) The Court Facility Planning Committee shall consist of:
 74 (1)(B)(v)(a) one judge from each level of trial court;
 75 (1)(B)(v)(b) one appellate court judge;
 76 (1)(B)(v)(c) the state court administrator;
 77 (1)(B)(v)(d) a trial court executive; and
 78 (1)(B)(v)(e) two business people with experience in the
 79 construction or financing of facilities.
- 80 (1)(B)(vi) The Committee on Children and Family Law shall consist of:
 81 (1)(B)(vi)(a) one Senator appointed by the President of the Senate;
 82 (1)(B)(vi)(b) one Representative appointed by the Speaker of the
 83 House;
 84 (1)(B)(vi)(c) the Director of the Department of Human Services or
 85 designee;
 86 (1)(B)(vi)(d) one attorney of the Executive Committee of the Family
 87 Law Section of the Utah State Bar;
 88 (1)(B)(vi)(e) one attorney with experience in abuse, neglect and
 89 dependency cases;
 90 (1)(B)(vi)(f) one attorney with experience representing parents in
 91 abuse, neglect and dependency cases;
 92 (1)(B)(vi)(g) one representative of a child advocacy organization;
 93 (1)(B)(vi)(h) one mediator;
 94 (1)(B)(vi)(i) one professional in the area of child development;
 95 (1)(B)(vi)(j) one representative of the community;
 96 (1)(B)(vi)(k) the Director of the Office of Guardian ad Litem or
 97 designee;
 98 (1)(B)(vi)(l) one court commissioner;
 99 (1)(B)(vi)(m) two district court judges; and

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- 100 (1)(B)(vi)(n) two juvenile court judges.
- 101 (1)(B)(vi)(o) One of the district court judges and one of the juvenile
- 102 court judges shall serve as co-chairs to the committee.
- 103 In its discretion the committee may appoint non-
- 104 members to serve on its subcommittees.
- 105 (1)(B)(vii) The Committee on Judicial Outreach shall consist of:
- 106 (1)(B)(vii)(a) one appellate court judge;
- 107 (1)(B)(vii)(b) one district court judge;
- 108 (1)(B)(vii)(c) one juvenile court judge;
- 109 (1)(B)(vii)(d) one justice court judge; one state level administrator;
- 110 (1)(B)(vii)(e) a state level judicial education representative;
- 111 (1)(B)(vii)(f) one court executive;
- 112 (1)(B)(vii)(g) one Utah State Bar representative;
- 113 (1)(B)(vii)(h) one communication representative;
- 114 (1)(B)(vii)(i) one law library representative;
- 115 (1)(B)(vii)(j) one civic community representative; and
- 116 (1)(B)(vii)(k) one state education representative.
- 117 (1)(B)(vii)(l) Chairs of the Judicial Outreach Committee's
- 118 subcommittees shall also serve as members of the
- 119 committee.
- 120 (1)(B)(viii) The Committee on Resources for Self-represented Parties shall
- 121 consist of:
- 122 (1)(B)(viii)(a) two district court judges;
- 123 (1)(B)(viii)(b) one juvenile court judge;
- 124 (1)(B)(viii)(c) two justice court judges;
- 125 (1)(B)(viii)(d) three clerks of court – one from an appellate court, one
- 126 from an urban district and one from a rural district;
- 127 (1)(B)(viii)(e) one member of the Online Court Assistance
- 128 Committee;
- 129 (1)(B)(viii)(f) one representative from the Self-Help Center;
- 130 (1)(B)(viii)(g) one representative from the Utah State Bar;
- 131 (1)(B)(viii)(h) two representatives from legal service organizations
- 132 that serve low-income clients;

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- 133 (1)(B)(viii)(i) one private attorney experienced in providing services
 134 to self-represented parties;
 135 (1)(B)(viii)(j) two law school representatives;
 136 (1)(B)(viii)(k) the state law librarian; and
 137 (1)(B)(viii)(l) two community representatives.
- 138 (1)(B)(ix) The Language Access Committee shall consist of:
 139 (1)(B)(ix)(a) one district court judge;
 140 (1)(B)(ix)(b) one juvenile court judge;
 141 (1)(B)(ix)(c) one justice court judge;
 142 (1)(B)(ix)(d) one trial court executive;
 143 (1)(B)(ix)(e) one court clerk;
 144 (1)(B)(ix)(f) one interpreter coordinator;
 145 (1)(B)(ix)(g) one probation officer;
 146 (1)(B)(ix)(h) one prosecuting attorney;
 147 (1)(B)(ix)(i) one defense attorney;
 148 (1)(B)(ix)(j) two certified interpreters;
 149 (1)(B)(ix)(k) one approved interpreter;
 150 (1)(B)(ix)(l) one expert in the field of linguistics; and
 151 (1)(B)(ix)(m) one American Sign Language representative.
- 152 (1)(B)(x) The Guardian ad Litem Oversight Committee shall consist of:
 153 (1)(B)(x)(a) seven members with experience in the administration
 154 of law and public services selected from public, private
 155 and non-profit organizations.
- 156 (1)(B)(xi) The Committee on Model Utah Civil Jury Instructions shall consist of:
 157 (1)(B)(xi)(a) two district court judges;
 158 (1)(B)(xi)(b) four lawyers who primarily represent plaintiffs;
 159 (1)(B)(xi)(c) four lawyers who primarily represent defendants; and
 160 (1)(B)(xi)(d) one person skilled in linguistics or communication.
- 161 (1)(B)(xii) The Committee on Model Utah Criminal Jury Instructions shall consist
 162 of:
 163 (1)(B)(xii)(a) two district court judges;
 164 (1)(B)(xii)(b) one justice court judge;
 165 (1)(B)(xii)(c) four prosecutors;
 166 (1)(B)(xii)(d) four defense counsel;

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- 167 (1)(B)(xii)(e) one professor of criminal law; and
 168 (1)(B)(xii)(f) one person skilled in linguistics or communication.
 169 (1)(B)(xiii) The Committee on Pretrial Release and Supervision shall consist of:
 170 (1)(B)(xiii)(a) two district court judges;
 171 (1)(B)(xiii)(b) one juvenile court judge;
 172 (1)(B)(xiii)(c) two justice court judges;
 173 (1)(B)(xiii)(d) one prosecutor;
 174 (1)(B)(xiii)(e) one defense attorney;
 175 (1)(B)(xiii)(f) one county sheriff;
 176 (1)(B)(xiii)(g) one representative of counties;
 177 (1)(B)(xiii)(h) one representative of a county pretrial services agency;
 178 (1)(B)(xiii)(i) one representative of the Utah Insurance Department;
 179 (1)(B)(xiii)(j) one representative of the Utah Commission on
 180 Criminal and Juvenile Justice;
 181 (1)(B)(xiii)(k) one commercial surety agent;
 182 (1)(B)(xiii)(l) one state senator;
 183 (1)(B)(xiii)(m) one state representative;
 184 (1)(B)(xiii)(n) the Director of the Indigent Defense Commission or
 185 designee; and
 186 (1)(B)(xiii)(o) the court's general counsel or designee.
 187 (1)(B)(xiv) The Committee on Court Forms shall consist of:
 188 (1)(B)(xiv)(a) one district court judge;
 189 (1)(B)(xiv)(b) one court commissioner;
 190 (1)(B)(xiv)(c) one juvenile court judge;
 191 (1)(B)(xiv)(d) one justice court judge;
 192 (1)(B)(xiv)(e) one court clerk;
 193 (1)(B)(xiv)(f) one appellate court staff attorney;
 194 (1)(B)(xiv)(g) one representative from the Self-Help Center;
 195 (1)(B)(xiv)(h) the State Law Librarian;
 196 (1)(B)(xiv)(i) the Court Services Director;
 197 (1)(B)(xiv)(j) one member selected by the Online Court Assistance
 198 Committee;
 199 (1)(B)(xiv)(k) one representative from a legal service organization
 200 that serves low-income clients;

Commented [MCD1]: One comment received:

Joanna Landau
 jlandau@utah.gov
 date: 20180928
 GREAT IDEA. But if you want a *particular* staff member rather than a member, the language might say "a person to represent the Utah Indigent Defense Commission, who is designated by the Commission's Chair." Or something to that effect, since only the Director is both staff and "a member."

After reviewing the comment, it would be better to state "the Director of the Indigent Defense Commission or designee"

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- 201 (1)(B)(xiv)(l) one paralegal;
- 202 (1)(B)(xiv)(m) one educator from a paralegal program or law school;
- 203 (1)(B)(xiv)(n) one person skilled in linguistics or communication; and
- 204 (1)(B)(xiv)(o) one representative from the Utah State Bar.
- 205 (1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of
- 206 each standing committee. Standing committees shall meet as necessary to
- 207 accomplish their work. Standing committees shall report to the Council as
- 208 necessary but a minimum of once every year. Council members may not serve,
- 209 participate or vote on standing committees. Standing committees may invite
- 210 participation by others as they deem advisable, but only members designated by
- 211 this rule may make motions and vote. All members designated by this rule may
- 212 make motions and vote unless otherwise specified. Standing committees may
- 213 form subcommittees as they deem advisable.
- 214 (1)(D) **Committee performance review.** At least once every six years, the
- 215 Management Committee shall review the performance of each committee. If the
- 216 Management Committee determines that committee continues to serve its
- 217 purpose, the Management Committee shall recommend to the Judicial Council
- 218 that the committee continue. If the Management Committee determines that
- 219 modification of a committee is warranted, it may so recommend to the Judicial
- 220 Council.
- 221 (1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight
- 222 Committee, recognized by Section 78A-6-901, shall not terminate.
- 223 (2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider
- 224 topical issues outside the scope of the standing committees and to recommend rules or
- 225 resolutions concerning such issues. The Council may set and extend a date for the
- 226 termination of any ad hoc committee. The Council may invite non-Council members to
- 227 participate and vote on ad hoc committees. Ad hoc committees shall keep the Council
- 228 informed of their activities. Ad hoc committees may form sub-committees as they deem
- 229 advisable. Ad hoc committees shall disband upon issuing a final report or
- 230 recommendations to the Council, upon expiration of the time set for termination, or upon
- 231 the order of the Council.
- 232 (3) **General provisions.**
- 233 (3)(A) **Appointment process.**

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

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

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

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

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

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

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

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

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

270 *Effective May/November 1, 20__*

Rule 4-202.02. Records Classification.

Intent:

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

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

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

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

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

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

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

(2)(E) audit reports;

(2)(F) case files;

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

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

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

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

(2)(K) financial records;

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

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

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

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

- 32 (2)(L)(iv) case status;
- 33 (2)(L)(v) civil case type or criminal violation;
- 34 (2)(L)(vi) civil judgment or criminal disposition;
- 35 (2)(L)(vii) daily calendar;
- 36 (2)(L)(viii) file date;
- 37 (2)(L)(ix) party name;
- 38 (2)(M) name, business address, business telephone number, and business email
- 39 address of an adult person or business entity other than a party or a victim or
- 40 witness of a crime;
- 41 (2)(N) name, address, telephone number, email address, date of birth, and last four
- 42 digits of the following: driver's license number; social security number; or account
- 43 number of a party;
- 44 (2)(O) name, business address, business telephone number, and business email
- 45 address of a lawyer appearing in a case;
- 46 (2)(P) name, business address, business telephone number, and business email
- 47 address of court personnel other than judges;
- 48 (2)(Q) name, business address, and business telephone number of judges;
- 49 (2)(R) name, gender, gross salary and benefits, job title and description, number of
- 50 hours worked per pay period, dates of employment, and relevant qualifications of
- 51 a current or former court personnel;
- 52 (2)(S) unless classified by the judge as private or safeguarded to protect the personal
- 53 safety of the juror or the juror's family, the name of a juror empaneled to try a
- 54 case, but only 10 days after the jury is discharged;
- 55 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in
- 56 open hearings;
- 57 (2)(U) order or decision classifying a record as not public;
- 58 (2)(V) private record if the subject of the record has given written permission to make
- 59 the record public;
- 60 (2)(W) probation progress/violation reports;
- 61 (2)(X) publications of the administrative office of the courts;
- 62 (2)(Y) record in which the judicial branch determines or states an opinion on the rights
- 63 of the state, a political subdivision, the public, or a person;
- 64 (2)(Z) record of the receipt or expenditure of public funds;
- 65 (2)(AA) record or minutes of an open meeting or hearing and the transcript of them;

- (2)(BB) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;
- (2)(CC) record of a request for a record;
- (2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;
- (2)(EE) rules of the Supreme Court and Judicial Council;
- (2)(FF) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;
- (2)(GG) statistical data derived from public and non-public records but that disclose only public data; and
- (2)(HH) notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary shall contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.
- (3) **Sealed Court Records.** The following court records are sealed:
- (3)(A) records in the following actions:
- (3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;
- (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;
- (3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on minors; and
- (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;
- (3)(B) expunged records;
- (3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15;
- (3)(D) records showing the identity of a confidential informant;

- (3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code Section 7-2-6;
- (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;
- (3)(G) records designated as sealed by rule of the Supreme Court;
- (3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings; and
- (3)(I) other records as ordered by the court under Rule 4-202.04.
- (4) **Private Court Records.** The following court records are private:
- (4)(A) records in the following actions:
- (4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;
- (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;
- (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed; ~~and~~
- (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed; and
- (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court restitution judgment.
- (4)(B) records in the following actions, except that the case history, judgments, orders, decrees, letters of appointment, and the record of public hearings are public records:
- (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders, except that an action for consortium due to personal injury under Section 30-2-11 is public;
- (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;
- (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;
- (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;
- (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;
- (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;
- (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
- (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

- 133 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this
134 subparagraph (B);
- 135 (4)(C) affidavit of indigency;
- 136 (4)(D) an affidavit supporting a motion to waive fees;
- 137 (4)(E) aggregate records other than public aggregate records under subsection (2);
- 138 (4)(F) alternative dispute resolution records;
- 139 (4)(G) applications for accommodation under the Americans with Disabilities Act;
- 140 (4)(H) jail booking sheets;
- 141 (4)(I) citation, but an abstract of a citation that redacts all non-public information is
142 public;
- 143 (4)(J) judgment information statement;
- 144 (4)(K) judicial review of final agency action under Utah Code Section 62A-4a-1009;
- 145 (4)(L) the following personal identifying information about a party: driver's license
146 number, social security number, account description and number, password,
147 identification number, maiden name and mother's maiden name, and similar
148 personal identifying information;
- 149 (4)(M) the following personal identifying information about a person other than a party or
150 a victim or witness of a crime: residential address, personal email address,
151 personal telephone number; date of birth, driver's license number, social security
152 number, account description and number, password, identification number,
153 maiden name, mother's maiden name, and similar personal identifying
154 information;
- 155 (4)(N) medical, psychiatric, or psychological records;
- 156 (4)(O) name of a minor, except that the name of a minor party is public in the following
157 district and justice court proceedings:
- 158 (4)(O)(i) name change of a minor;
- 159 (4)(O)(ii) guardianship or conservatorship for a minor;
- 160 (4)(O)(iii) felony, misdemeanor, or infraction;
- 161 (4)(O)(iv) protective orders; and
- 162 (4)(O)(v) custody orders and decrees;
- 163 (4)(P) nonresident violator notice of noncompliance;
- 164 (4)(Q) personnel file of a current or former court personnel or applicant for employment;
- 165 (4)(R) photograph, film, or video of a crime victim;

- 166 (4)(S) record of a court hearing closed to the public or of a child's testimony taken
167 under URCrP 15.5:
- 168 (4)(S)(i) permanently if the hearing is not traditionally open to the public and
169 public access does not play a significant positive role in the process;
170 or
- 171 (4)(S)(ii) if the hearing is traditionally open to the public, until the judge
172 determines it is possible to release the record without prejudice to the
173 interests that justified the closure;
- 174 (4)(T) record submitted by a senior judge or court commissioner regarding performance
175 evaluation and certification;
- 176 (4)(U) record submitted for in camera review until its public availability is determined;
- 177 (4)(V) reports of investigations by Child Protective Services;
- 178 (4)(W) victim impact statements;
- 179 (4)(X) name of a prospective juror summoned to attend court, unless classified by the
180 judge as safeguarded to protect the personal safety of the prospective juror or
181 the prospective juror's family;
- 182 (4)(Y) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure,
183 except briefs filed pursuant to court order;
- 184 (4)(Z) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
185 and
- 186 (4)(AA) other records as ordered by the court under Rule 4-202.04.
- 187 (5) **Protected Court Records.** The following court records are protected:
- 188 (5)(A) attorney's work product, including the mental impressions or legal theories of an
189 attorney or other representative of the courts concerning litigation, privileged
190 communication between the courts and an attorney representing, retained, or
191 employed by the courts, and records prepared solely in anticipation of litigation or
192 a judicial, quasi-judicial, or administrative proceeding;
- 193 (5)(B) records that are subject to the attorney client privilege;
- 194 (5)(C) bids or proposals until the deadline for submitting them has closed;
- 195 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation
196 before issuance of the final recommendations in these areas;
- 197 (5)(E) budget recommendations, legislative proposals, and policy statements, that if
198 disclosed would reveal the court's contemplated policies or contemplated
199 courses of action;

- (5)(F) court security plans;
 - (5)(G) investigation and analysis of loss covered by the risk management fund;
 - (5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;
 - (5)(I) confidential business records under Utah Code Section 63G-2-309;
 - (5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:
 - (5)(J)(i) interfere with an investigation;
 - (5)(J)(ii) interfere with a fair hearing or trial;
 - (5)(J)(iii) disclose the identity of a confidential source; or
 - (5)(J)(iv) concern the security of a court facility;
 - (5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;
 - (5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;
 - (5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;
 - (5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation, or parole;
 - (5)(O) record the disclosure of which would jeopardize life, safety, or property;
 - (5)(P) strategy about collective bargaining or pending litigation;
 - (5)(Q) test questions and answers;
 - (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
 - (5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;
 - (5)(T) presentence investigation report;
 - (5)(U) except for those filed with the court, records maintained and prepared by juvenile probation; and
 - (5)(V) other records as ordered by the court under Rule 4-202.04.
- (6) **Juvenile Court Social Records.** The following are juvenile court social records:
- (6)(A) correspondence relating to juvenile social records;

- 233 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
234 substance abuse evaluations, domestic violence evaluations;
- 235 (6)(C) medical, psychological, psychiatric evaluations;
- 236 (6)(D) pre-disposition and social summary reports;
- 237 (6)(E) probation agency and institutional reports or evaluations;
- 238 (6)(F) referral reports;
- 239 (6)(G) report of preliminary inquiries; and
- 240 (6)(H) treatment or service plans.
- 241 (7) **Juvenile Court Legal Records.** The following are juvenile court legal records:
- 242 (7)(A) accounting records;
- 243 (7)(B) discovery filed with the court;
- 244 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
245 findings, orders, decrees;
- 246 (7)(D) name of a party or minor;
- 247 (7)(E) record of a court hearing;
- 248 (7)(F) referral and offense histories
- 249 (7)(G) and any other juvenile court record regarding a minor that is not designated as a
250 social record.
- 251 (8) **Safeguarded Court Records.** The following court records are safeguarded:
- 252 (8)(A) upon request, location information, contact information, and identity information
253 other than name of a petitioner and other persons to be protected in an action
254 filed under Title 77, Chapter 3a, Stalking Injunctions or Title 78B, Chapter 7,
255 Protective Orders;
- 256 (8)(B) upon request, location information, contact information and identity information
257 other than name of a party or the party's child after showing by affidavit that the
258 health, safety, or liberty of the party or child would be jeopardized by disclosure
259 in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody
260 Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate
261 Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;
- 262 (8)(C) location information, contact information, and identity information of prospective
263 jurors on the master jury list or the qualified jury list;
- 264 (8)(D) location information, contact information, and identity information other than
265 name of a prospective juror summoned to attend court;
- 266 (8)(E) the following information about a victim or witness of a crime:

267 (8)(E)(i) business and personal address, email address, telephone number,
268 and similar information from which the person can be located or
269 contacted;
270 (8)(E)(ii) date of birth, driver's license number, social security number, account
271 description and number, password, identification number, maiden
272 name, mother's maiden name, and similar personal identifying
273 information.

274 *Effective May/November 1, 20__*

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 party to pay a full or partial

30 fee if the financial affidavit and any further questioning demonstrate the party is
31 reasonably able to pay a fee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective May/November 1, 20____

Appendix I. Summary of Classification of Court Records

This chart is intended for use as a summary of how case record series are treated given classification of the case. “Public,” “Private,” “Protected,” and “Sealed” have the meanings given them by Rule 4-202.03.

“Semi-private” is an administrative description of a case in which the documents generally are private, but case identification is a matter of public record, as are the case history and the orders, judgments, and decrees. See Rule 4-202.02(4)(B)(i)-(ix).

Select documents and other records in a “Public” or “Semi-private” case may be otherwise classified by court order or because of the nature of the record or the nature of information within a record.

Case Type	Summary Classification	Case Identification Is:	Case History Is:	Documents Are:	Judgment Is:
Abstract of Judgment	Public	Public	Public	Public	Public
Adjudication of Marriage / Common Law Marriage	Semi-private	Public	Public	Private	Public
Administrative Agency Review	Public	Public	Public	Public	Public
Administrative Search Warrant	Private until 20 days after filing	Private until 20 days after filing	Private until 20 days after filing	Private until 20 days after filing	
Adoption	Sealed within 6 months after decree	Private until Sealed	Private until Sealed	Private until Sealed	Private until Sealed
Asbestos	Public	Public	Public	Public	Public
Attorney Discipline	Public	Public	Public	Public	Public
Child Support Lien	Public	Public	Public	Public	Public
Civil Rights	Public	Public	Public	Public	Public
Civil Stalking	Semi-private	Public	Public	Private	Public
Cohabitant Abuse	Semi-private	Public	Public	Private	Public
Condemnation	Public	Public	Public	Public	Public

Conservatorship	Semi-private	Public	Public	Private	Public
Contract	Public	Public	Public	Public	Public
Criminal Investigations	Protected Public unless otherwise ordered	Protected Public unless otherwise ordered	Protected Public unless otherwise ordered	Protected Public unless otherwise ordered	Protected Public unless otherwise ordered
Custody and Support	Semi-private	Public	Public	Private	Public
Debt Collection	Public	Public	Public	Public	Public
Deposit of Will	Sealed	Sealed	Sealed	Sealed	Sealed
Divorce	Semi-private	Public	Public	Private	Public
Estate/personal representative	Public	Public	Public	Public	Public
Eviction	Public	Public	Public	Public	Public
Extradition	Public	Public	Public	Public	Public
Felony	Public	Public	Public	Public	Public
Foreign Judgment	Public	Public	Public	Public	Public
Forfeiture of Property	Public	Public	Public	Public	Public
Gestational Agreement	Sealed within 6 months after decree	Private until Sealed	Private until Sealed	Private until Sealed	Private until Sealed
Grandparent Visitation	Semi-private	Public	Public	Private	Public
Guardianship	Semi-private	Public	Public	Private	Public
Hospital Lien	Public	Public	Public	Public	Public
Infraction	Public	Public	Public	Public	Public
Interpleader	Public	Public	Public	Public	Public
Involuntary Commitment	Private	Private	Private	Private	Private
Judgment By Confession	Public	Public	Public	Public	Public

Juvenile Court case types	Private	Private	Private	Private	Private
Lien Mortgage Foreclosure	Public	Public	Public	Public	Public
Malpractice	Public	Public	Public	Public	Public
Minors Settlement	Public	Public	Public	Public	Public
Miscellaneous	Public	Public	Public	Public	Public
Misdemeanor	Public	Public	Public	Public	Public
Name Change	Public	Public	Public	Public	Public
Other Civil	Public	Public	Public	Public	Public
Parking	Public	Public	Public	Public	Public
Paternity	Semi-private	Public	Public	Private	Public
Personal Injury	Public	Public	Public	Public	Public
Petition to Modify	Determined by the classification of the case in which the petition is filed.				
Post-Conviction Relief	Public	Public	Public	Public	Public
Probate	Public	Public	Public	Public	Public
Property Damage	Public	Public	Public	Public	Public
Property Rights	Public	Public	Public	Public	Public
Renew Judgment	Public	Public	Public	Public	Public
Separate Maintenance	Semi-private	Public	Public	Private	Public
Sexual Harassment	Public	Public	Public	Public	Public
Small Claims	Public	Public	Public	Public	Public
Small Claims Trial De Novo	Public	Public	Public	Public	Public
Subpoena for Deposition	Public	Public	Public	Public	Public

Supervised Administration	Public	Public	Public	Public	Public
Tax Court	Public	Public	Public	Public	Public
Tax Lien	Public	Public	Public	Public	Public
Tax Protest	Public	Public	Public	Public	Public
Traffic	Public	Public	Public	Public	Public
Trust	Public	Public	Public	Public	Public
UCCJA Action	Semi-private	Public	Public	Private	Public
UISFSA Action	Semi-private	Public	Public	Private	Public
Water Rights	Public	Public	Public	Public	Public
Workforce Services Liens	Public	Public	Public	Public	Public
Writs	Public	Public	Public	Public	Public
Wrongful Death	Public	Public	Public	Public	Public
Wrongful Termination	Public	Public	Public	Public	Public

Tab 6

Utah Court-Annexed Alternative Dispute Resolution Program

ADR Committee Update to the Judicial Council – December 17, 2018

History

In 1994, the Utah State Legislature enacted the Utah Alternative Dispute Resolution Act (ADR Act) which required the Judicial Council to implement a program utilizing Alternative Dispute Resolution in the state courts. The program was implemented by the Judicial Council and Supreme Court rules on January 1, 1995.

Funding

The ADR Act provides for the creation of a restricted account, the Dispute Resolution Fund, to be funded by a portion of court filing fees and appropriated annually to the AOC to implement the purposes of the ADR Act. Additional funds are provided through a Federal Child Access and Visitation Grant and the General Fund.

ADR Programs

Child Welfare Mediation	Statewide (Juvenile Court cases involving abuse or neglect)
Co-Parenting Mediation	Third District (U.C.A. §30-3-38)
Divorce Mediation	Statewide (U.C.A. §30-3-39)
General Civil Referrals	Statewide (Mediation or Arbitration) (UCJA 4-510.05)
Restorative Justice	Statewide (Juvenile Truancy & Victim/Offender Mediation)
Probate Mediation	Third District
Law and Motion Mediation	Third District
Small Claims Mediation	Various Justice Courts
Small Claims Appeals	Second and Third Districts

ADR Program Structure and Rationale

The Utah Court ADR programs are structured in various ways. Generally speaking, if the program is mandatory, we have more interest in quality assurance and require more training, oversight and evaluation:

- For **General Civil** case referrals we administer a Court Roster of private mediators and arbitrators who have met specific education, experience and ethical requirements outlined in UCJA 4-510.03. Parties select their own mediator.
- For **Mandatory Divorce Mediation** we have a sub roster of Divorce Mediators who have received additional specialized training and mentoring and are subject to the same annual re-qualification requirements as the basic Court Roster.
- For **Co-parenting Mediations** which are required to be mediated within 15 days of filing, we screen cases, contact parties and assign cases to a closed roster of private providers with specialized experience and training.
- For **Child Welfare Mediation** cases which are court-ordered and subject to very tight statutory timelines, we provide court staff mediators hired and trained specifically for these cases, as well as administrative support and evaluation. Two court staff mediators were recently added to mediate **Juvenile Court Victim/Offender and Truancy cases**.
- **Other mediation programs** utilize trained volunteer mediators and are often administered through collaborations with schools, universities and other nonprofit organizations.

ADR Program Statistics and Services –FY2018

- More than 1,800 cases were referred directly to court-administered ADR Programs. More than 5,000 cases were mediated by private providers.
- Over 900 *pro bono* mediations were provided through ADR Program collaborations with nonprofit community organizations and educational institutions
- 6 ADR staff mediators were assigned 1,377 Child Welfare mediations statewide. Of those cases mediated, 92% were fully resolved. (Since 1998, the Child Welfare Mediation Program has conducted over 16,200 mediations for the Utah State Juvenile Court.)
- More than 350 *pro bono* mediations were arranged directly by ADR staff
- The Utah Court Roster lists 232 ADR Providers who mediated 4,778 cases and arbitrated 181 cases in 2017. Twenty-four new applications and 202 roster re-qualifications were processed by the ADR Department in 2017.
- 808 *pro bono* mediations were provided by members of the Utah Court Roster
- The ADR Committee of the Utah Judicial Council has continued to provide ethics outreach and education using the new Utah Mediation Best Practice Guide. Presentations in 2018 included conferences of the Utah State Bar and the Utah Council on Conflict Resolution. The ADR Committee recently approved amendments to the guide to address issues brought forward from outreach efforts.
- The ADR Committee created a new on-line ethics examination for new applicants to the Utah Court Roster which expanded the scope of the exam to cover all Utah court rules and statutes that govern ethical behavior of mediators who are members of the Utah Court Roster. The online exam contains live links to the relevant rules and statutes.
- Ongoing ADR Training and information are provided to court personnel through a 40-hour Basic Mediation Training, New Judge Orientations and specialized training sessions arranged for judges, court staff and supervisors.
- Outreach and education are provided to the Utah State Bar, Utah State Legislature, Utah ADR Providers and court clients through reports, seminar and conference presentations and the ADR web site.

UTAH STATE COURT

ADR PROGRAM DESCRIPTIONS

Mandatory Divorce Mediation Program: (Statewide)

- ▶ Created by U.C.A. Section 30-3-39 in 2005 to help reduce the time and tensions associated with obtaining a divorce. The law requires that divorcing parties involved in a contested divorce mediate their disputed issues using a court-qualified mediator before the case may proceed through the court.
- ▶ The ADR Office maintains a Divorce Roster of private professional providers that are court-qualified to conduct divorce mediations. Income-eligible parties are provided with pro bono mediators.

Co-Parenting (Visitation) Mediation Program: (Third District)

- ▶ Created by U.C.A. Section 30-3-38 and implemented in 3rd District Court; all motions alleging a violation of court ordered parent-time rights are automatically referred to the Co-Parenting Mediation Program.
- ▶ The program schedules mediations within 15 days of referral using a closed roster of private mediators with specialized skill in co-parenting mediation. Mediation services are provided at low cost on a sliding scale.

Probate Mediation Program: (Third District)

- ▶ All probate disputes in Third District (Matheson Courthouse) that are not resolved by the law and motion judge are automatically referred by the court to the ADR program at the time the case is referred to a judge for trial.
- ▶ By default, the form of ADR is mediation but parties may agree to substitute non-binding arbitration or binding arbitration.
- ▶ These cases are all conducted by private sector mediators.

Small Claims Mediation Program: (Available at various Justice Court locations)

- ▶ Disputants in small claims case are given the opportunity to mediate their case prior to appearing before the judge.
- ▶ The program utilizes trained volunteer mediators from the community and is a collaboration with Utah Dispute Resolution, Utah Valley University, Brigham Young University and Mountain Mediation Center.

UTAH STATE COURT ADR PROGRAMS (continued)

Law and Motion Mediation Program (Third District):

- ▶ Trained volunteer mediators conduct mediations for disputants with landlord tenant and debt collection issues.
- ▶ Program located at the West Jordan Courthouse.

Child Welfare Mediation Program (Statewide):

- ▶ The program's purpose is to build cooperation among families, attorneys, state agencies and the Juvenile Court in order to serve the best interests of children.
- ▶ Mediators assist parties in negotiating petitions, parental service plans and placement of children.
- ▶ The program is offered statewide and consists of five full-time staff mediators, one half-time lead mediator and two caseload coordinators.

Victim-Offender Mediation Program (Restorative Dialogue) (Statewide):

- ▶ The program's purpose is to give victims an opportunity to meet juvenile offenders and express the impact that the crime had on their lives. It also gives victims a more active role in the justice process in determining restitution and ways for the juvenile offender to help restore the harm.
- ▶ Specially trained staff and volunteer mediators from the local community provide mediation services.

Truancy Mediation Program (Statewide):

- ▶ The program is voluntary and an effort to help families and students improve attendance.
- ▶ Individual schools opt in to the program.
- ▶ Trained staff and volunteer mediators provide mediation services.

General Civil Cases (Statewide)

- ▶ Governed by UCJA 4-510.05. Exceptions found in UCJA 4-510.06
- ▶ Parties select their own mediator/arbitrator
- ▶ Court maintains a roster of court-qualified ADR providers at the following web site: http://www.utcourts.gov/mediation/roster/list_med.asp

Information on Utah State Court Mediation Programs can be found at www.utcourts.gov/mediation

Utah Court-Annexed Alternative Dispute Resolution (ADR) Resources

ADR Program Coordinators

ADR Director

Nini Rich 801 578-3982 ninir@utcourts.gov

Divorce Mediation Program Coordinator

Bart MacKay 435 986-5754 1 800 620-6318 bartm@utcourts.gov

Co-Parenting Mediation Program Coordinator

Kathleen Bowman 801 238-7858 kathlerb@utcourts.gov

Child Welfare Mediation Program Coordinator

Bev Klungervik 801 238-7812 bevk@utcourts.gov

Victim Offender/Truancy Mediation Program Coordinator

Bart MacKay 435 986-5754 bartm@utcourts.gov

On-line Resources

ADR Main Page: www.utcourts.gov/mediation/

Utah Court Roster: www.utcourts.gov/mediation/roster/

List of and Links to All Court Mediation Programs:

www.utcourts.gov/mediation/docs/ADR_flowchart.pdf

Utah Mediation Best Practice Guide: www.utcourts.gov/mediation/

Governing Rules and Statutes

Utah Alternative Dispute Resolution (ADR) Act – U.C.A. Section 78B-6-201 *et seq*

Utah Uniform Mediation Act – U.C.A. Section 78B-10-101 *et seq*

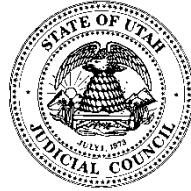
Utah Rules of Court-Annexed Alternative Dispute Resolution (URCADR)

Utah Code of Judicial Administration Rules 4-510.01 – 4-510.06

U.C.A. Section 30-3-39 (Divorce Mediation)

U.C.A. Section 30-3-38 (Co-Parenting [Visitation] Mediation)

Tab 7



Administrative Office of the Courts

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

MEMORANDUM

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

To: Judicial Council
From: Nancy Sylvester *Nancy D. Sylvester*
Date: November 30, 2018
Re: Annual Update on the Model Utah Civil Jury Instructions (MUJI-Civil) Committee

Attached for your consideration is the MUJI-Civil Committee's subject matter timeline. This represents the committee's anticipated time frames for creating and reviewing new model civil jury instructions in the identified subject areas.

This year, MUJI-Civil [published](#) instructions in three subject areas:

- Injurious Falsehood
- Economic Interference
- Civil Rights (first half)

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.

<u>Priority</u>	<u>Subject</u>	<u>Sub-C in place?</u>	<u>Sub-C Members</u>	<u>Projected Starting Month</u>	<u>Projected Finalizing Month</u>	<u>Comments Back?</u>
1	Injurious Falsehood	Yes	Dryer, Randy; Hoole, Greg; Hoole, Roger; Hunt, Jeff; Reymann, David (Chair); Stevens, Greg	December-17	February-18	December 2018 Meeting
2	Trespass and Nuisance	Yes	Hancock, Cameron; Abbott, Nelson (P); Steve Combe (D)	November-18	February-19	
3	Uniformity	TBD	Judge Keith Kelly (chair)	March-19	March-19	
4	Assault/False Arrest	Yes	Rice, Mitch (chair); Carter, Alyson; Wright, Andrew (D); Cutt, David (P)	April-19	June-19	
5	Insurance	Yes	Johnson, Gary (chair); Pritchett, Bruce; Ryan Schriever, Dan Bertch, Andrew Wright, Rick Vazquez; Stewart Harman (D); Ryan Marsh (D)	September-19	December-19	
6	Unjust Enrichment	No (instructions from David Reymann)	David Reymann	January-20	March-20	
7	Abuse of Process	No (instructions from David Reymann)	David Reymann	April-20	June-20	
8	Directors and Officers Liability	Yes	Call, Monica; Von Maack, Christopher (chair); Larsen, Kristine; Talbot, Cory; Love, Perrin; Buck, Adam	TBD	TBD	Much of this is codified in statute. There may not be enough instructions to dedicate an entire instruction area.
9	Wills/Probate	No	Barneck, Matthew (chair); Petersen, Rich; Tippet, Rust; Sabin, Cameron	TBD	TBD	
10	Civil Rights: Set 2	Yes	Ferguson, Dennis (D); Mejia, John (P); Guymon, Paxton (P); Stavors, Andrew (P); Burnett, Jodi (D); Plane, Margaret (D); Porter, Karra (P); White, Heather (D)	TBD	TBD	
11	Sales Contracts and Secured Transactions	Yes	Cox, Matt (chair); Boley, Matthew; Maudsley, Ade	TBD	TBD	
12	Products Liability	No	Tracy Fowler, Nelson Abbott, and Todd Wahlquist	TBD	TBD	Time to update due to significant changes in case law.
13	Implicit Bias	TBD	Judge Su Chon (chair)	TBD	TBD	

Tab 8



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

November 30, 2018

MEMORANDUM

TO: Management Committee of the Utah Judicial Council
Judicial Council

FROM:  Brent M. Johnson

RE: Ethics Advisory Committee Reappointment

The term of Ethics Advisory Committee member Judge Wallace A. Lee expired in October 2018. Judge Lee is eligible for another term. Judge Lee has a desire to serve another term. The Committee recommends that the Judicial Council reappoint Judge Lee.

The Ethics Advisory Committee does not meet very often. The committee only meets when an opinion request is received and lately the committee has been receiving only one or two requests a year. When the committee receives a request, it is important that the members are immediately engaged in providing feedback and assisting with the preparation of the opinion. It is also important that the members accommodate a meeting as soon as possible. Judge Lee has been very valuable in this regard. He has been engaged and has attended a majority of the meetings that we have held during his first term. He has provided a valuable perspective and I think his perspective will be helpful in the future. The Committee therefore highly recommends Judge Lee's reappointment.

Attached for your reference is a list of the other committee members and the area they represent.

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

- **The members of the Ethics Advisory Committee:**
 - **Judge Michele Christiansen Forster, Court of Appeals, Chair**
 - **Judge Renee Jimenez, Third District Juvenile Court**
 - **Judge Trent Nelson, Roy Justice Court**
 - **Judge Laura Scott, Third District Court**
 - **Judge Wallace Lee, Sixth District Court**
 - **Ryan Tenney, United States Attorney**
 - **Brent Johnson, staff**



Administrative Office of the Courts

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

November 27, 2018

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

MEMORANDUM

TO: Management Committee/Utah Judicial Council

FROM: Chris Talbot, Court Facilities Director

RE: Court Facilities Planning Standing Committee - Approval of new committee member and reappointment of Judge Carpenter to second term

The Standing Committee for Court Facilities Planning is seeking approval to backfill a vacant Trial Court Executive member position due to Wendell Roberts reaching his 2 term limit on the committee.

The current committee members are as follows:

1. Hon. David N. Mortensen, Chair - Court of Appeals
2. Hon. M. James Brady - Fourth District Court, Provo
3. Hon. Jeffrey Noland - Second District Juvenile, Ogden
4. Hon. Jon Carpenter - Carbon County Justice Court
5. Rick Schwermer - Court Administrator
6. ***Vacant - Trial Court Executive***
7. Archie Phillips - Architect
8. Lyle Knudsen - Architect

Shane Bahr recently made a request at the November 2018 TCE meeting for interested TCE candidates to submit information for consideration. The Standing Committee is searching for a TCE with prior planning experience in new courthouse construction or existing courthouse renovations. Although several TCEs showed interest, Mark Urry was the only TCE who submitted the required information.

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

Mark provided the following statement:

I am interested in being considered for the TCE representative position on the AOC Facilities Committee. Over the past 26 of my 30 year career in the Court System, I feel that I have gained pertinent court facilities experience that would make me a helpful, contributing member of the Facilities Committee. I've already been able to establish a good working relationship with both Chris Talbot and Judge David Mortensen during the new Provo Courthouse construction.

I am currently only serving on the Divorce Education for Children Sub-committee, of which my Administrative Assistant actually represents me. I'm currently not on any other AOC committees or sub-committees.

Judge Mortensen, Committee Chair, and I support Mark Urry as a candidate for the open TCE vacancy.

The Standing Committee is also seeking approval to reappoint Judge Jon Carpenter from the Carbon County Justice Courts to another 3 year term. Judge Carpenter was appointed to his first term in June of 2015 and has become a valued member of the committee with regular attendance at the quarterly meetings. He has agreed to serve another 3 year term if reappointed.

Thank you for consideration on the new appointment for Mark Urry and the reappointment of Judge Carpenter to the Court Facilities Planning Standing Committee.



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

MEMORANDUM

TO: Judicial Council / Management Committee Members
FROM: Michael C. Drechsel, Associate General Counsel - AOC
DATE: December 3, 2018
RE: Pretrial Release & Supervision Committee Membership

Name of Committee: Standing Committee on Pretrial Release and Supervision
Reason for Vacancy: Expiration of terms
Current committee member list:

NAME	POSITION	STATUS
Hon. George Harmond	District Court Judge [CHAIR]	SEEKING REAPPOINTMENT
Hon. Brendan McCullagh	Justice Court Judge	SEEKING REAPPOINTMENT
Pat Kimball	Pretrial Services	SEEKING REAPPOINTMENT
Brent Johnson	Court General Counsel	SEEKING REAPPOINTMENT
Hon. Rick Romney	Justice Court Judge	JUDGE BROOK SESSIONS NOMINATED TO REPLACE
Adam Trupp	County Representative	NO RESPONSE TO REQUEST TO BE REAPPOINTED
Sen. Lyle Hillyard	State Senator	ACTIVE (term ends 04/2019)
Rep. Eric Hutchings	State Representative	ACTIVE (term ends 04/2019)

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Wayne Carlos	Surety Agent	ACTIVE (term ends 08/2019)
Lt. Corey Kiddle	County Sheriff	ACTIVE (term ends 04/2020)
Hon. William Kendall	District Court Judge	ACTIVE (term ends 05/2021)
Kimberly Crandall	Prosecutor	ACTIVE (term ends 05/2021)
Cara Tangaro	Defense Attorney	ACTIVE (term ends 05/2021)
Reed Stringham	Insurance Department	ACTIVE (term ends 05/2021)
Marshall Thompson	CCJJ	ACTIVE (term ends 05/2021)
Hon. Keith Eddington	Juvenile Court Judge	ACTIVE (term ends 07/2021)

The Pretrial Release & Supervision Committee officially began its work in January 2016. Of the original members on the committee, six have first terms that expire in January 2019. Of those six, four members are seeking reappointment for a second term, including:

Judge George Harmond (committee chair);
Judge Brendan McCullagh;
Mr. Pat Kimball; and
Mr. Brent Johnson.

Each of these four committee members have regularly attended meetings and have made significant contributions to the work of the committee. It is recommended that these members be reappointed for a second term.

The fifth position up for appointment is for a justice court judge, currently filled by **Judge Rick Romney**. Judge Romney has experienced significant work scheduling conflicts that has made it difficult for him to be as engaged in the committee's work as he would have otherwise wished (though he always made arrangements to have someone attend in his place). Judge Romney's candid assessment is that the Judicial Council should appoint a replacement for his position on the committee. In order to identify a replacement, the Justice Court Administrator solicited interest by sending an email to all of the justice court judges across the state. One member of that group expressed interest in being involved in the committee: **Judge Brook Sessions**. Judge Sessions has the support of the Board of Justice Court Judges, as determined by their review and nomination of Judge Sessions at its board meeting on November 30, 2018. Judge Sessions has previously attended committee meetings on behalf of Judge Romney and in that way already has familiarity with the committee's work. Judge Sessions wrote the following statement of interest:

I have been filling in for Judge Romney on the Pre-Trial Release Committee for most of 2017. Many of the meetings were scheduled on days he had court and since I am very interested in pre-trial

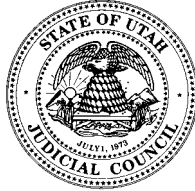
release decisions and the statewide PC system, as well as the PSA, I have been sitting in for him. He and I have been working closely with our District Court Presiding Judge, Jim Brady, and with Associate Presiding Judge, Jennifer Brown on getting the PC system going in Utah County and Wasatch County. Judge Brown has been very involved with the PSA implementation. I have been covering all PC's for Justice Courts for Utah County and for Wasatch County as well as Wasatch County Felonies while we work out the bugs. As you know, there are many bugs to work out.

I am happy to serve on this Committee. If others want to serve, I would be happy to give them the opportunity. I am currently on the: (1) Uniform Fine and Bail Committee; (2) Committee for Self-Represented Parties; and (3) Board of Justice Court Judges "Trust and Confidence" Committee.

Based upon the foregoing, the committee recommends that the Judicial Council appoint Judge Sessions to fill a position of justice court judge on the committee.

The sixth position up for appointment is the position of "one representative of counties," currently filled by Mr. Adam Trupp from the Utah Association of Counties. After several inquiries, it remains unclear whether Mr. Trupp is interested in continuing his work with the committee.¹ From a review of the minutes, it appears that Mr. Trupp has attended committee meetings less than half of the time. Staff requests that the Judicial Council make a determination as to whether Mr. Trupp should be reappointed to the committee or whether a new appointee should be sought.

¹ Staff emailed Mr. Trupp on November 23 and again on November 30. These emails were followed by a phone call (resulting in a voicemail) on December 3. After the voicemail, two text messages were exchanged, but no information was received regarding Mr. Trupp's interest in continuing to be involved in the committee.



Administrative Office of the Courts

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

December 4, 2018

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

MEMORANDUM

TO: Management Committee
Utah Judicial Council

FROM: Geoffrey Fattah, staff
Standing Committee on Judicial Outreach

RE: Appointment of Nicholas M. Shellabarger

This vacancy was created when Robert Austin with the Utah State Board of Education completed his third term on the Standing Committee on Judicial Outreach.

Under direction of the chair, Judge Elizabeth Hruby Mills, we contacted the Utah State Board of Education to request a nomination for the committee's state education position on the committee. The State Board of Education has recommended Nicholas M. Shellabarger to fill this position. Attached is his CV, along with a letter of recommendation from the superintendent.

Mr. Shellabarger's statement of interest:

"I am interested and willing to serve as a Utah State Board of Education (USBE) representative on the Committee for Judicial Outreach. Robert Austin of USBE previously served in this position. However, as he has reached the end of his eligible tenure, Superintendent Sydnee Dickson has recommend I serve as his replacement.

I have worked as a classroom teacher at various secondary levels for a total of 10 years. I currently work as the USBE Education Specialist in the Youth in Custody Area. My work with youth in custody in Utah has led to frequent involvement with the Utah court system and the Department of Human Services as we seek to serve this population of court-involved youth. This unique combination of experience and access will help me to be an effective contributor to this committee. Thank you for your consideration."

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

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)

Judge Jill Pohlman, Appellate Court judge representative

Judge Craig Bunnell, Juvenile Court judge representative

Brent Johnson, state level administrator representative

Dr. Kim Free, 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

Geoffrey Fattah, Communication Director, staff liaison

#



UTAH STATE BOARD OF EDUCATION

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Joel Wright

Sydnee Dickson, State Superintendent of Public Instruction
Lorraine Austin, Board Secretary

September 20, 2018

Geoffrey Fattah, Communication Director
Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84114

Dear Mr. Fattah:

I am pleased to recommend that Nic Shellabarger replace Robert Austin as the state education representative on the Committee on Judicial Outreach.

Mr. Shellabarger is the Youth in Custody Specialist for the Utah State Board of Education and was previously an educator in the classroom and therefore will be a valuable asset as a member of this Committee.

Sincerely,

Sydnee Dickson, Ed.D.
State Superintendent of Public Instruction

Nicholas M. Shellabarger

000083

1986 S. 3425 W. Ogden, UT 84404
nic.shellabarger@schools.utah.gov
801.682.6234

Education

Master of Arts in Education

University of Phoenix

6/ 2007

Salt Lake City, UT

B.S. English

Emphasis in Creative Writing, Minor in Technical Writing

Weber State University

5/2006

Ogden, UT

- Lee McKenzie Memorial Scholarship Recipient
- Editor/Poetry Editor of Weber State's Lit Journal, *Metaphor*

Employment

Education Specialist, Youth in Custody

Utah State Board of Education

05/2016-present

Salt Lake City, UT

- Technical assistance, oversight, monitoring, for all Youth in Custody programs statewide.
- Represent USBE on various councils and committees including Utah Coordinating Council for Youth in Custody, Promising Youth Conference Committee, Utah Youth Providers Network, etc.
- Serve as education liaison for the Utah Department of Child and Family Services
- Oversight and training of statewide *Check & Connect* mentor network.
- Creation of state forms, documents, and technical assistance documents.

Teacher, Secondary English

Weber Valley Detention Center

08/2014-05/2016

Ogden, UT

- Teach English, reading, and media classes at all secondary levels to youth incarcerated in a short-term detention setting.
- Work with Department of Juvenile Justice Services facility staff to create education plan and programming for incarcerated youth.

Teacher, Middle School Language Arts/Reading

Big Piney Middle School

08/2012-07/2014

Big Piney, WY

- Teach 7th grade language arts and reading to Common Core standards.

Teacher, Junior High English

Rocky Mountain Junior High

08/2012-07/2014

West Haven, UT

- Teach 8th and 9th grade English to Common Core standards.
- Create, maintain, and teach content for district online English 9 Curriculum

Teacher, High School English

Evanston High School, Uinta County School District #1

08/2007-07/2012

Evanston, WY

- Teach High School English to Common Core standards.

References


Brian Omstead
Adult, Risk, and Assessment
Coordinator; USBE
Brian.Olmstead@schools.utah.gov
(801) 538-7825

Steve Kaelin
Education Specialist
USBE
Steve.Kaelin@schools.utah.gov
(801) 538-7849

Ed Morris
Principal
Ogden School District
Morrise@ogdensd.org
(801) 334-0271

Memorandum

TO: Management Committee

FROM: Ray Wahl, Staff, Standing Committee on Children and Family Law 

Re: Vacancies on the Committee

Date: December 3, 2018

Attached you will find a memo that went to the District Court judges about vacancies on the standing committee. There are two vacancies; a court commissioner and a district court judge. Both Judge Douglas Thomas and Commissioner Michelle Blomquist have served the maximum number of terms.

Regarding the commissioner vacancy, Commissioner Russell Minas, who was recently appointed in 3rd District as a commissioner, previously served on the committee as the representative of the Family Law Section of the Bar. He has agreed to serve as the commissioner representative. The committee will be recruiting with the Family Law Section of the bar for a new member.

Interest to serve on the committee was expressed by Judge Kent Holmberg of the Third District Court. Because Judge Thomas vacated the co-chair position, Judge Hruby-Mills was asked to co-chair the committee and she has graciously accepted.

The Standing Committee on Children and Family Law is requesting that the Management Committee approve these two appointments and that this matter be placed on the consent calendar of the Judicial Council.

Cc: Judge Elizabeth Hruby-Mills

Judge Sherene Dillon

Memorandum

TO: District Court Bench

Shane Bahr, District Court Administrator

FROM: Ray Wahl, Staff, Standing Committee on Children and Family Law

RE: Vacancies on Committee

Date: November 15, 2018

Rule 1-205 (1) (B) (vi) discusses the membership of the committee to include a Senator and Representative appointed by the President of the Senate and Speaker of the House, one attorney of the Executive Committee of the Family Law Section of the Utah State Bar, one attorney with experience in abuse and neglect cases, one attorney with experience representing parents in abuse and neglect cases, one representative of a child advocacy organization, one mediator, one professional in the area of child development, the Director of Human Services or their designee, the Director of the GAL office, one court commissioner, two district court judges and two juvenile court judges.

The following people presently serve on the committee: Judge Douglas Thomas, Judge Elizabeth Hruby-Mills, Judge Sherene Dillon, Judge Brent Bartholomew, Commissioner Michele Blomquist, Mark Brasher, Sen. Todd Weiler, Nini Rich, James Hanks, Russ Minas, Jared Hales, Stacey Snyder, and Anna Trupp.

There are two vacancies on the committee; one for a district court judge (replacing Judge Thomas who has served the maximum number of terms and is the co-chair) and one for a commissioner (replacing Commissioner Blomquist who has served the maximum number of terms). Commissioner Minas was appointed to the committee as an attorney representative but could now fill the seat of a commissioner. If that is the preference, we would recruit a member of the Family Law Section of the Bar to fill Commissioner Minas' slot on the committee.

The committee meets quarterly on the second Friday of the month. Their next meeting is scheduled for December 14th. The committee is presently working on implementing the recommendations of the Domestic Case Process Improvement Subcommittee and modifications to Rules 108 and 109, as well as Rule 4-902 (Custody Evaluations).

I would appreciate this information being circulated to the bench in order to fill the district court judge vacancy. I know it has been the practice of your Board to review names of those interested and make

Page Two

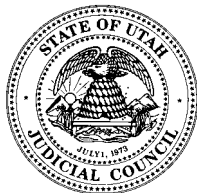
Standing Committee on Children and Family Law

recommendations to the Management Committee and Council. I would ask that those who are interested include a vita and a list of court committees they presently serve on. I would appreciate receiving names of those interested in serving by December 15th as I will be reviewing these appointments with the Management Committee and Council in January.

Please let me know if I can answer any questions about the committee.

Cc: Judge Douglas Thomas, Co-Chair

Judge Sherene Dillion, Co-Chair



Administrative Office of the Courts

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

November 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: One of our two representatives from legal service organizations that serve low-income clients, Christopher Martinez-Legal Aid Society of Salt Lake, has resigned from his position on the committee.

Eligibility requirements: This position requires a representative from a legal service organization that serves low-income clients. Rule 1-205(1)(B)(viii).

Current committee member list:

Last Name	First Name	Representing	Original Appointment	Current Appointment	Term Ends
Bazzelle	Suchada	Juvenile court judge	17-Aug-18	17-Aug-18	17-Aug-21
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
Newell	Shawn	Public	18-Sep-18	18-Sep-19	18-Sep-21

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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-21
Kent	Jacob	OCAP (ULS)	27-Feb-17	27-Feb-17	27-Feb-20
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	11-Oct-18
Sessions	Brook	Justice court judge	20-Nov-17	20-Nov-17	20-Nov-20
Stormont	Charles	Bar	18-Sep-18	18-Sep-18	18-Sep-21
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	-	-

Description of recruitment process:

An email was circulated to the Bar and we also reached back to applicants who applied for the Bar member position over the summer

List of names for consideration:

Tatiana Christensen: Utah Legal Services

Amy Morgan: Utah Legal Services

Peter Strand: Lawyers for Veterans

Statement of interest:

See attached.

List of other current and past committee assignments:

See attached.

Recommendation:

Although the committee would welcome any of these applicants, the committee recommends that Peter Strand be appointed since he would add a diverse perspective through his work with veterans. Jacob Kent already represents Utah Legal Services on the committee.



000089

Minhvan Brimhall <minhvanb@utcourts.gov>

application for the vacancy on the Standing Committee on Resources for Self-represented Parties

1 message

Tatiana B. Christensen <tchristensen@utahlegalservices.org>
To: "minhvanb@utcourts.gov" <minhvanb@utcourts.gov>

Tue, Jul 31, 2018 at 9:04 AM

Thank you for accepting my application and resume.

Best,

Tatiana

Tatiana B. Christensen

Attorney / Pro Bono Director

Utah Legal Services, Inc.

205 North 400 West

Salt Lake City, Utah 84103-1125


(801) 328-8891 ext. 3373


<https://www.utahlegalservices.org/>



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2 attachments

 **workresume.doc**
34K

 **Application 2018.docx**
403K



Application

Utah Supreme Court Advisory Committees

Utah Judicial Council Standing Committees

The Utah Supreme Court and the Utah Judicial Council have vacancies on one or more of their committees. Any interested candidate is invited to complete this application and submit it along with the candidate's resume to Minhvan Brimhall at minhvanb@utcourts.gov. A brief description of the vacancies, work of the committees, and application deadline is appended to this announcement.

If you have any questions, please contact the respective staff person:

- Advisory Committee on the Rules of Criminal Procedure: Brent Johnson at brentj@utcourts.gov;
- Ethics Advisory Committee: Brent Johnson at brentj@utcourts.gov;
- Standing Committee on Resources for Self-represented Parties: Nancy Sylvester at nancyjs@utcourts.gov.

1. Your Name?

Last: Christensen

First: Tatiana

2. What committee(s) are you applying for? (mark 'x' for all that pertain)

☐ Advisory Committee on the Utah Rules of Criminal Procedure

☐ Ethics Advisory Committee

☒ Standing Committee on Resources for Self-represented Parties

3. Have you applied for a committee appointment previously? If so, how many times?

No

4. List any other Supreme Court, Judicial Council, or Bar Commission committees you are currently serving on:

N/A

5. List any Supreme Court, Judicial Council, or Bar Commission committees you have served on in the past:

N/A

6. Please provide your contact information:

Bar Number: 10728

Firm or Organization: Utah Legal Services

Mailing Address: 205 N 400 W

City/Town: Salt Lake City

State: UT

Zip Code: 84103

County: Salt Lake County

Email Address: tchristensen@utahlegalservices.org

Phone Number: 801-328-8891, ext. 3373

7. Number of Lawyers in Firm or Organization: 22

8. Years of Practice: 9

9. Type of Practice: family law, expungements, pro bono management

10. Publications? N/A

11. Academic Distinctions? Graduated top 50% at J. Reuben Clark Law School (BYU)

12. Other Distinctions, Recognitions, or Awards? N/A

13. Gender: female

14. Race or Ethnic Group: Caucasian

15. Please Describe your experience and interest in the committee:

I have been a staff attorney at Utah Legal Services since September 2010. At ULS, I worked as a domestic lawyer for five years, handling divorce, custody, protective order, and stalking injunction matters. I then moved into the area of expungement law for a year. Subsequent to that, I have worked on pro bono projects, such as managing a Pro Bono Innovation Fund grant from the Legal Services Corporation, and became the Pro Bono Director for ULS in August 2017.

I am interested in improving the resources for self-represented parties, especially as so much of my work as Pro Bono Director at ULS and ULS's mission in general has to do with providing legal support and services to the most vulnerable among Utah's population. In my position at ULS, I have had several opportunities to consider the needs of and data related to self-represented parties, such as helping to administer several focus groups on legal needs in rural areas a couple of years ago, and would like to bring my experience to this committee.

Tatiana Bryan Christensen

tatianabryanchristensen@gmail.com 801-615-1654

Education

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

Juris Doctor, April 2005

- Moot Court Team, 2003-2004
- Trial Advocacy Team, 2003-2004
- Advocacy (Legal Research and Writing) Teaching Assistant, 2003-2005
- Dean's Fellow (Tutor), 2003-2004

TISCH SCHOOL OF THE ARTS, NEW YORK UNIVERSITY, New York, New York

Bachelor of Fine Arts in Acting, May 1999

- Graduated cum laude
- Minor in English

Bar Memberships

- Utah State Bar

Experience

UTAH LEGAL SERVICES, INC., Provo, Utah

Staff Attorney, September 2010 - present

- Draft court documents and represent clients in court for divorce, custody, and other domestic actions and expungement proceedings
- Experience managing pro bono projects, cases, and grants, including taking the position of Pro Bono Director in August 2017

MARCUMSMITH, LLC, Alpine, Utah

Writing Consultant, September 2005 - July 2007

- Assisted in the writing of *egonomics*, released by Simon & Schuster in September 2007, including consulting with the authors on content, organization, grammar, punctuation, and style
- Performed copy editing on the company's website and other marketing materials

JONES, WALDO, HOLBROOK & MCDONOUGH, Salt Lake City, Utah

Law Librarian, January - June 2007

- Brought on to assess the firm's library needs and assist in recruiting a new full-time librarian
- Managed information resources for the firm and researched for many of its 75+ attorneys

INTERNATIONAL CENTER FOR LAW AND RELIGION STUDIES, Provo, Utah

Research Assistant, June - August 2003

- Helped plan and facilitate a conference on church-state relations for visiting Russian delegates
- Conducted research for law review article on media, religion, and civil society

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, Mexico City, Mexico

Summer Associate with In-house Counsel, May - June 2003

- Assisted in the legal implementation of a low-interest-rate educational loan program in several Latin American and Caribbean countries
- Researched trademark and other intellectual property issues in Colombia

Skills

- Fluent Spanish and some American Sign Language (ASL)



UTAH LEGAL SERVICES

000094

Committed to Equal Justice

205 NORTH 400 WEST, SALT LAKE CITY, UTAH 84103 * 801-328-8891 * FAX: 801-869-2715 * WWW.UTAHLEGALSERVICES.ORG

November 15, 2018

Re: Vacancy on Standing Committee on Resources for Self-Represented Parties

To Ms. Sylvester and Fellow Committee Members:

I would like to express my sincere interest in filling the recently announced vacancy on your committee. When I first decided to attend law school, it was with the primary desire to help others; I have attempted to do this throughout my career, spending the majority of my time assisting low-income, disadvantaged or otherwise under-represented individuals. I currently work as the statewide intake manager for Utah Legal Services. Part of my responsibility in this role is to supervise all calls from prospective clients requesting help from our agency; as such, I am positioned to understand what type of legal issues and additional stumbling blocks prevent people from receiving our assistance, information I believe would be useful to the committee. Even when Utah Legal Services cannot provide services to an individual, it is always our goal to provide meaningful referrals and resources; I would be particularly pleased to be a part of a committee that is ensuring these alternate paths are available to parties unable to find representation elsewhere.

I do not, nor have I, served on a court committee assignment; I do however currently serve on the Utah Bar's Modest Means Committee, co-chaired by Judge Su Chon and attorney D.J. Williams. My service with the Modest Means Committee is another rewarding way to help individuals gain access to the legal system.

Thank you for considering my application for the position, I eagerly await your reply. If you have any questions or are in need of references, do not hesitate to contact me.

Sincerely,

Amy J. Morgan
Managing Attorney
Intake & Benefit Enrollment Project
801-328-8891 x 3344
amorgan@utahlegalservices.org

Ogden
893 24th St., #300
84401
394-9431
Fax: 394-0430

Salt Lake City
205 N. 400 W.
84103
328-8891
Fax: 328-8898

Provo
455 N. University #100
84601
374-6766
Fax: 374-0960

Cedar City
965 S. Main #3
84720
586-2571
Fax: 586-1013

St. George
229 E. St. George Blvd. #103
84770
628-1604
Fax: 628-1693



Toll Free (outside of Salt Lake County): 1-800-662-4245

Amy J. Morgan
 amorgan@utahlegalservices.org
 801-328-8891 x 3344

EXPERIENCE

Utah Legal Services

Managing Attorney - Statewide Intake (Current)

Salt Lake City, UT
 December 2010 – Present

- Responsible for overseeing team of six staff who receive over 1,300 calls on average each month from across the state seeking legal assistance.
- Track the progress of each initial potential client contact: how it originated (online, by phone or via our automated callback system), wait times, hold times, and assess appropriate handling and transfer of each call, as well as compliance with agency regulations.
- Developed agency database for gathering and analyzing statewide staff performance, and provided management performance goals and feedback.
- Established annual performance goals for intake staff; monitor on a quarterly basis.
- Point person for potential clients who failed to qualify for services; listen to and respond to complaints timely and with empathy for each individuals' situation, always looking for alternative ways to assist.
- Recently created and conducted caller satisfaction survey to monitor the effectiveness of our callback system.
- Assist with grant writing to help fund our statewide intake program.

Managing Attorney – Benefit Enrollment Project (Current)

- Manage a staff of three paralegals who aid clients in applying for public benefits, including Social Security disability and benefits through the Department of Workforce Services, such cash assistance, Medicaid and food stamps.
- Monitor success rate of applications submitted on behalf of clients in order to review staff performance and provide important information to funding sources.
- Developed best practice guidelines and standards for staff regarding the handling of clients' cases; track adherence to these guidelines in order to evaluate job performance.
- Assist with grant writing to help fund the Benefit Enrollment Project.

Staff Attorney

- Advocated for victims of domestic violence in family law matters, including divorce, custody, protective order and stalking injunction cases.
- Met with clients, drafted pleadings, attended mediations, negotiated with opposing parties and represented in court.
- Tracked statutory and organizational deadlines to ensure compliance while managing cases.
- Participated in community outreach, training victim advocates and police officers regarding the legal needs of domestic violence victims; collected data on who attended and what training they received in order to ensure continual, community-wide education.
- Prepared and presented estate planning seminars for seniors, documenting attendance for funding purposes.

Contract Attorney – Benefit Enrollment Project

- Assisted low-income individuals with enrolling in various public "safety-net" programs, including cash assistance, food stamps, medical coverage and child care assistance through the Department of Workforce Services, as well as disability benefits through the Social Security Administration.
- Maintained contact with third party agencies throughout pendency of the application to determine information required and ensure best possible outcomes. Continually updated clients and assisted them with submitted necessary reports and verifications.
- Documented success rate of applications as well as monetary benefits to aid in grant request and reporting.

Ford & Huff

Attorney / Partner

Alpine, UT
 2008 – 2010

- Specialized in estate planning and probate matters. Consulted with clients, determine their needs and desires then designed estate planning documents to meet their goals by ensuring their assets will be distributed in the manner they anticipated, thereby avoiding family strife, unnecessary delays in distribution and tax penalties. Additionally, assist business owners with organizational issues as well as succession planning.
- Design high-quality, customized estate planning documents for clients. These documents include, but are not limited to complex charitable remainder trusts, pet trusts, asset protection trusts, legacy trusts, as well as traditional estate planning documents, such as wills, powers of attorney, healthcare directive and living trusts.
- Incorporate and organize LLCs/corporations for clients; draft accompanying business documents, including employment agreements, non-disclosure agreements, bylaws and operating agreements.

- Assist business owners by drafting detailed buy-sell agreements, allowing them to dictate the transfer of their businesses after death or incapacity.
- Successfully negotiated and drafted settlement agreements on various topics, including business sales and transfers of interests, real property matters, and estate planning disputes regarding contested wills and trusts.
- Authored and presented state bar accredited continuing education seminars for fellow attorneys on the subjects of will and the probate process. Routinely organized and presented seminars for the general public regarding estate planning issues.
- Train and supervise lower level attorneys, legal assistants and paralegals.

Michaelson & Associates, Inc.
Associate Attorney

 Lehi, UT
2006 - 2008

- Provided a wide range of estate planning services to clients, while managing a satellite law office for a Las Vegas-based firm. Responsible for finding and securing office space, registering the business with the state of Utah as well as handling the day-to-day business operations of the office.
- Consulted with and determined the needs of individual clients; drafted estate planning documents, including living trusts, powers of attorney, children's gifting trusts, special needs trusts and ILITs.
- Assisted clients with business organization and business succession planning.
- Represented clients in regard to business disputes.

Law Offices of Emily S. Cohen
Law Clerk / Associate / Contract Attorney

 Portland, OR - Sherwood, OR
2000 – 2005

- Represented clients, either juveniles who had been removed from their homes by the state, or their parents, at necessary court proceedings, including jurisdictional hearings, pre-trial conferences and permanency hearings.
- Acted as co-counsel in termination of parental rights trial.
- Drafted appellate briefs for clients following termination of parental rights.
- Represented juvenile clients at various meetings and activities, including: treatment reviews while child was a ward of the court, family unity meetings involving the child, foster parents, biological parents and treatment providers and home visits to help determine the well-being of the ward and suitability of the foster care placement.
- Researched various legal topics as requested and drafted corresponding memos of law to educate employer on the status of the law and the likelihood of success of a legal position.

EDUCATION

Northwestern School of Law of Lewis and Clark College
Juris Doctor - May 2000

Portland, OR

- Recipient of the Northwestern School of Law Public Interest Fellowship
- Member of the Public Interest Law Project, assisted in coordinating fund-raising activities and edited quarterly newsletter.

University of Utah
B.S. Psychology – 1995

Salt Lake City, UT

- Excelled in specialized coursework concerning abnormal child psychology; participated in program through which I observed, interacted with and analyzed the behavior of psychologically disturbed children.
- Member of the Dean's List, Golden Key National Honor Society, Psi Chi Honor Society.

COMMUNITY SERVICE

- Member of the Modest Means Committee, advocating for access to affordable legal services for the low-income population.
- Former Lehi Area Chamber of Commerce board member.
- Past board member at domestic violence shelter.
- Volunteer with army family readiness and support group.



000097

Minhvan Brimhall <minhvanb@utcourts.gov>

Application for Committees

1 message

peter strand <pstrand@representveterans.com>
To: minhvanb@utcourts.gov

Wed, Jul 25, 2018 at 9:07 AM

Attached please find my application.

--

Sincerely,

Peter J. Strand

Peter J. Strand
Staff Attorney and Director,
Lawyers for Veterans,

10808 S. River Front Parkway, #3102
South Jordan, UT 84095
Phone: (801) USA-VET 2 <872-8382>
Fax: (801) 606-3113
www.RepresentVeterans.Com

NOTE - Nothing in this email is intended to form a contract or alter the terms, benefits or conditions of an existing contract.

PRIVILEGE STATEMENT - The information in this message (and any attachments) is confidential and may consist of attorney work product and/or legally privileged information. If you are not the designated recipient of this message, please immediately contact Peter J. Strand by telephone: 801-872-8382. Thank you.

ELECTRONIC COMMUNICATION NOTICE -- This e-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. sec. 2510-2521, is confidential and may contain attorney-client materials and/or attorney work product, legally privileged and protected from disclosure. If the reader of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

 **Advisory and Standing Committees Form.Crim Proc.Eth Adv.Self-Rep.docx**
403K



Application

Utah Supreme Court Advisory Committees

Utah Judicial Council Standing Committees

The Utah Supreme Court and the Utah Judicial Council have vacancies on one or more of their committees. Any interested candidate is invited to complete this application and submit it along with the candidate's resume to Minhvan Brimhall at minhvanb@utcourts.gov. A brief description of the vacancies, work of the committees, and application deadline is appended to this announcement.

If you have any questions, please contact the respective staff person:

- Advisory Committee on the Rules of Criminal Procedure: Brent Johnson at brentj@utcourts.gov;
- Ethics Advisory Committee: Brent Johnson at brentj@utcourts.gov;
- Standing Committee on Resources for Self-represented Parties: Nancy Sylvester at nancyjs@utcourts.gov.

1. Your Name?

Last: Strand First: Peter

2. What committee(s) are you applying for? (mark 'x' for all that pertain)

- ☐ Advisory Committee on the Utah Rules of Criminal Procedure
☒ Ethics Advisory Committee
☐ Standing Committee on Resources for Self-represented Parties

3. Have you applied for a committee appointment previously? If so, how many times?

~~I have applied for the Ethics Advisory Committee once before~~

4. List any other Supreme Court, Judicial Council, or Bar Commission committees you are currently serving on:

14. Gender: Male

15. Race or Ethnic Group: Caucasian

16. Please Describe your experience and interest in the committee:

As the Supervising Attorney of a small nonprofit firm that represents low income veterans in various case types I have significant experience assisting self-represented parties. It was for this reason that I was nominated to serve on the OCAP policy board by my peers in the litigation section. I also serve as a judge protem for SLC. I spend a substantial amount of my time attempting to serve my community at large whether it is through my Free Wills for Veterans program, the monthly veterans legal clinic my firm runs, or through speaking and education programs at the local k-12 and law schools here in Utah.

I am interested in working with more experienced attorneys in the bar and so I volunteer for these committees. My interest in the Committee on Resources for Self-represented Parties stems from the number of such parties I am called on to assist. My interest in ethics is because of the fundamentally challenging nature of the subject matter.



Chambers of
Justice John A. Pearce

Supreme Court
of the
State of Utah

450 South State Street, S520
PO Box 140210
Salt Lake City, Utah 84114-0210
Telephone: (801) 238-7935
Fax: (801) 238-7980
Email: supremecourt@utcourts.gov

November 28, 2018

Chief Justice Matthew B. Durrant
Utah State Courts
450 South State Street
Salt Lake City, UT 84114

Re: Standing Committee on Technology Recommendations

Chief Justice Durrant:

The Technology Committee develops and makes recommendations to the Judicial Council relating to the plans, priorities, and strategies that guide and govern technology as applied to Utah's courts and management structure.

There exists a vacancy on the Committee due to the departure of Dawn Marie Rubio who represented one of the Administrative Office positions on the Committee.

I would ask that you act favorably on the nomination of Chris Palmer to the Technology Committee.

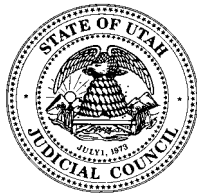
Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "John A. Pearce".

John A. Pearce
Chair, Standing Committee on Technology

cc: Heidi Anderson



Administrative Office of the Courts

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

December 4, 2018

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

MEMORANDUM

TO: Judicial Council / Management Committee

FROM: Shane Bahr, District Court Administrator

RE: Committee Membership -Uniform Fine and Bail Committee

Standing Committee Vacancy in Question: Uniform Fine and Bail Committee

Reason for Vacancy(s): Judge James Brady's third term on the committee will expire on December 31, 2018. Judge David Hamilton's first term on the committee will come to an end on December 31, 2018. Judge Hamilton has expressed interested in serving a second term.

Judge Brady has been serving as the committee chair. With his departure from the committee, the Judicial Council will also need to appoint a new committee chair.

Eligibility requirements: Rule 1-205 states 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.

Current committee members: Hon. David Hamilton (Second District Court), Hon. James T. Blanch (Third District Court), Hon. Paul Parker (Third District Court), Vacant (District Court), Hon. Keith Eddington (Fifth District Juvenile Court), Hon. Brook Sessions (Wasatch Co. Justice Court), Judge Reuben Renstrom (Justice Court), Judge Michael Junk (Justice Court).

Description of recruitment process: An email was sent to the district court bench soliciting interest from judges who were willing to serve on the Uniform Fine and Bail Committee. In response, Judge Linda Jones (Third District) and Judge Adam Mow (Third District) expressed interest. In addition, Judge David Hamilton (Second District) expressed interest in serving a second term on the Uniform Fine and Bail Committee. Attached you will find more information.

The Board of District Court Judges has reviewed the applications and hereby recommends Judge Linda Jones be appointed to the Uniform Fine and Bail Committee. Furthermore, the Board recommends Judge David Hamilton be appointed to serve a second term.

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

Thank you for your consideration,

Shane Bahr
District Court Administrator

JUDGE LINDA JONES

Judge Linda M. Jones was appointed in October 2017 by Governor Gary Herbert to the Third Judicial District, serving Salt Lake, Tooele, and Summit Counties. Before her appointment, Judge Jones was a founding partner of Zimmerman Jones Booher, LLC, and an Adjunct Associate Professor at the University of Utah's S.J. Quinney College of Law teaching appellate advocacy. Judge Jones graduated from the S.J. Quinney College of Law in 1989, where she was a William H. Leary Scholar and Editor in Chief of the Journal of Contemporary Law. Following law school, Judge Jones was in private practice with the Salt Lake law firm of Anderson & Karrenberg, and in 1995, she joined the appellate division of the Salt Lake Legal Defender Association. Judge Jones has served on the Utah Supreme Court Advisory Committee on the Rules of Evidence, the Utah Supreme Court Advisory Committee on the Model Criminal Jury Instructions, the Utah Supreme Court Advisory Committee on the Rules of Professionalism, the Task Force for Indigent Defense, and the Utah Appellate Court Nominating Commission. She is a fellow of the American Bar Foundation and a member of Women Lawyers of Utah, the David K. Watkiss-Sutherland II Inn of Court, and the Salt Lake County Bar Association. Judge Jones has served as President of the Salt Lake Valley Habitat for Humanity. She is a recipient of the Utah State Bar Professionalism Award, and she is a fellow of the American Academy of Appellate Lawyers. 2/18

Additional information from Judge Jones:

1. I have been handling a busy misdemeanor docket since I took the bench (Jan. 2, 2018), including Friday law and motion, misdemeanor trials, and the misdemeanor master calendar.
2. I am currently serving on the Rules of Evidence Committee (my 12-year term expires in 2019) and the Criminal Jury Instruction Committee.
3. Before taking the bench, I was a founding member of Zimmerman Jones Booher. We specialized in appeals, and my expertise was in criminal appeals. Before working at Zimmerman Jones Booher, I worked at Salt Lake Legal Defender Association for 16 years. I have more than 22 years total experience in criminal procedural and substantive law.
4. I would like to serve on this committee so that I can be better informed in making bail and fine decisions in criminal cases and so that I can help the committee assist judges in making appropriate decisions in each case to maximize fairness and to minimize setting disparate bail amounts and imposing fines. I have reviewed the uniform fine/bail materials and consider them to be very valuable. I would like to contribute to this important work.

JUDGE ADAM MOW

Judge Adam T. Mow was appointed to the Third District Court in January 2018 by Governor Gary R. Herbert. He serves Salt Lake, Summit, and Tooele counties. Judge Mow graduated magna cum laude with a Bachelor of Architecture from Ball State University in Muncie, Indiana in 1999. He obtained a Juris Doctor from the S.J. Quinney College of Law at the University of Utah in 2005, where he was a William H. Leary Scholar and the Executive Editor of the Utah

Law Review. After graduating from law school, Judge Mow was an attorney at the law firm of Babcock Scott & Babcock until 2011. From 2011 to his judicial appointment, Judge Mow was a shareholder at Jones Waldo Holbrook & McDonough, where he also served on its Board of Directors. He is a former architect and a past president of the Utah Chapter of the American Institute of Architects. Judge Mow is an experienced arbitrator and mediator. He received Utah Dispute Resolution's mediator of the year award and he served on its Board of Trustees. He is also a past chair of the Dispute Resolution Section of the Utah State Bar. 7/18

Additional information from Judge Mow:

I am willing to serve on the committee if you do not get any other volunteers. I've had a criminal calendar for the last seven months that includes misdemeanors (the same about of time I have been on the bench). I do not currently serve on any committees.

Judge David Hamilton (Continuation - 2nd Term)

Judge David R. Hamilton was appointed to the Second District Court in July 2010 by Governor Gary R. Herbert. He serves Davis, Morgan, and Weber counties. Judge Hamilton received a law degree from the University of Utah, School of Law in 1978 after completing a bachelor's degree at the University of Utah in 1975. Prior to taking the bench, Judge Hamilton was in private practice for 32 years, most recently as a solo practitioner at David R. Hamilton, P.C. His practice concentrated in insurance defense, collections, family law, and mediation. For more than 10 years, Judge Hamilton has been the chair of the Fund for Client Protection (Client Security Fund) with the Utah State Bar. He is the past president of the Weber County Bar Association. 11/10

Other information:

Judge Hamilton has served on the Uniform Fine and Bail Committee since January 1, 2016. His first three-year term will expire on December 31, 2018 and is willing to serve a second, three-year term.

Judge Hamilton does not currently serve on any other committees.

Tab 9

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>Motion for Genetic Testing (Utah Code 78B-15-501 et seq.)</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner (domestic cases)</p>
---	---

- I am a party in this case.
- I ask the court to order petitioner, respondent and the following minor children to participate in genetic testing to determine paternity.

Child's name (first, middle and last)	Month and year of birth

3. I ask for this testing because I believe ☐ petitioner ☐ respondent

☐ is the biological parent of the children named above.

☐ is not the biological parent of the children named above.

I believe this because:

- the sexual contact between petitioner and respondent make paternity probable, or
- there was no sexual contact, or
- the sexual contact did not result in conception.

Explain:

4. The costs for the genetic testing should be paid by

☐ petitioner.

☐ respondent.

☐ other (Name): _____

5. I will choose and schedule testing through an accredited lab.

6. Other:

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 Motion for Genetic Testing 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 _____

Petitioner

v.

Respondent

**Motion to Decide Divorce and
Reserve Other Issues
(Bifurcate Divorce)**

(Utah Rule of Civil Procedure 42)

☐ **Hearing Requested**

Case Number

Judge

Commissioner

1. I am the ☐ petitioner ☐ respondent.
2. I ask the court to grant the divorce and reserve other issues.
3. I ask the following unresolved issues be reserved:
☐ **all issues**

Or, these specific issues

Children

- ☐ child custody
- ☐ child support
- ☐ child care
- ☐ health insurance, medical and dental expenses for the children
- ☐ tax exemptions for the children

Financial

- ☐ alimony
- ☐ financial accounts
- ☐ payment of bills and debts
- ☐ pension or military retirement pay division
- ☐ life insurance

Property

- ☐ real estate division
- ☐ personal property division
- ☐ motor vehicles

Other

- ☐ name change
- ☐ attorney fees
- ☐ other _____
- ☐ other _____

4. This would be more convenient for the parties because:

5. This will not prejudice (harm) the other party because:

- _____
- _____
6. ☐ I request a hearing.
 ☐ I do not request a hearing.
7. ☐ I have attached the following documents in support of this motion:

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 _____

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 Decide Divorce and Reserve Other Issues (Bifurcate Divorce) 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 _____

Order on Motion for Genetic Testing

 Plaintiff/Petitioner

 V.

 Defendant/Respondent

 Case Number

 Judge

 Commissioner (domestic cases)

The matter before the court is a Motion for Genetic Testing. 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), 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:

There is reason to believe ☐ petitioner ☐ respondent

☐ is the biological parent of the following children.

☐ is not the biological parent of the following children.

Child's name (first, middle and last)	Month and year of birth

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

The court orders:

1. The Motion for Genetic Testing is ☐ granted ☐ denied.

2. ☐ The following people:

☐ petitioner ☐ respondent ☐ intervenor

and the children listed below must participate in genetic testing:

Child's name (first, middle and last)	Month and year of birth

3. ☐ The cost of testing will be paid by
☐ petitioner
☐ respondent
☐ other (Name) _____

4. ☐ Other:

Date Signature ► _____
Commissioner _____

Date Signature ► _____
Judge _____

Approved as to form.

Date Signature ► _____
Plaintiff/Petitioner or Attorney _____

Date Signature ► _____
Defendant/Respondent or Attorney _____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion for Genetic Testing 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 _____

 Plaintiff/Petitioner

 v.

 Defendant/Respondent

**Order on Motion to Decide Divorce
and Reserve Other Issues
(Bifurcate Divorce)**

 Case Number

 Judge

 Commissioner

The matter before the court is ☐ petitioner's ☐ respondent's Motion to Decide Divorce and Reserve Other Issues.

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. ☐ Bifurcating the divorce would be more convenient for the parties.
2. ☐ Bifurcating the divorce will not prejudice the parties.

The court orders:

3. The Motion to Grant Divorce and Reserve Other Issues is
☐ denied.
☐ granted.

The parties will file necessary documents including Affidavit of Jurisdiction and Grounds, Findings of Fact Conclusions of Law, and Divorce Decree.

4. ☐ The following unresolved issues are reserved:
☐ **all issues**

Children

- ☐ child custody
- ☐ child support
- ☐ child care
- ☐ health insurance, medical and dental expenses for the children
- ☐ tax exemptions for the children

Financial

- ☐ alimony
- ☐ financial accounts
- ☐ payment of bills and debts

☐ pension or military retirement pay division

☐ life insurance

Property

☐ real estate division

☐ personal property division

☐ motor vehicles

Other

☐ name change

☐ attorney fees

☐ other _____

☐ other _____

Date

Signature ► _____
Commissioner _____

Date

Signature ► _____
Judge _____

Approved as to form.

Date

Signature ► _____
Plaintiff/Petitioner, Attorney or Licensed
Paralegal Practitioner _____

Date

Signature ► _____
Defendant/Respondent, Attorney or Licensed
Paralegal Practitioner _____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Decide Divorce and Reserve other Issues (Bifurcate Divorce) 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.)		
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 Date

 Signature ►

 Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff/Petitioner v. <hr/> Defendant/Respondent	<p>Stipulation of Voluntary Dismissal (Utah Rule of Civil Procedure 41)</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
--	--

1. We agree to dismiss:

☐ the case, or

☐ this part of the case:

_____ (name of
counterclaim, cross-claim, third party claim or other claim)

filed by

☐ plaintiff/petitioner ☐ defendant/respondent ☐ intervenor

on _____ (date).

2. We understand that court fees will not be refunded.
3. This stipulation is signed by all parties who have appeared.
4. This dismissal is:
 - ☐ without prejudice, which means that the dismissed claims may be refiled.
 - ☐ with prejudice, which means that the dismissed claims may not be refiled

Plaintiff/Petitioner

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 _____

Defendant/Respondent

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 _____

Intervenor

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 Stipulation 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

Tab 10



Catherine J. Dupont
Appellate Court Administrator

Nicole J. Gray
Clerk of Court

Supreme Court of Utah

450 South State Street
P.O. Box 140210
Salt Lake City, Utah 84114-0210

Appellate Clerks' Office
Telephone (801) 578-3900
Email: supremecourt@utcourts.gov

Matthew B. Durrant
Chief Justice

Thomas R. Lee
Associate Chief Justice

Deno G. Himonas
Justice

John A. Pearce
Justice

Paige Petersen
Justice

TO: Judicial Council Members

FROM: Cathy Dupont, Appellate Courts Administrator

RE: Proposed Amendments to Rules of Judicial Council Organization and Rules of Appellate Court Operations

DATE: November 26, 2018

The Board of Appellate Court Judges proposes an amendment to Rule of Judicial Council Organization 1-303 to reduce the number of meetings required for the Board of Appellate Court Judges from 4 times a year to 3 times per year, and to permit the Board of Appellate Court Judges to report to the Judicial Council as necessary, rather than 4 times per year. A copy of the proposed amendment is attached to this memo.

The Board of Appellate Court Judges proposes enactment of Rule 5-101 to establish the membership of the Board of Appellate Court Judges and the procedure of the Board in the conduct of board meetings. A copy of the proposed rule is attached to this memo.

The Board of Appellate Court Judges requests that the Judicial Council approve the proposed amendments to go out for public comment.

Rule 1-303. Internal procedures and organization.

Intent:

To provide the minimum standards and requirements for the operation of the Boards.

To establish the minimum requirements for liaison with the Council.

Applicability:

This rule shall apply to all Boards of Judges, except the Board of Senior Judges.

Statement of the Rule:

(1) The meetings of the Boards shall be closed unless opened by the chair of the Board.

(2) Each Board shall keep minutes of its meetings. The minutes shall not be open to public inspection.

(3) Each Board shall meet as necessary to accomplish its work, but the Board of District Court Judges, Board of Juvenile Court Judges, and Board of Justice Court Judges shall meet a minimum of once every three months. Each Board shall report to the Council as necessary, but the Board of District Court Judges, Board of Juvenile Court Judges, and the Board of Justice Court Judges shall report to the Council a minimum of once every three months.

1 **Article 1. General.**

2 **Rule 5-101. The Board of Appellate Court Judges.**

3 Intent:

4 To establish the Board of Appellate Court Judges.

5 To establish the procedure of the Board in the conduct of Board meetings.

6 Applicability:

7 This rule shall apply to the Board of Appellate Court Judges.

8 Statement of the Rule:

9 (1) There is established a Board of Appellate Court Judges.

10 (2) Members of the Board shall be the members of the Court of Appeals and the
11 members of the Supreme Court.

12 (3) The Chief Justice of the Supreme Court and the Presiding Judge of the Court of
13 Appeals shall alternate as the Chair and Vice Chair of the Board and shall alternate
14 presiding over the meetings of the Board.

15 (4) The Board shall meet a minimum of three times a year to transact any business
16 that is within its jurisdiction.

17 (5) The Board shall act by majority vote. All members of the Board have the right to
18 vote. A quorum from both the Supreme Court and the Court of Appeals is required for a
19 Board Meeting. A quorum for the Supreme Court is at least three members and a
20 quorum for the Court of Appeals is at least four members.

21 (6) Board meetings shall be conducted in accordance with Robert's Rules of Order
22 and are not open and public meetings.

- 23 (7) All business conducted by the Board shall be conducted in accordance with this
24 Code.

November 26, 2018 draft

1 **Rule 1-303. Internal procedures and organization.**

2

3 Intent:

4 To provide the minimum standards and requirements for the operation of the Boards.

5 To establish the minimum requirements for liaison with the Council.

6 Applicability:

7 This rule shall apply to all Boards of Judges, except the Board of Senior Judges.

8 Statement of the Rule:

9 (1) The meetings of the Boards shall be closed unless opened by the chair of the
10 Board.

11 (2) Each Board shall keep minutes of its meetings. The minutes shall not be open to
12 public inspection.

13 (3) Each Board shall meet as necessary to accomplish its work, but the Board of
14 District Court Judges, Board of Juvenile Court Judges, and Board of Justice
15 Court Judges shall meet a minimum of once every three months. Each Board shall
16 report to the Council as necessary, but the Board of District Court Judges, Board of
17 Juvenile Court Judges, and the Board of Justice Court Judges shall report to the
18 Council a minimum of once every three months.

November 26 draft

1 **Article 1. General.**

2 **Rule 5-101. The Board of Appellate Court Judges.**

3 Intent:

4 To establish the Board of Appellate Court Judges.

5 To establish the procedure of the Board in the conduct of Board meetings.

6 Applicability:

7 This rule shall apply to the Board of Appellate Court Judges.

8 Statement of the Rule:

9 (1) There is established a Board of Appellate Court Judges.

10 (2) Members of the Board shall be the members of the Court of Appeals and the
11 members of the Supreme Court.

12 (3) The Chief Justice of the Supreme Court and the Presiding Judge of the Court of
13 Appeals shall alternate as the Chair and Vice Chair of the Board and shall alternate
14 presiding over the meetings of the Board.

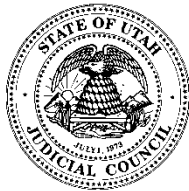
15 (4) The Board shall meet a minimum of three times a year to transact any business
16 that is within its jurisdiction.

17 (5) The Board shall act by majority vote. All members of the Board have the right to
18 vote. A quorum from both the Supreme Court and the Court of Appeals is required for a
19 Board Meeting. A quorum for the Supreme Court is at least three members and a
20 quorum for the Court of Appeals is at least four members.

21 (6) Board meetings shall be conducted in accordance with Robert's Rules of Order
22 and are not open and public meetings.

- 23 (7) All business conducted by the Board shall be conducted in accordance with this
24 Code.

Tab 11



Administrative Office of the Courts

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

MEMORANDUM

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

To: Judicial Council
From: Nancy Sylvester *Nancy D. Sylvester*
Date: November 30, 2018
Re: Commissioner evaluations from Second District

The commissioner evaluation process is governed by Utah Code of Judicial Administration [Rule 3-111](#). Rule 3-111 provides that commissioners shall be evaluated annually and those evaluations provided to the Judicial Council. The following commissioners' evaluations are attached:

- Commissioner Catherine Conklin
- Commissioner T.R. Morgan
- Commissioner Christina Wilson

**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.**

UTAH STATE COURTS COURT COMMISSIONER PERFORMANCE EVALUATION

Court Commissioner: CATHERINE S. CONKLIN
 District: SECOND DISTRICT
 Presiding Judge: DAVID M. CONNORS
 Evaluation Period: July 1, 2017- June 30, 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 AppropriatelyRating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

15. Shares Proportionally the Workload within the DistrictRating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

16. Issues Opinions and Orders without Unnecessary DelayRating: ☐ 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:

The number of objections to Commissioner Conklin's rulings in the Second District is very low (only 27 in the reviewing year). Her experience and expertise is well recognized by the judges and the practicing bar in the Second District. Feedback from judges in the Second District is uniformly positive. No attorney surveys were conducted this year; it is my understanding they will be conducted in the coming year. We expect Commissioner Conklin will continue her excellent performance.

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: 11-8-18

Presiding Judge Signature:



Date: 11/8/18

UTAH STATE COURTS COURT COMMISSIONER PERFORMANCE EVALUATION

Court Commissioner: T.R. MORGAN
 District: SECOND DISTRICT
 Presiding Judge: DAVID M. CONNORS
 Evaluation Period: July 1, 2017- June 30, 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 AppropriatelyRating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

15. Shares Proportionally the Workload within the DistrictRating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

16. Issues Opinions and Orders without Unnecessary DelayRating: ☐ 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:


The number of objections to Commissioner Morgan's recommendations has increased slightly from the prior evaluation period. There is no clear explanation for the increase. It appears the practicing bar is still adjusting to his style, after decades of experience with his predecessor. Feedback from judges in the Second District is very positive. No attorney surveys were conducted this year; it is my understanding they will be conducted in the coming year. I have no significant concern about Commissioner Morgan and expect the local bar will become more and more accustomed to his courtroom style. He is very knowledgeable on domestic matters and is a pleasure to work with.

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: 9 Nov 2018Presiding Judge Signature:  Date: 11/9/18

UTAH STATE COURTS COURT COMMISSIONER PERFORMANCE EVALUATION

Court Commissioner: **CHRISTINA L. WILSON**
 District: **SECOND DISTRICT** (with input also from First District)
 Presiding Judge: **DAVID M. CONNORS**
 Evaluation Period: **July 1, 2017- June 30, 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 AppropriatelyRating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

15. Shares Proportionally the Workload within the DistrictRating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

16. Issues Opinions and Orders without Unnecessary DelayRating: ☐ 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:


The number of objections to Commissioner Wilson's rulings in the Second District has significantly declined from the previous year (from 62 to 37), indicating perhaps that the attorneys are less inclined to test her as much as they did previously. Feedback from judges in the Second District is uniformly positive. In the First District, I don't have the historical data to compare the number of objections to the previous year. However, I have had specific feedback from the presiding judge of the First District, indicating he believes the Commissioner is handling matters appropriately and that the attorneys in that district are becoming more accustomed to her courtroom style. Overall, the feedback is positive.

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: 11/5/18

Tab 12



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: Neira Siaperas
Acting Utah Juvenile Court Administrator

DATE: December 11, 2018

RE: Proposed Probation Policies for Review and Approval

The Board of Juvenile Court Judges, Juvenile Trial Court Executives, Statewide Chiefs of Probation, and the Probation Policy Workgroup vetted the following policies which are now advanced to Management Committee for review and consideration. Additionally, I seek placement on the Judicial Council's consent agenda for December 17, 2018.

Section 2.9, Detention Admission and Hearings [Recommendation to Approve]—*This policy, last updated in 2001, required revision in order to conform to changes in statute resulting from HB 239 which was passed during the 2017 legislative session. The purpose of the policy is to provide direction to probation officers in regard to minors being placed in secure youth detention facilities and home detention programs. Changes in the policy were made to clarify criteria for detention admissions and focus on probation officer's responsibilities regarding working with youth and families; the required information to report during detention hearings; eFiling responsibilities; and collaboration with DJJS on home detention cases.*

Section 4.10, DNA (Deoxyribonucleic Acid) Sample Collection [Recommendation to Approve]—*This policy was last updated in 2007. The purpose of the policy is to provide probation officers with guidance on recommending orders for DNA sample collection as well as the actual collection of DNA samples. Changes in the policy were made to clarify qualifying criteria and provide updated guidelines for collecting samples and documenting sample collections.*

I will be available to respond to questions during your meeting on December 11, 2018.

Thank you.

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

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

ATTACHMENTS

Section 2.9 Detention **Admission** Placement and Hearings

Policy:

Probation staff will follow the statutory guidelines for admission, continuation, and release of a minor from a detention facility, as well as the time limits for detention and home detention hearings and the filing of appropriate petitions and motions. **This policy provides direction to probation staff in regard to minors being placed in a secure youth detention facility or on a home detention program.**

Scope:

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

Authority:

- UCA 78A-6-113
- UCA 78A-6-604
- Utah Rules of Juvenile Procedure - **Rule 4**, Rule 6, Rule 7, Rule 9, Rule 11, Rule 26
- **Utah Administrative Code Title R547-13 Human Services, Juvenile Justice Services, Guidelines for Admissions to Secure Youth Detention Facilities**

Procedure:

1. Admission to detention without a court order is governed by Utah Administrative Code of Division of Youth Corrections R547-13-14, which includes the following in addition to the Holdable Offense List: **A minor may be admitted to a secure youth detention facility when:**
 - **1.1 The minor is alleged to have committed an offense outlined in the Utah Administrative Code Title R547-13** A minor may be detained in a secure facility if the alleged offense is on the holdable list or
 - ~~1.1.1 Three or more non-status criminal offenses are currently alleged in a single criminal episode, or~~
 - ~~1.1.2 The minor's record discloses two or more prior adjudicated offenses on the holdable offense list in which the offenses were found to be true in the past twelve months, or~~
 - ~~1.1.3 The youth, while under the continuing jurisdiction of the court, has run from court-ordered placement, including his own home, or~~
 - ~~1.1.4 The youth has failed to appear at a court hearing within the past twelve months after receiving legal notice and officials have reason to believe that the youth is likely to abscond unless held.~~
 - **1.2 The minor is an out of state runaway (Probation Policy Section 4.7 Interstate Compact for Juveniles)**
 - **1.3 The court has issued a warrant for detention**

- ~~1.2 A youth shall not be detained for any of the following:~~
 - ~~1.2.1 Ungovernable or runaway behavior; neglect, abuse, abandonment, dependency, or other status requiring protection for any other reason.~~
 - ~~1.2.2 Status offenses such as curfew, possession/consumption of alcohol, tobacco, minor in a tavern, truancy; attempted suicide.~~
 - ~~1.2.3 No minor under the age of ten years may be detained in a secure detention facility.~~
- ~~1.3 Home detention cases:~~
 - ~~1.3.1 If a home detention violation is alleged, the home detention counselor may place the minor back in detention.~~
 - ~~1.3.2 If the minor is considered a runaway, law enforcement may take the minor to detention. The home detention counselor may return the minor back on home detention, if appropriate, or may authorize the minor be held in detention for further hearing.~~
 - ~~1.3.3 If the minor is arrested while on home detention status for an alleged criminal violation the minor shall be returned to detention.~~
- ~~A youth shall be admitted to a detention facility when a juvenile court judge or commissioner has issued a warrant for custody for conditions such as:~~
 - ~~1.4.1 An alleged probation violation, contempt of court, or a stayed order for detention when it has been ordered by a judge.~~
 - ~~1.4.2 When it is not possible to get a written order, verbal authorization from a judge is sufficient to hold a youth in a detention facility.~~
- ~~2. A minor may not be placed or kept in a detention/shelter facility pending court proceedings unless the minor is:~~
 - ~~2.1 A danger to the community, or~~
 - ~~2.2 A danger to self, or~~
 - ~~2.3 A flight risk, or~~
 - ~~2.4 It is unsafe to return the minor to the custody of his parent or guardian.~~
- ~~3. 2. When a minor is detained in a detention facility, the parents, guardian or custodian shall be informed of the minor's status by the detention facility. Prior to the detention hearing, **The probation officer shall attempt to make contact with the minor's parents/guardian/custodian prior to the detention hearing to discuss the minor's detention status.**~~
 - ~~3.1 A judge or commissioner may order the release of the minor at any time.~~
- ~~4. 3. After admission to a detention facility, and pursuant to statute: a~~ **The** probation officer may review the minor's detention status and determine if it is ~~safe,~~ **appropriate** to release the minor to the parent/guardian/custodian prior to the **initial** detention hearing.
 - ~~4.2.1 By practice some districts do not release the minor prior to the initial detention hearing. Probation officers should refer to supervisory personnel in regard to the local practice.~~
 - **3.1 The probation officer shall eFile the Early Release from Detention/Promise to Appear form when releasing a minor prior to**

the initial detention hearing. (see Addendum Early Release from Detention/Promise to Appear form).

~~5.~~**4.** A minor may not be held in a detention facility longer than 48 hours prior to a detention hearing, excluding weekends and holidays, unless extended by the court **has entered an order for continued detention.**

- ~~○ 5.1 A detention hearing may not be waived.~~
- ~~○ 5.2 At the time of the detention hearing, the judge/commissioner shall receive information regarding the minor's detainment, as provided by the detention facility.~~

5. At the time of the detention hearing, the probation officer shall provide information to the Court whether or not:

5.1 Releasing the minor to the minor's parents, guardian, or custodian presents an unreasonable risk to public safety; and

5.2 Less restrictive nonresidential alternatives to detention have been considered and, where appropriate, attempted.

- ~~■ 5.2.1 The judge/commissioner may receive information, including hearsay and opinion that is relevant to the decision whether to detain or release the minor. Privileged communications may be introduced only in accordance with the Utah Rules of Evidence.~~
- ~~○ 5.3 A detention hearing may be held without the presence of the minor's parents, guardian or custodian if they fail to appear after receiving notice. The judge/commissioner may delay the hearing for up to 48 hours to permit the parent, guardian or custodian to be present or may proceed subject to the rights of the parent, guardian or custodian to be present.~~
- ~~○ 5.4 If the court determines there is no reasonable basis for continuation of the minor in detention, it shall order the minor be released immediately without restrictions.~~
- ~~○ 5.5 If the court finds at the detention hearing that it is unsafe to release the minor, the court may order the minor be held in the facility or be placed in another appropriate facility, subject to further court order.~~
- ~~○ 5.6 After a detention hearing has been held, only the court may release a minor from detention.~~

6. 5.7 If a minor remains in a detention facility **prior to disposition**, a review shall be held **at least** every seven **calendar** days.

- ~~○ 5.8 The court may appoint counsel for the minor with or without the minor's consent.~~
- **6.1 At the detention review the probation officer shall provide information to the court whether or not:**
 - **6.1.1 A petition has been filed within five working days of the date the minor was admitted to detention;**

- **6.1.2 An arraignment hearing has been scheduled within 10 days of the date the petition was filed.**

~~6.~~ **7. If the court releases the minor on a home detention order, the probation officer shall notify the Youth Corrections Juvenile Justice Services (JJS) when the minor is ordered into a JJS home detention program, home detention staff of the order and direct the minor and parent, s or /guardian or custodian to meet with the home detention staff contact the program immediately upon release from detention.**

- ~~6.1~~ **7.1 After a minor has been Following an ordered to home detention, only the court may release a minor from home detention.**
- ~~6.2~~ **7.2 While a minor remains on home detention, A review shall be held at least every seven-15 calendar days while a minor remains on home detention.**

- **7.2.1 At the home detention review the probation officer shall provide information to the court whether or not a petition has been filed within 30 days of the placement of the minor on home detention.**

- ~~6.3~~ The court may release a minor from a detention facility with other court ordered restrictions which may include, but are not limited to electronic monitoring, restricted travel, associations or residence.

7. The probation officer shall consider filing an affidavit in support of a warrant when JJS provides information to the probation officer that a warrant for detention is necessary due to a violation of home detention.

8. When a minor is ordered to home detention post adjudication the probation officer shall consider filing an order to show cause and affidavit in support of a warrant when JJS provides information to the probation officer that a warrant for detention is necessary due to a violation of home detention.

~~9.~~ After a dispositional order for placement, a minor may not be held longer than 72 hours, excluding weekends and holidays.

- ~~7.1~~ A detention order may be extended by the court once for seven days if:
 - ~~7.1.1~~ Good cause is set forth in a filing of a written motion by the agency responsible for placement or a probation officer; and
 - ~~7.1.2~~ A written finding is entered by the court which supports the best interest of the minor and the community for extending the period of detention.
- ~~7.2~~ The agency or probation officer requesting an extension shall promptly notify the detention facility that a written motion has been filed and if the motion was granted.

10. A minor committed to detention shall receive credit for good behavior at the rate of one day for every three days served under guidelines established by the Division of Youth Corrections.
11. The court shall order the release of the minor to the parent, guardian or custodian unless there is reason to believe
- 9.1 The minor will abscond or be taken from the jurisdiction of the court unless detained; or
 - 9.2 The offense alleged to have been committed is of such a nature that it would be a felony if committed by an adult; or
 - 9.3 The minor's parent, guardian or custodian refuses to accept custody of the minor; or
 - 9.4 The minor's parent, guardian or custodian cannot be located; or
 - 9.5 The minor's parent, guardian or custodian will not produce the minor before the court at an appointed time; or
 - 9.6 The minor will undertake witness intimidation; or
 - 9.7 The minor's past record indicates the minor may be a threat to the public safety; or
 - 9.8 The minor has problems of conduct or behavior so serious or the family relationships are so strained that the minor is likely to be involved in further delinquency; or
 - 9.9 The minor has failed to appear for a court hearing within the past 12 months.
12. If the minor's parent, guardian or custodian fails to retrieve the minor from a detention facility within 24 hours after notification of release, the parent, guardian or custodian is responsible for the cost of care for the time the minor remains in the facility.
13. Time limits:
- 11.1 Unless the time period for filing a petition or holding of an arraignment is extended by court order, a minor shall be released from a detention facility if:
 - 11.1.1 A petition has not been filed within five working days of the date the minor was admitted to detention; or
 - 11.1.2 An arraignment hearing is not held within 10 days of the date the petition was filed.
 - 11.2 Unless the time period for filing a petition is extended by court order, an order placing a minor on home detention or released from a detention facility with conditions shall be terminated if:
 - 11.2.1 A petition is not filed within 30 days of the placement of the minor on home detention, or the date of release from detention with conditions.
 - 11.3 Requests for an extension of the time period for filing a petition shall be made in writing on forms supplied by the clerk and shall be retained in the legal file. The name and title of the person making the request, and the reasons for the requested extension shall be included. The requests need to be approved by a judge for continuing detention.

History:

Prior Effective Date August 1, 2001

Updated Policy Group June 20, 2018

Approved by Probation Chiefs June 26, 2018

Approved Juvenile Trial Court Executives July 12, 2018

Approved by Board of Juvenile Court Judges November 9, 2018

Addendum 3.1 Early Release from Detention/Promise to Appear form

OLD-WITH EDITS

Section 2.9 Detention Admission and Hearings

Policy:

This policy provides direction to probation staff in regard to minors being placed in a secure youth detention facility or on a home detention program.

Scope:

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

Authority:

- [UCA 78A-6-113](#)
- [UCA 78A-6-604](#)
- Utah Rules of Juvenile Procedure - [Rule 4](#), [Rule 6](#), [Rule 7](#), [Rule 9](#), [Rule 11](#), [Rule 26](#)
- Utah Administrative Code Title R547-13 Human Services, Juvenile Justice Services, Guidelines for Admissions to Secure Youth Detention Facilities

Procedure:

1. A minor may be admitted to a secure youth detention facility when:
 - 1.1. The minor is alleged to have committed an offense outlined in the Utah Administrative Code [Title R547-13](#)
 - 1.2. The minor is an out of state runaway ([Probation Policy Section 4.7 Interstate Compact for Juveniles](#))
 - 1.3. The Court has issued a warrant for detention
2. The probation officer shall attempt to make contact with the minor's parent/guardian/custodian prior to the detention hearing to discuss the minor's detention status.
3. The probation officer may review the minor's detention status and determine if it is appropriate to release the minor to the minor's parent/guardian/custodian prior to the initial detention hearing.

- 3.1. The probation officer shall eFile the Early Release from Detention/Promise to Appear form when releasing a minor prior to the initial detention hearing (see Addendum Early Release from Detention/Promise to Appear form).
4. A minor may not be held in a detention facility longer than 48 hours prior to a detention hearing, excluding weekends and holidays, unless the court has entered an order for continued detention.
5. At the time of the detention hearing, the probation officer shall provide information to the Court whether or not:
 - 5.1. Releasing the minor to the minor's parent, guardian, or custodian presents an unreasonable risk to public safety; and
 - 5.2. Less restrictive nonresidential alternatives to detention have been considered and, where appropriate, attempted.
6. If a minor remains in a detention facility prior to disposition, a review shall be held at least every seven calendar days.
 - 6.1. At the detention review the probation officer shall provide information to the court whether or not:
 - 6.1.1. A petition has been filed within five working days of the date the minor was admitted to detention;
 - 6.1.2. An arraignment hearing has been scheduled within 10 days of the date the petition was filed.
7. The probation officer shall notify Juvenile Justice Services (JJS) when the minor is ordered into a JJS home detention program and direct the parent, guardian or custodian to contact the program immediately upon release from detention.
 - 7.1. Following an order to home detention, only the court may release a minor from home detention.
 - 7.2. A review shall be held at least every 15 calendar days while a minor is on home detention.
 - 7.2.1. At the home detention review the probation officer shall provide information to the court whether or not a petition

has been filed within 30 days of the placement of the minor on home detention.

8. The probation officer shall consider filing an affidavit in support of a warrant when JJS provides information to the probation officer that a warrant for detention is necessary due to a violation of home detention.
9. When a minor is ordered to home detention post adjudication the probation officer shall consider filing an order to show cause and affidavit in support of a warrant when JJS provides information to the probation officer that a warrant for detention is necessary due to a violation of home detention.

History:

Effective Date August 1, 2001

Updated Policy Group June 20, 2018

Approved by Probation Chiefs June 26, 2018

Approved Juvenile Trial Court Executives July 12, 2018

Approved by Board of Juvenile Court Judges November 9, 2018

Addendum 3.1 Early Release from Detention/Promise to Appear form

Section 4.10 DNA (Deoxyribonucleic Acid) Sample Collection

Policy:

This policy ~~is to establish~~ **provides** guidelines for the collection of DNA samples from minors 14 years of age or older; who have been ordered to provide a sample.

Scope:

This policy applies to all ~~juvenile court personnel~~ **probation department staff** of the Utah State Juvenile Court.

Authority:

- [UCA 53-10-403\(3\)](#)
- [UCA 53-10-404](#)
- [UCA 53-10-405](#)
- [UCA 53-10-406.5](#)
- [UCA 76-5-401](#)
- [UCA 78A-6-117\(4\)](#)
- [UCA 78A-6-1104](#)
- Utah Rules of Juvenile Procedure - [Rule 27](#)

Procedure:

1. ~~Upon adjudication of qualifying offenses, The probation officer shall recommend in the dispositional report to the Court~~ **an order for the collection of DNA of any from minors who is if they were 14 years of age or older (at the time of offense) and is adjudicated on any of the they committed the following offenses:**
 - 1.1 any felony, or
 - 1.2 any class A misdemeanor
 - 1.3 any offense outlined above in which the court
 - 1.3.1 enters a judgement for conviction to a lower degree of offense under section [76-3-402](#) or
 - 1.3.2 allows the minor to enter a plea in abeyance as defined in Section [77-2a-1](#).
2. ~~A right thumb print will be submitted with the DNA sample.~~
3. ~~Failure to comply with the DNA collections and/or failure to submit to thumb print shall result in the filing of an affidavit and order to show cause requiring the appearance of the minor and parents before the Court.~~
2. The probation officer shall recommend **that** the minor pay a fee of \$150.00 for the DNA sample test.
 - 2.1 This fee may be waived by the court upon the finding that the minor is unable to pay the fee.
 - 2.2 If the minor and family request the fee to be waived in advance, they should complete an affidavit of impecuniosity for the court to review. **The family and minor may submit an an affidavit of impecuniosity if they want to request that the fee be waived.**
 - 2.3 If it has been determined that full payment of the fee cannot be made, probation may recommend a partial waiver.
3. **DNA sample collection and thumb print collection shall only be conducted by staff who have completed the required training approved by the Administrative Office of the Courts. The DNA sample will be submitted to the Department of Public Safety in accordance with required training and accepted protocols.**
4. A minor is required to provide only one DNA sample unless the first sample is inadequate for analysis.
 - 4.1 The sample is to be obtained as soon as possible but not to exceed 120 days after the adjudication and order. **A right thumb print shall also be submitted with the DNA sample.**
 - 4.2 The **probation officer shall obtain and submit an additional sample** upon notification by the Department of Public Safety that a DNA sample is not adequate. ~~the probation officer shall obtain and submit an additional sample.~~
4. ~~DNA sample collection and thumb print collection shall only be conducted by staff who have completed the required training approved by the Administrative Office of the Courts.~~

5. ~~Upon order from the court, the DNA sample will be submitted to the Department of Public Safety in accordance with required training and accepted protocols.~~
5. The Probation staff shall document **create a critical message** in CARE that **when** the DNA sample and thumb print were obtained and submitted to the Department of Public Safety. Documentation shall include who collected the sample and the date collected and/or submitted. ~~This information shall be placed on the critical message screen.~~
6. ~~If the order for DNA is determined to be uncollectible,~~ The probation officer shall create the appropriate critical message in **CARE when DNA is determined to be uncollectible** and include the reason for not collecting the sample. DNA/Fingerprint orders can become uncollectible for several reasons including:
 - o 7.1 Jurisdiction over the minor no longer exists because of age;
 - o 7.2 Jurisdiction over the minor no longer exists because of the certification or direct file process;
 - o 7.3 Jurisdiction over the minor was legally terminated by the Court;
 - o 7.4 The minor is deceased;
 - o 7.5 Verification that the minor has moved from the state or is otherwise unavailable; and
 - o 7.6 The minor cannot be located and all reasonable efforts to locate the minor have been pursued.

History:

- Effective May 3, 2007 (Amended)
- Chief Policy Committee revised 12/01/10
- Chiefs approved on 12/09/10
- TCE revised and approved on 1/6/11
- Juvenile Board revised and approved on 1/14/11
- Reviewed and Updated by Policy Group 7/17/18
- Approved by Chief Probation Officers 8/9/2018
- Approved by Board of Juvenile Court Judges November 9, 2018

4.10 DNA (Deoxyribonucleic Acid) Sample Collection

Policy:

This policy provides guidelines for the collection of DNA samples from minors 14 years of age or older who have been ordered to provide a sample.

Scope:

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

Authority:

- [UCA 53-10-403\(3\)](#)
- [UCA 53-10-404](#)
- [UCA 53-10-405](#)
- [UCA 53-10-406.5](#)
- [UCA 76-5-401](#)
- [UCA 78A-6-117\(4\)](#)
- [UCA 78A-6-1104](#)
- [Utah Rules of Juvenile Procedure - Rule 27](#)

Procedure:

1. The probation officer shall recommend to the Court an order for the collection of DNA of any minor who is 14 years of age or older (at the time of offense) and is adjudicated on any of the the following offenses:
 - 1.1. any felony, or
 - 1.2. any class A misdemeanor
 - 1.3. any offense outlined above in which the court
 - 1.3.1. enters a judgement for conviction to a lower degree of offense under section [76-3-402](#) or
 - 1.3.2. allows the minor to enter a plea in abeyance as defined in Section [77-2a-1](#).
2. The probation officer shall recommend that the minor pay a fee of \$150.00.
 - 2.1. The family and minor may submit an an affidavit of impecuniosity if they want to request that the fee be waived.
3. DNA sample collection and thumb print collection shall only be conducted by staff who have completed the required training approved by the Administrative Office of the Courts. The DNA sample will be submitted to the Department of Public Safety in accordance with required training and accepted protocols.
4. A minor is required to provide only one DNA sample unless the first sample is inadequate for analysis.
 - 4.1. The sample is to be obtained as soon as possible but not to exceed 120 days after the adjudication and order. A right thumb print shall also be submitted with the DNA sample.
 - 4.2. The probation officer shall obtain and submit an additional sample upon notification by the Department of Public Safety that a DNA sample is not adequate.

5. Probation staff shall create a critical message in CARE when the DNA sample and thumb print were obtained and submitted to the Department of Public Safety. Documentation shall include who collected the sample and the date collected and/or submitted.
 6. The probation officer shall create the appropriate critical message in CARE when DNA is determined to be uncollectible and include the reason for not collecting the sample. DNA can become uncollectible for several reasons including:
 - 6.1. Jurisdiction over the minor no longer exists because of age;
 - 6.2. Jurisdiction over the minor no longer exists because of the certification or direct file process;
 - 6.3. Jurisdiction over the minor was legally terminated by the Court;
 - 6.4. The minor is deceased;
 - 6.5. Verification that the minor has moved from the state or is otherwise unavailable; and
 - 6.6. The minor cannot be located and all reasonable efforts to locate the minor have been pursued.
-

History:

Effective May 3, 2007 (Amended)

Chief Policy Committee revised 12/01/10

Chiefs approved on 12/09/10

TCE revised and approved on 1/6/11

Juvenile Board revised and approved on 1/14/11

Reviewed and Updated by Policy Group 7/17/18

Approved by Chief Probation Officers 8/9/2018

Approved by Juvenile Trial Court Executives 11/1/2018

Approved by Board of Juvenile Court Judges November 9, 2018