

JUDICIAL COUNCIL MEETING

AGENDA

June 24, 2019

**S.J. Quinney College of Law, Sixth Floor
Flynn Faculty Workshop, Suite 6500
383 South University Street
Salt Lake City, UT 84112**

Chief Justice Matthew B. Durrant Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 9:05 a.m. Chair’s Report..... Chief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator’s Report Judge Mary T. Noonan
4. 9:20 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Liaison Committee.....Justice Thomas Lee
Policy & Planning Committee Judge Derek Pullan
Bar Commission..... Rob Rice, esq.
(Tab 2 – Information)
5. 9:30 a.m. Approval of Fourth District CommissionerJudge James Brady
(Tab 3 – Action) Mark Urry
6. 9:35 a.m. Approval of Justice Court Judge.....Jim Peters
(Action)
7. 9:40 a.m. FY20 Justice Court Technology, Security, and Training Account
Expenditures Judge Rick Romney (not yet confirmed)
(Tab 4 – Action) Jim Peters
- 9:50 a.m. Break
8. 10:00 a.m. Judicial Council Retreat Begins (agenda attached)
9. 4:00 p.m. Executive Session – There will be an executive session
10. 4:30 p.m. Adjourn

Consent Calendar

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

1. Forms for Final Approval
(Tab 5)

Brent Johnson

2. Committee Appointment
(Tab 6)

Education Committee – Tom Langhorne
Technology Committee – Heidi Anderson

Tab 1

JUDICIAL COUNCIL MEETING

Minutes
May 20, 2019
Matheson Courthouse
Council Room
450 S. State St.
Salt Lake City, Utah 84111
9:00 a.m. – 4:40 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
 Hon. Kate Appleby, Vice Chair
 Hon. Brian Cannell
 Hon. Ryan Evershed
 Hon. Paul Farr
 Justice Thomas Lee
 Hon. Mark May
 Hon. Kara Pettit
 Hon. Derek Pullan
 Hon. Brook Sessions
 Hon. Todd Shaughnessy
 Hon. John Walton
 Rob Rice, esq.

Excused:

Hon. Augustus Chin

Guests:

Jacqueline Carlton, Office of Legislative Research
 Travis Erickson, TCE Seventh District
 Hon. Dennis Fuchs, Senior Judge
 Robert Yeates, GAL Oversight
 Hon. David Hamilton, Second District Court
 Hon. Barry Lawrence, Third District Court
 Hon. David Mortensen, Court of Appeals
 Justice Paige Petersen, Supreme Court
 Russ Pearson, TCE Eighth District
 Peyton Smith, TCE Third District
 Aimee Thoman, Judicial Conduct Commission
 Joseph Wade, Office of Legislative Research
 Dr. Jennifer Yim, JPEC

AOC Staff:

Hon. Mary T. Noonan
 Ray Wahl
 Shane Bahr
 Heidi Anderson
 John Bell
 Michael Drechsel
 Cathy Dupont
 Todd Eaton
 Geoff Fattah
 Kim Free
 Alisha Johnson
 Brent Johnson
 Tom Langhorne
 Jim Peters
 Nathanael Player
 Clayson Quigley
 Nini Rich
 Neira Siaperas
 Stacey Snyder
 Nancy Sylvester
 Chris Talbot
 Jessica Van Buren
 Libby Wadley – by phone
 Keisa Williams
 Jeni Wood

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Chief Justice Durrant welcomed Joseph Wade and Jacqueline Carlton from the Office of Legislative Research and General Counsel.

Motion: Judge Kate Appleby moved to approve the Judicial Council minutes from the April 22, 2019 meeting, as presented. Judge John Walton seconded the motion, and it passed unanimously.

2. OATH OF OFFICE – JUDGE BRIAN CANNELL AND JUDGE BROOK SESSIONS: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed and administered the Judicial Council Oath of Office to Judge Brian Cannell and Judge Brook Sessions.

3. APPOINTMENT OF JUDICIAL COUNCIL EXECUTIVE COMMITTEE: (Judge Mary T. Noonan)

After brief discussion, Judge Mary Noonan recommended the executive committee memberships as shown below. Judge Brian Cannell will not be assigned to an executive committee at this time.

Management Committee

Chief Justice Durrant, Chair
 Judge Kate Appleby
 Judge Todd Shaughnessy
 Judge Mark May
 Judge Paul Farr

Liaison Committee

Justice Thomas Lee, Chair
 Judge Kara Pettit
 Judge Brook Sessions
 Judge Ryan Evershed

Policy & Planning Committee

Judge Derek Pullan, Chair
 Judge Augustus Chin
 Judge John Walton
 Judge Ryan Evershed
 Rob Rice

4. CHAIR’S REPORT: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant noted the Appellate Court Conference was exceptional.

5. ADMINISTRATOR’S REPORT: (Judge Mary T. Noonan)

Judge Mary Noonan announced this was Ray Wahl’s last Judicial Council meeting. Judge Noonan thanked the Education Department for the well-prepared and forward-thinking spring conferences. Anonymous comments received from the 2018 Human Resources survey were sent to the TCEs.

Judge Noonan reviewed preliminary FY19 district and juvenile judicial weighted caseloads. The judicial weighted caseload decreased in the Third District and increased in the

Fifth District. Neira Siaperas said there is concern that the weighted caseload formula for Juvenile Court judges has not been updated since 2010. Ms. Siaperas stated that the Board of Juvenile Court Judges will advance a request for an update in the near future.

6. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee said the next Liaison meeting is scheduled for May 29.

Policy and Planning Committee Report:

Judge Derek Pullan said the work of the committee is reflected in the minutes and on the Council agenda.

Bar Commission Report:

Rob Rice said Judge John Baxter was selected to receive the Utah Bar “Judge of the Year” Award.

7. FY2020 BUDGET PLAN: (Judge Mary T. Noonan, John Bell, and Ray Wahl)

It is the responsibility of the Judicial Council to prioritize requests for fiscal year 2019 carry-forward funds and adopt a spending plan for fiscal year 2020. There are four funding sources: 1) Unrestricted funding (general fund); 2) Restricted funding (includes nonjudicial adjustment fund, Guardian ad Litem account, and others); 3) Dedicated credits; and 4) Federal funds. Mr. Bell noted turnover savings can be either ongoing or one time funds. Mr. Bell explained that the Finance Department receives input from the AOC, court level executives, Boards, and other court personnel, and then reviews the requests with the State Court Administrator. The requests are then brought to the Council for a decision.

Neira Siaperas said the Interstate Compact for Juveniles (ICJ) Operations funding request of \$24,000 includes: 1) \$17,000 annual dues; 2) \$3,000 training and travel expenses; and 3) extradition expenses.

Kim Free addressed the Learning Management System (LMS), which is the justice court clerks’ certification program software request. This will replace the online training program currently offered to all court clerks, including justice court clerks. The software request is the first phase; there may be further requests at a later time.

Mr. Langhorne said the Skills and Middle Management academies have both been very successful. The Court Skills Academy for Non-Supervisory Employees is used to prepare current employees for management. The Middle Management Academy is for managers who may advance to a higher position.

Keisa Williams explained the PC/PSA Programming consists of five requests: 1) \$51,000 Harvard Study; 2) \$255,000 NLET; 3) \$36,000 DMF; 4) \$15,000 Xchange; and 5) \$35,700 for a 10% contingency.

Heidi Anderson explained the five requests from the IT Department in priority order: 1) \$470,000 FY2020 extended workforce; 2) \$193,067 switch replacement; 3) \$250,000 5-year computer replacement schedule; 4) \$450,000 audio/visual courtroom replacement; 5) \$451,000 one time and \$48,000 ongoing redundancy site in St. George (Council ranked this #3 in August 2018); 6) \$71,780 MS Office software; 7) \$161,000 replace wireless LAN controllers; and 8) \$18,000 VOIP phone replacements. Ms. Anderson said the redundancy site in St. George has been requested in the past and is very important, however, IT work is backlogged and a larger workforce would alleviate overtime being paid to current employees.

Travis Erickson noted because the Moab Courthouse does not have a security x-ray machine, all searches are done by hand.

Nathanael Player stated the Self-Help Center is currently open Monday through Thursday. If this request is approved, the Center will be open Monday through Friday.

Peyton Smith noted there are four drug courts in Salt Lake that judges' clerks assist with because there are no dedicated drug court clerks. This impacts clerical workload and consistency.

Mr. Smith thanked the Council for their support with salary increases for judicial assistants. The TCEs approved giving employees a percentage raise to address compression issues, based on their years of service with the courts, not the years of service in their current position. This increase will be in addition to the COLA increase. Mr. Wahl thanked the TCEs for their incredible work on this complicated process.

Mr. Wahl stated Legal Aid, located in the Matheson Courthouse, has \$150,000 Legislative approved funds that will pass-through the court's budget.

Mr. Wahl said career track increases for clerical and probation employees is estimated to be \$400,000 in ongoing funds. A market comparison study was completed for the AOC, law clerks, interpreters, mediators, etc. Mr. Wahl explained that each year a market comparison study is conducted on one of the three groups (1st group: clerical; 2nd group: probation; and 3rd group: everyone else including, AOC, law clerks, interpreters, mediators etc.). The goal of the market comparison study is to bring wages within 10% of the market.

Nini Rich presented a need for a halftime mediator (\$54,800 ongoing funds). Caseloads that were referred by the courts have increased 10% and due to the tight statutory timelines, there are not enough mediators to cover the current workload. Ms. Rich confirmed that if the ongoing funds are not approved next year she would either seek one time funds again or lay off the employee.

Jessica Van Buren will conduct a survey to create a list of judges that prefer hardbound Utah Code books. Each set of Code books cost \$700 for annotated and \$200 for unannotated.

Mr. Bell summarized the following budget structure for the Council and the requests and available funding.

• BAAA – Administration	\$139,142,500
• BBAA – Grand Jury	\$800
• BCAA – Contracts & Leases	\$21,386,800
• BDAA – Jury, Witness, and Interpreter	\$2,640,900
• BEAA – Guardian ad Litem	\$9,069,400
Total	\$172,240,400

The BAAA category is comprised of 80% personnel, 16.95% current expense, .46% other/pass-through, .26% in-state travel, and .12% out-of-state travel.

Funding available to allocate or adopt:

New funding

Appropriation bills

Fiscal notes identified for a specific use (for adoption only)

Fiscal notes allocated for general use

One time carry forward from prior year (from FY 2019 into FY 2020)

Turnover savings from vacant positions – one time savings

Turnover savings from salary differences when a position is filled at a lower rate – ongoing savings (realized in FY 2019)

Ongoing Turnover Savings (to be realized in FY 2020)

Savings for a full fiscal year from salary differences when a position is filled at a lower rate (filled in FY 2019 –realized beginning in FY 2020)

Total Available Funds		\$2,872,300	\$3,192,500		
#	Budget Obligations	One Time	Ongoing	One Time	Ongoing
	JA Recruitment and Retention		\$ 900,000		\$ 900,000
	Third Judicial District Judge Amendments		\$ 905,000		\$ 905,000
	Court Security		\$ 500,000		\$ 500,000
	Expungement Act Amendments (for IT work)	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
	Domestic Violence & Family Law Legal Aid		\$ 150,000		\$ 150,000
#	Previous Council Priorities Unfunded by Legislature				
1	JA Recruitment & Retention (Unfunded balance)		\$ 520,000		\$ -
2	3rd District: Judicial Officers and staff (Unfunded Balance, requires new legislation)		\$ 904,900		\$ -
3	Create redundancy site in St George ** (IT current rank is 5)	\$ 451,000	\$ 48,000	\$ 451,000	\$ -
4	Self Help Center-Bring 5 employees to full time		\$ 97,400	\$ 97,400	\$ -
5	3rd District Drug Court Clerk-JA II scale		\$ 69,300		\$ -
#	Council Deferrals from August 2018				
	4th District: Support Services Coordinator (1 FTE)		\$ 73,400		\$ -
	5 year computer replacement schedule (IT current rank is 3)		\$ 250,000	\$ 250,000	
	Implement Audio/Visual courtroom replacement ** (IT current rank is 4)		\$ 450,000		
	IT 8: VOIP upgrades ** (IT current rank is 8)	\$ 18,000		\$ -	
	ADR: Child Welfare Mediator (.5 FTE)	\$ 54,800		\$ 54,800	

# Carryforward spending requests ("X" indicates this item has traditionally been funded)					
X	Market Comp Analysis		\$ 684,000		\$ 137,500
	Career Track Advancement		\$ 400,000		\$ 400,000
X	Utah Code & Rules for judges	\$ 54,069		\$ 54,069	
X	Divorce Ed for Children Video (carry forward of remaining grant balance)	\$ 18,000		\$ 18,000	
X	Employee incentive awards (Awards and taxes)	\$ 260,000		\$ 260,000	
X	Employee educational assistance	\$ 42,000		\$ 42,000	
X	Secondary language stipend	\$ 65,000		\$ 65,000	
X	Supplemental Judicial operations budget	\$ 70,000		\$ 70,000	
X	Contract site Adjustment Funds	\$ 10,000		\$ 10,000	
X	Grant matching Funds	\$ 50,000		\$ 50,000	
X	Time-limited Law Clerks (2 FTEs)	\$ 190,650		\$ 190,650	
X	ICJ Operations Funding (dues/Training and travel/Extradition)	\$ 24,000		\$ 24,000	
X	Access & Fairness Survey (will require an additional \$7,000 in FY 2021)	\$ 10,000		\$ 10,000	
	Learning Management System (Education rank 1)		\$ 50,000		\$ -
	Court Skills Academy (Education rank 2)	\$ 12,000		\$ 12,000	
	Middle Management Leadership Academy (Education rank 3)	\$ 12,000		\$ 12,000	
	Extended Workforce for FY 2020 (IT current rank is 1)	\$ 470,000		\$ 243,614	
	Switch Replacement (IT current rank is 2)	\$ 193,067		\$ 193,067	
	MS Office Upgrades (IT current rank is 6)	\$ 71,780			
	Replace Wireless LAN Controllers (IT current rank is 7)	\$ 161,000		\$ -	
	Moab X-Ray	\$ 22,000		\$ 22,000	
	PC/PSA Programming	\$ 392,700		\$ 392,700	
	Reserve	\$ 250,000		\$ 150,000	
Total Requested		\$ 3,102,066	\$ 6,202,000		
Balance Remaining				\$ -	\$ -

LEGEND

**=August 2018 figure updated for current costs

Items italicized in blue represent items prioritized or deferred by the Council in August 2018

Items in red represent funding identified by the Legislature for a specific purpose

Motion: Judge Shaughnessy moved to approve FY2020 budget requests categorized with an “x” in the table above indicating the item is traditionally funded, for a total of \$793,719 in one time funds, with the exception of the Market Comparability Analysis. Justice Lee seconded the motion with the amendment that Jessica Van Buren create an updated list of Utah Code & Rules books for judges, and it passed unanimously.

Motion: Judge Pullan moved to approve the request to create a redundancy site in St. George for \$451,000 in one time funds (original request \$451,000 one time and \$48,000 ongoing funds). Judge Evershed second, and it passed with Judge Pettit opposed.

Motion: Judge Farr moved to approve \$160,000 of the extended workforce request be dedicated to the redundant site in St. George in one time funds. Judge Appleby seconded, and it passed unanimously.

Motion: Judge Pettit moved to add an additional \$83,614 to the extended workforce request in one time funds. Rob Rice seconded the motion, and it passed unanimously.

Motion: Judge Pullan moved to approve IT switch replacement for \$193,067 in one time funds. Judge Evershed seconded the motion, and it passed unanimously.

Motion: Judge Farr moved to approve the Moab x-ray machine for \$22,000 in one time funds. Judge Evershed seconded the motion, and it passed unanimously.

Motion: Judge Pullan moved to approve PC/PSA Programming request for \$392,700 in one time funds. Judge Farr seconded the motion, and it passed unanimously.

Motion: Judge Evershed moved to approve the ADR child welfare .5 FTE mediators for \$54,800 in one time funds (original request was ongoing funds). Judge Pettit seconded the motion, and it passed with Judge Pullan opposed.

Motion: Judge May moved to approve both the Court Skills Academy and the Middle Management Leadership Academy for \$12,000 each in one time funds. Judge Farr seconded the motion, and it passed unanimously.

Motion: Judge Pettit moved to approve the Self-Help Center for \$97,400 with one time funds (original request was ongoing funds) with intention to seek ongoing funding from Legislature next year. Justice Lee seconded the motion, and it passed unanimously.

Motion: Judge Pullan moved to approve a reserve of \$150,000. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Justice Lee moved to approve 5-year computer replacement schedule for \$250,000 with one time funds (original request was ongoing funds). Judge Farr seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to defer the remote wireless LAN and VOIP upgrades request. Judge Cannell seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to not fund the following requests: 1) JA Recruitment & Retention (unfunded) \$520,000; 2) Third District Judicial Officers and Staff (unfunded) \$904,900; 3) Third District Drug Court Clerk \$69,300; and 4) Fourth District Support Services Coordinator \$73,400 and to defer the request for \$48,000 ongoing funds for the creation of a redundancy site. Judge Pullan seconded the motion, and it passed unanimously.

Motion: Judge Pullan moved to approve the career track advancement of \$400,000 with ongoing funds. Justice Lee seconded the motion, and it passed unanimously.

Motion: Judge Pullan moved to not fund market comparison analysis. Justice Lee seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to defer the Learning Management System \$50,000 request. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to approve the market comparison analysis for \$137,500 in ongoing funds. Judge Appleby seconded the motion, and it passed unanimously. This motion supersedes the prior market comparison analysis motion.

8. PROBLEM-SOLVING COURT RECERTIFICATIONS: (Judge Dennis Fuchs)

Chief Justice Durrant welcomed Judge Dennis Fuchs. Judge Fuchs reviewed applications for recertification of the problem-solving courts mentioned below. Judge Fuchs noted all courts have met best practices requirements. Judge Fuchs requested approval to close Judge Renteria's Juvenile Drug Court located in Salt Lake County, West Jordan. The Council discussed waiving

presumptive criteria practices that were not being met. Judge Fuchs noted there are compensating factors for those courts not meeting presumptive criteria.

Adult Drug Courts

Davis County, Farmington (Judge Morris)
 Iron County, Cedar City (Judge Barnes)
 Tooele County, Tooele (Judge Bates)
 Washington County, St. George (Judge Wilcox)
 Weber County, Ogden (Judge Bean)

Adult Mental Health Courts

Iron County, Cedar City (Judge Little)
 Washington County, St. George (Judge Westfall)

Dependency Drug Court

Washington County, St. George (Judge Leavitt)

Chief Justice Durrant thanked Judge Fuchs.

Motion: Judge Pullan moved to change the drug court certification check list by moving the following items from “presumed certification criteria” to “best practices standards”: 1) The Drug Court monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants, and 2) New arrests, new convictions, and new incarcerations are monitored for at least three years following each participants entry into the Drug Court; and to waive those two criteria if not met. Judge Appleby seconded, and it passed unanimously.

Motion: Judge Evershed moved to approve the recertification of **Adult Drug Courts:** Davis County, Farmington (Judge Morris); Iron County, Cedar City (Judge Barnes); Tooele County, Tooele (Judge Bates); Washington County, St. George (Judge Wilcox); Weber County, Ogden (Judge Bean); **Adult Mental Health Courts:** Iron County, Cedar City (Judge Little); Washington County, St. George (Judge Westfall); **Dependency Drug Court:** Washington County, St. George (Judge Leavitt), and closure of the **Juvenile Drug Court:** Salt Lake County, West Jordan (Judge Renteria) as amended to accept. Judge Walton seconded the motion, and it passed with Judge Appleby and Judge Pullan opposed.

9. UNIFORM FINE & BAIL COMMITTEE REPORT: (Judge David Hamilton and Shane Bahr)

Chief Justice Durrant welcomed Judge David Hamilton and Shane Bahr. The committee needs to fill membership slots for two judges. The committee will meet earlier next year in hopes of updating the Fine & Bail Schedule timeline.

Chief Justice Durrant thanked Mr. Bahr.

10. UNIFORM FINE & BAIL SCHEDULE: (Judge David Hamilton and Clayson Quigley)

Chief Justice Durrant welcomed Clayson Quigley. Judge Hamilton briefly addressed the Fine & Bail Schedule.

Chief Justice Durrant thanked Judge Hamilton and Mr. Quigley for the committees work on the schedule.

Motion: Judge Appleby moved to approve the Uniform Fine & Bail Schedule, as presented. Judge Cannell seconded the motion, and it passed with Judge Sessions abstaining because he was on the Uniform Fine & Bail Committee.

11. FACILITIES PLANNING COMMITTEE REPORT: (Judge David Mortensen and Chris Talbot)

Chief Justice Durrant welcomed Judge David Mortensen and Chris Talbot. Judge Mortensen reviewed rules established in Code of Judicial Administration Rule 3-409, Court Facilities planning, committee responsibilities, and lessons learned from the new Price Courthouse.

Studies Current and Ongoing

- Manti / Sanpete County - Courthouse replacement study complete, waiting for funding
- Heber City / Wasatch County - Add juvenile courtroom to county facility, requesting feasibility study from DFCM
- Cedar City / Iron County - Courthouse replacement or three courtroom additions, no planned action
- Layton, Farmington & Bountiful / Davis County - New future courthouse, no planned action

Capital Development Projects

- Fourth District Provo - District and Juvenile Courthouse Utah County – Opened January 2019
- Seventh District Price - District and Juvenile Courthouse Carbon County – Opened September 2018
- Sixth District Manti - District and Juvenile Courthouse Sanpete County – Property purchased and demolition of existing structures scheduled for FY20. Preparing for possible design and construction funding in FY21

Facility Master Plan 2019

- Fifth District Cedar City – Replace or expand the existing 1980's courthouse. Currently priority #2 on the Capital Development request list. Will not be requested until Manti is funded
- Sixth District Richfield – Identify timing for expansion of existing courthouse. No action has been taken or planned
- Second District Davis County Court Facilities (Layton, Farmington, and Bountiful) – Space needs will be defined in the feasibility study when projections indicate additional courtrooms and program space is needed. No action has been taken or planned

Leased Court Facilities

- Sixth District Sanpete County Manti – Construct a new 2-courtroom courthouse in the central business district of Manti City. Property acquisition cost \$400,000. Estimated

overall project cost \$19,071,000. Property purchased and existing structures to be demolished. Project design and construction was not funded by Legislature in FY20.

- Seventh District San Juan County Monticello – Proposed remodel of the existing facility to improve security and operational issues. Additional space needed for juvenile probation offices and juvenile secure holding cells. No action has been taken. This project may be reevaluated in 2022.
- Second District Morgan County Morgan – Construct a new courthouse in the central business district of Morgan City. Morgan County is not interested in funding in the project. No action has been taken.

Juvenile Probation Facilities

- Sixth District Manti – Construct a new courthouse in the central business district of Manti City that will consolidate all district and juvenile functions into a single location. This space is included in the Sanpete County Courthouse request.

Projects under review

These projects require may require local government or court funding.

- Wasatch County Courthouse Expansion - feasibility and funding under review. Fourth District Juvenile Court has submitted a building block to add one additional courtroom to this facility for juvenile court cases. Wasatch County has agreed to this addition on their county owned facility if the court funds the construction estimated at \$2.5M. This project has been presented a few times to the budget committee over the past several years. The court may have funds in FY20 for this project with surplus funds remaining from the new Provo Courthouse. The details and approval from DFCM are still in process. The challenges are spending \$2.5M in State funds on a county owned facility and getting the surplus funds from another project returned to the court.
- West Jordan courtroom build-out of shelled space. Third District is requesting that one of the shelled courtrooms be built out for one of the new judgeships. Estimated cost per DFCM is \$1.14M. Exploring options to fund the project in FY21. Consideration should be given to the court funding construction drawings in FY20 at \$70K.
- Wayne County Courthouse – TBD. Letter received from Wayne County stated the county will need a new court facility within 10 years, and wants the state to participate. No formal talks have been scheduled with the county. Wayne County spoke with DFCM about planning a new county facility that would include the courts needs.
- St. George Courthouse Federal Court Expansion Request – TBD. The Federal Courts in 2018 created a Utah District Southern Region and have expanded services to allow all criminal and civil cases to be heard in St. George. They are requesting a substantial addition to our courthouse before their final lease option expires in 2024 as they will not have funding for a new federal courthouse for 15 – 20 years.

Planning Projects

- Sanpete County (District Court, Juvenile Court, Juvenile Probation and GAL) - Completed, waiting for State funding
- Iron County (District Court, Juvenile Court, Juvenile Probation and GAL) - TBD
- Davis County (District Court, Juvenile Court, Juvenile Probation and GAL) – TBD

Capital Improvement Projects Approved FY20

- West Jordan Court replace ground source heat pump – first phase of three \$1,000,000
- Farmington Court security station upgrades \$200,000
- Ogden Court HVAC upgrade boilers, motors, and pumps \$729,100
- Manti Court existing structure demolition and HAZMAT removal \$1,070,655
- St. George Court upgrade camera & security systems \$924,578
- Matheson Court reseal the exterior plaza areas \$975,000
- Farmington Court HVAC controls upgrade \$250,000
- Logan Court split system replacements \$66,575
- Logan Court cooling tower replacement \$317,375
- Ogden Court ejector pumps \$45,000

Judge David Mortensen advised the Council about a request from the Federal Court, currently housed in the St. George Courthouse, to increase their rented space in the courthouse. A 5-year lease was recently renewed with the understanding that at the end of the lease, the Federal Court will need to vacate due to the growth needs of the Fifth District Courts. The Federal Court would like the Utah Courts to request a bond from the Legislature, and they will then pay back the bond through lease funds for 15 years, at which time the Federal Courts will have their own building. Chris Talbot noted courts spend approximately \$600 per square foot for courthouse space and that, if approved, the courts would require any additions to the building to be designed for future use by the Utah courts and any remodeling would need to be done at night and on weekends.

Chief Justice Durrant thanked Judge Mortensen and Mr. Talbot.

12. LAWYER JUDGE WELL-BEING TASK FORCE REQUEST: (Justice Paige Petersen and Kim Free)

Chief Justice Durrant welcomed Justice Paige Petersen and Kim Free. Justice Petersen stated the Task Force would like to be approved as a permanent joint committee supported by the Judicial Council, the Supreme Court, and the State Bar Commission. Justice Petersen and Dickson Burton will continue as co-Chairs and Kim Free will continue as staff. Members of both law schools are on the committee.

Chief Justice Durrant thanked Justice Petersen and Ms. Free.

13. JUDICIAL CONDUCT COMMISSION REPORT: (Aimee Thoman)

Chief Justice Durrant welcomed Aimee Thoman. Ms. Thoman reviewed the current Commission membership.

Commission caseload update

- To date in FY19 there have been 53 cases. This is a similar trend to last year, where 58 cases were finalized.
- To date in FY19, the Commission has had 5 DWW (dismissal with a warning) dispositions as follows: 1) Inappropriate texting, 2) Indecorous treatment of an attorney, 3) Ex parte communications, 4) Ex parte communications, and 5) inappropriate representation of judicial office.

- Three cases are pending before Utah Supreme Court.
- The Commission is a party to one matter that is pending before the Supreme Court.

Miscellaneous activities of the Commission

- Responses to requests for information based on our archival records (AOC = 1, JPEC = 3, AJDC/CJE = 16).
- Supported two State Department sponsored visits (UCCD) regarding judicial discipline.
- Provided budgetary testimony to the Legislature, but did not request increased funding.
- Agreed to biennial presentation to JPEC.

Chief Justice Durrant thanked Ms. Thoman.

14. Guardian ad Litem (GAL) OVERSIGHT REPORT: (Robert Yeates and Stacey Snyder)

Chief Justice Durrant welcomed Robert Yeates and Stacey Snyder. Mr. Yeates reviewed the committee members. Caseload referrals have declined. They have an attorney position and a legal secretary position in Moab open. Ms. Snyder will add the GAL annual report online and distribute them to the Council.

Chief Justice Durrant thanked Mr. Yeates and Ms. Snyder.

15. REQUEST FOR JUDICIAL COUNCIL RESOLUTION REGARDING OPEN ACCESS TO THE COURTS: (Judge Barry Lawrence and Nancy Sylvester)

Chief Justice Durrant welcomed Judge Barry Lawrence and Nancy Sylvester. Judge Lawrence presented the Council with information pertaining to recent events of litigants not being allowed by judges or bailiffs into courtrooms due to their attire. Judge Lawrence noted Code of Judicial Administration Rule 3-115 states part of the committee's duties are to "recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties." Chris Palmer is working with bailiffs to correct their behavior. Judge Lawrence, representing the Resources for Self-Represented Parties Committee, requested the Judicial Council issue a resolution to all Utah courts stating that no person who has business in any court shall be denied access based on their manner of dress or appearance. Some courts have signs posted about dress codes. There was discussion about parts of the proposed rule.

Chief Justice Durrant thanked Judge Lawrence and Ms. Sylvester.

Motion: Judge Appleby moved to send the request for a Council resolution to Policy & Planning. Judge Pettit seconded the motion, and it passed unanimously.

16. CODE OF JUDICIAL ADMINISTRATION RULE 4-401.02: (Michael Drechsel)

Chief Justice Durrant welcomed Michael Drechsel. Mr. Drechsel said JPEC presented to the Council last month regarding an idea to video record justice court judges for evaluation purposes. Mr. Drechsel noted a rule could be created or amended specifically to pilot projects such as JPEC or an order from the Council could be created to allow JPEC to record in courtrooms with certain criteria being met, such as destroying the recording after it has fulfilled

its purpose. Videos would be recorded with JPEC equipment and stored at JPECs facility until they are destroyed, therefore, the videos would be subject to GRAMA, unless a court rule classified the videos as protected.

The Council recommended the proposed rule be forwarded to Policy & Planning.

17. CODE OF JUDICIAL ADMINISTRATION RULE 7-302 AND HUMAN RESOURCES POLICY 480 FOR FINAL APPROVAL AND RULE 4-501 FOR REPEAL: (Michael Drechsel)

Mr. Drechsel stated CJA Rule 7-302 went for public comment in January 2019. No comments were received. The most significant change to CJA Rule 7-302 is replacing the term “social study” with “court report.” These revisions have all been approved and recommended by the Board of Juvenile Court Judges and Policy & Planning.

Mr. Drechsel stated over the last several years, the trial court executives (TCEs) have considered recommending to the Judicial Council a new policy that would permit court employees to exercise up to three times per week for 30 minutes each time. This exercise would take place during compensated time. Participation in the program is not a guaranteed benefit. It will be managed at the local level between supervisors and employees. The intent of the policy is that court operational needs will take precedence over exercise. Participation will require a signed agreement. An employee could be subject to discipline for violating or abusing the policy. It is anticipated that participation in the program will yield better health, increased employee productivity, and a greater ability to attract and retain qualified employees. Policy & Planning was presented with this proposal in October 2018. They worked with TCEs to finalize this request.

Mr. Drechsel presented proposed repeal of CJA Rule 4-501. This was created because of Utah Code § 78B-3-908 with a repeal date set for January 1, 2017. The law was repealed as scheduled, leaving this rule. The courts do not rely on nor use this rule.

Chief Justice Durrant thanked Mr. Drechsel.

Motion: Judge Pettit moved to approve Code of Judicial Administration Rule 7-302, as presented. Judge Sessions seconded the motion, and it passed unanimously.

Motion: Judge Appleby moved to approve Human Resources Policy 480 (exercise policy) for final approval, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to approve rule 4-501 for repeal, as presented. Judge Pettit seconded the motion, and it passed unanimously.

18. APPROVAL OF JUDICIAL COUNCIL JUNE 24 RETREAT: (Judge Mary T. Noonan)

Judge Noonan noted the Management Committee was in favor of holding the retreat at the University of Utah Law School. The National Center for State Courts system review

specialists, Patti Tobias and J.D. Gingerich are available to facilitate the retreat. Tim Shea and Mike Zimmerman will attend and provide guidance on the history of the Council.

Motion: Judge Appleby moved to approve the Judicial Council June 24 retreat agenda at the University of Utah Law School and with Patti Tobias and J.D. Gingerich as facilitators, as presented. Judge Walton seconded the motion, and it passed unanimously.

- 19. 2020 JUDICIAL COUNCIL MEETINGS SCHEDULE: (Judge Mary T. Noonan)**
Judge Noonan reviewed the proposed 2020 Council meeting schedule.

Motion: Judge Appleby moved to approve the 2020 Judicial Council meetings schedule, as presented. Judge Pettit seconded the motion, and it passed unanimously.

- 20. OLD BUSINESS/NEW BUSINESS: (All)**
There was no old or new business discussed.

- 21. EXECUTIVE SESSION**
There was no executive session held.

22. CONSENT CALENDAR ITEMS

a) Forms for Final Approval. 1) Verified Petition for Divorce; 2) Stipulation; 3) Findings of Fact and conclusions of Law; and 4) Divorce Decree and Judgment. Approved with one change in the Divorce Decree and Judgment footer to change the title from “Order Dividing Military Retired Pay”.

b) Rules for Public Comment. 1) CJA rule 4-903 - Uniform Custody Evaluations: add a new type of professional who can perform evaluations; 2) CJA rule 1-204 & 3-402: revise process for amending / creating human resource policies; 3) CJA rule 6-506: new rule addressing procedures for contested matters filed in probate court; 4) CJA rule 4-202.03 - Records access: revision to allow parent of victim to access juvenile court disposition order. Approved without comment.

After brief discussion, rule 4-103 will be removed from the consent calendar and return to Policy & Planning.

- 23. ADJOURN**
The meeting adjourned.

Tab 2

JUDICIAL COUNCIL MANAGEMENT COMMITTEE

**Minutes
June 11, 2019
Council Room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
12:00 p.m. – 2:00 p.m.**

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Appleby, Vice Chair
Hon. Paul Farr
Hon. Mark May

Excused:

Hon. Todd Shaughnessy
Neira Siaperas

AOC Staff:

Hon. Mary T. Noonan
Ray Wahl
Cathy Dupont
Heidi Anderson
Shane Bahr
Tracy Chorn
Michael Drechsel – by phone
Brent Johnson
Tom Langhorne
Jim Peters
Karl Sweeney
Diane Williams
Jeni Wood

Guests:

Hon. David Connors, Second District Court
Hon. Kara Pettit, Third District Court
Hon. Rick Romney, Provo Justice Court – by phone
Larry Webster, Second District TCE

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

Chief Justice Matthew Durrant welcomed everyone to the meeting.

After reviewing the minutes, the following motion was made:

Motion: Judge Kate Appleby moved to approve the May 14, 2019 Management Committee meeting minutes, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

2. ADMINISTRATORS REPORT: (Judge Mary T. Noonan)

Judge Mary Noonan noted the OCAP program won the Best of State Award for Government Technology. Judge Noonan thanked everyone involved with this program. The Fiscal Analyst Office will conduct a performance audit in a Seventh District drug court. Cathy Dupont will speak with the Analyst to ensure they have everything they need prior to the visit. The Guardian ad Litem/district court audit is nearly completed.

**3. COMMITTEE APPOINTMENT: (Tom Langhorne and Heidi Anderson)
Education Committee**

Tom Langhorne addressed the committee vacancy for an adult educator from higher education. The committee recommended the appointment of Professor James Hedges to fill the adult educator position.

Motion: Judge Appleby moved to approve the appointment of Professor James Hedges to the Education Committee, and to place this item on the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

Technology Committee

Heidi Anderson addressed the committee reappointments of Justice John Pearce and Shane Bahr. The committee recommended both reappointments.

Motion: Judge Appleby moved to approve the reappointments of Justice John Pearce and Shane Bahr, to the Technology Committee, and to place this item on the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

4. SECOND DISTRICT COURT SENIOR JUDGE REQUEST: (Judge David Connors and Larry Webster)

Judge Connors addressed his request for an active senior judge to cover a large complex case. Judge Connors noted Judge Michael Allphin was assigned this case prior to his retirement and has agreed to continue with the case until its completion. The case concerns a landslide in North Salt Lake that is consolidated from five cases with several plaintiffs, 12 corporate defendants, six individual defendants, several Doe defendants, 12 law firms with approximately 27 attorneys, seven complaints, and numerous claims/cross claims; third/fourth party claims; and more than 1,260 docket entries.

The committee appreciated the information provided from the Second District in advance of this discussion. Judge Connors believes Judge Allphin would be willing to continue to serve in post-trial work on this case. Ray Wahl will review the FY20 senior judge budget, but believes the funds should be available for post-trial work if Judge Allphin is approved.

Motion: Judge Appleby moved to approve Judge Michael Allphin be assigned to this case during the trial and in post-trial work. Judge Farr seconded the motion, and it passed unanimously.

5. MORGAN COUNTY JUSTICE COURT AUDIT FOLLOW-UP: (Karl Sweeney and Diane Williams)

Karl Sweeney reviewed the Morgan County Justice Court follow-up audit. Moving forward, the Audit Department will now only submit a summary of an audit. The Audit Department will begin more Internal Self-Controlled Audits.

Motion: Judge Farr moved to approve the Morgan County Justice Court Follow-Up Audit Report, as presented. Judge Appleby seconded the motion, and it passed unanimously.

6. EAST CARBON CITY JUSTICE COURT FULL AUDIT REPORT: (Karl Sweeney and Diane Williams)

Karl Sweeney reviewed the East Carbon City Justice Court full audit report.

Motion: Judge Farr moved to approve the East Carbon City Justice Court Full Audit Report, as presented. Judge Appleby seconded the motion, and it passed unanimously.

7. FIRST DISTRICT AND JUVENILE CACHE COUNTY FULL AUDIT REPORT: (Karl Sweeney and Tracy Chorn)

Karl Sweeney reviewed the First District and Juvenile, Cache County, full audit report.

Motion: Judge Farr moved to approve the First District Cache County Full Audit Report, as presented. Judge Appleby seconded the motion, and it passed unanimously.

8. FY20 JUSTICE COURT TECHNOLOGY, SECURITY, AND TRAINING ACCOUNT EXPENDITURES: (Judge Rick Romney and Jim Peters)

Jim Peters reviewed Code of Judicial Administration Rule 9-107. Mr. Peters described funding approved by the Board of Justice Court Judges.

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds
1	AOC/Information Technology	Programming and Help Desk Support for Justice Courts	\$235,551		\$228,806
2	AOC/Information Technology	Google Accounts for Justice Court Judges and Clerks	\$22,500		\$22,500
3	AOC/Information Technology	CORIS Infrastructure for Justice Courts	\$165,215		\$123,079
4	AOC/Judicial Institute (Education)	Management and Leadership Academy for Supervisory Clerks	\$10,426		\$0
5	AOC/Judicial Institute (Education)	Clerk Certification Program	\$5,000		\$5,000
6	AOC/Judicial Institute (Education)	Presiding Judge Training	\$6,240		\$0
7	AOC/Judicial Institute (Education)	Judicial Decision Making (fka Law and Literature)	\$7,400		\$7,400
8	AOC/Judicial Institute (Education)	New Clerk Orientation	\$10,750		\$10,750
9	Board of Justice Court Judges	Trust and Confidence Committee	\$2,000		\$2,000
10	Board of Justice Court Judges	Computer Equipment for Judges	\$25,000		\$25,000
11	Board of Justice Court Judges	Online Learning System	\$18,000		\$0
12	Board of Justice Court Judges	Out-of-State Training Fund	\$50,000		\$50,000
13	Board of Justice Court Judges	Financial Assistance for Active Senior Judges to Attend the Annual Conference	\$5,000		\$5,000

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds
14	Box Elder Justice Court	LiveScan Fingerprint Equipment	\$5,449		\$5,449
15	Daggett County Justice Court	Window Tinting	\$630		\$630
16	East Carbon Justice Court	Computer, Printer and Scanner for the Courtroom	\$1,179		\$0
17	Emery County Justice Court	TV, Stand and DVD Player	\$198		\$198
18	Holladay Justice Court	Fireproof Safe	\$435		\$0
19	Mantua Justice Court	Handheld Metal Detector	\$400		\$184
20	North Salt Lake Justice Court	Laptop	\$1,060		\$0
21	Ogden Justice Court	Security Film for Windows Located at Court Security Station	\$3,440		\$3,440
22	Parowan Justice Court	Security Cameras	\$3,220		\$1,500
23	Payson Justice Court	Security Upgrades	\$9,640		\$0
24	Plain City Justice Court	Security Cameras	\$6,604		\$0
25	Riverdale Justice Court	Security Upgrades	\$4,451		\$2,500
26	Roy/Weber Justice Court	Printer/Scanner for the Courtroom; Lockers	\$1,460		\$0
27	Salt Lake City Justice Court	X-Ray Machine	\$20,000		\$0
28	Salt Lake City Justice Court	Surface Tablets for Paperless Jury Process	\$5,694		\$0
29	Salt Lake City Justice Court	Affirming Artwork	\$3,750		\$0

Ongoing Funding

Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds
Board of Justice Court Judges (Unit 2711)	Online Legal Research for Justice Court Judges (ongoing from 2005 grant cycle)		\$20,000	
Information Technology (Unit 2712)	Vidyo Support and Inventory Management (ongoing from 2008 grant cycle)		\$20,200	
Judicial Institute (Unit 2713)	New Judge Orientation (ongoing from 2005 grant cycle)		\$3,500	
Judicial Institute (Unit 2713)	Justice Court Clerks' Conference (ongoing from 2005 grant cycle)		\$16,075	
Judicial Institute (Unit 2713)	Justice Court Judges' Conference (ongoing from 2005 grant cycle) and \$15,000 (ongoing from 2018 grant cycle) for Justice Court Educational programs		\$30,005	
Judicial Institute (Unit 2713)	Continuation of Utah Judicial Institute Staffing at Current Level (ongoing from FY2009 grant cycle)		\$104,200	
Judicial Institute (Unit 2713)	Clerks Conferences	\$55,000	\$0	
Judicial Institute (Unit 2713)	District Trainings	\$3,500	\$0	
AOC/Audit Department (Unit 2420)	Internal Audit Position Dedicated to the Justice Courts (ongoing from FY2012 grant cycle)		\$84,900	

Ms. Anderson explained requests from the IT Department.

Motion: Judge Appleby moved to forward this to the Judicial Council for consideration. Judge Mark May seconded the motion, and it passed unanimously.

9. CCJ/COSCA SUMMIT: IMPROVING THE COURT AND COMMUNITY RESPONSE TO THOSE WITH MENTAL ILLNESS: (Judge Kara Pettit)

Judge Kara Pettit reviewed the events at the summit. Laura Thompson, from the Attorney General's Office and Jeremy Christensen, from the Department of Human Services also attended the summit and are willing to attend a Council meeting to discuss creating a committee to better address the needs in Utah. Judge Pettit requested adding this to the Council agenda in the next few months for further discussion.

10. CASES UNDER ADVISEMENT: (Shane Bahr)

Shane Bahr said Code of Judicial Administration Rule 3-104 states that the state level administrator shall report to the Judicial Council any cases or issues held under advisement more than 90 days. Mr. Bahr reviewed cases reported by district court judges as being under advisement for more than 90 days for the months of January through May, 2019. Mr. Bahr will conduct further research and report to the Council in July.

11. OLD BUSINESS/NEW BUSINESS: (All)

Michael Drechsel noted House Joint Resolution 18 – Base Budgeting Provisions affects the Supreme Court, Court of Appeals, District Courts, Juvenile Courts, Justice Courts, Law Library, Education Department, Grant programs (Domestic Violence program, Court Improvement program, Access and Visitation program, and WINGS), Jury and Witness fees, Guardian ad Litem, and Grand Jury budgets. Mr. Drechsel said the courts are required to report the need-level for these programs. The committee discussed the grant programs. The committee agreed that the Education, Grants, and WINGS are all important programs, however, they are not critical for the operation of the courts. Mr. Drechsel clarified the Guardianship program is funded by the district court.

12. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant addressed the proposed agenda for the June 24, 2019 Judicial Council meeting. The agenda will be amended to move "Cases Under Advisement" item to July.

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

13. APPROVAL OF JUDICIAL COUNCIL JUNE 24 RETREAT AGENDA: (Judge Mary T. Noonan)

Judge Noonan reviewed a revised retreat agenda. The steering committee met this morning with the National Center for State Courts (NCSC) consultants. The remaining documents for the retreat will be sent on June 13. Judge Appleby and Judge Shaughnessy will

assist with leading the Composition and Role discussions at the retreat. Judge Appleby will introduce the Communications Strategies discussion, with Judge Noonan presenting.

Judge Noonan stated the NCSC consultants are available if the committee would like them to attend. After brief discussion, the committee decided to not have the consultants attend and instead, have the steering committee provide feedback from the meeting.

Motion: Judge Appleby moved to approve the agenda, as amended. Judge Farr seconded the motion, and it passed unanimously.

14. EXECUTIVE SESSION

An executive session was held.

15. ADJOURN

The meeting adjourned.

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

Judicial Council Room (N301), Matheson Courthouse
450 South State Street, Salt Lake City, Utah 84114
June 7, 2019 – 12:00 p.m. to 2:00 p.m.

DRAFT

MEMBERS:

PRESENT EXCUSED

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

GUESTS:

Dr. Jennifer Yim

STAFF:

Michael Drechsel

Minhvan Brimhall (recording secretary)

(1) WELCOME AND APPROVAL OF MINUTES:

Judge Walton welcomed the committee to the meeting. The committee considered the minutes from the May 3, 2019 meeting. With no additional changes, Judge Chin moved to approve the draft minutes. Rob Rice seconded the motion. The committee voted and the motion was unanimously passed.

(2) CJA REVISION TO PERMIT JPEC BASIC EVALUATION PILOT PROGRAM:

Michael Drechsel and Dr. Jennifer Yim provided the committee with proposed rules changes in the implementation of a pilot program for JPEC basic evaluations. The materials packet contains a draft of language in Rule 4-401.02 has been modified to include subsection (2)(D) in addressing protection of video and audio recording of court hearings that are produced by JPEC to facilitate basic evaluation. It is intended that the proposed rule change would result in a “court rule” per Utah Code section 63G-2-201(3)(b) (establishing a “not public” access restriction to the recordings). The committee discussed the need for such recordings to be “protected.” Currently, JPEC records are protected records governed by Utah Code sections 63G-2-305(54) and (55), as well as Utah Code section 78A-12-206(1)(c) and (d). Mr. Rice questioned the need to prescribe any retention issues in the rule. The committee discussed those concerns, which revolved around the proper balance between protecting the records, mirroring the in-person evaluation process, and not being heavy-handed about destruction of those records (especially in light of the fact that the actual “record” of the court hearing is the audio recording).

Mr. Drechsel described two approaches that could be taken here (which were raised with the Judicial Council at its May 20 meeting): one is the proposed rule change; the other is a memorandum of understanding between the Courts and JPEC regarding the recordings. Mr. Drechsel reported to the committee that Brent Johnson advocates for the “memorandum of understanding” route. JPEC’s view of the situation is that because court hearings are public hearings, the recordings would also be classified as public records (this, even in light of 78A-12-206(1) making JPEC records protected). JPEC is asking that the rule be modified to allow the recordings to be protected even if other JPEC materials ultimately become public at some point under 78A-12-206(1). Dr. Yim noted that for purposes of the pilot program identified in the proposed rule language, she will only be using recordings for mid-term evaluations. She reports that JPEC wants, as much as possible, to mirror the in-person observation process.

Dr. Yim also noted that if the court rule makes these recordings “protected,” then even if JPEC’s other records become public under 78A-12-203(5), these recordings would still not be subject to public access. In that way, the retention schedule language could be removed from the proposed language entirely.

The committee made changes to the materials packet proposed language of 4-401.02(2)(D) to attempt to address the needs of both the Courts and JPEC, including various formulations of the language. Ultimately, the committee settled on the following language for a committee vote:

 For the limited purpose of conducting a pilot project to evaluate the performance of justice court judges using courtroom observation, the Judicial Performance Evaluation Commission may record and transmit video and sound of court proceedings. These recordings and transmissions are protected records. To meet the objective of mirroring the process of in-person courtroom observation, the records must not be retained after completion of the observation.

The committee also discussed the minor addition to Rule 4-401.02(3)(B)(ii), which would incorporate the above exception to the general recording prohibition stated in 4-401.02(3)(B)(ii).

With no further discussion, Judge Chin moved to approve the language changes as discussed by the committee, and to move the rule to the Judicial Council for further review. The motion passed with three yay votes and one nay vote. The committee anticipates that the Judicial Council will discuss the issues underlying the nay vote (which really focuses on the inclusion of the third sentence (regarding retention). Mr. Drechsel will prepare the rule with the recommended changes for Judicial Council review and potential authorization to publish for public comment.

(3) CJA 4-103 – CIVIL CALENDAR MANAGEMENT (REVIEW PROPOSED REVISIONS IN LIGHT OF *HOLMES V. CANNON*, 2016 UT 42):

The committee then turned to discussion of CJA 4-103. Mr. Drechsel provided a brief review of this item. At the May 3, 2019 meeting, the committee identified a need to possibly amend the rule because the language in 4-103(3) “Pursuant to Rule 41 of the Utah Rules of Civil Procedure” was confusing and appeared to the committee, at that time, to be superfluous. After making an initial review on May 3rd, the committee forwarded the rule (proposing to remove subsection (3) and (4)) to the Judicial Council for consideration at its May 20 meeting. During that meeting, Mr. Drechsel received additional information regarding the origin of the language used in subsection (3) of the rule (*Holmes v. Cannon*, 2016 UT 42). The committee reviewed the *Holmes* case and then looked at the newly revised language for 4-103(3). The committee agreed that the language in subsection (3) “Pursuant to Rule 41 of the Utah Rules of Civil Procedure” was confusing because it made it seem like Rule 41 mandated including the “without prejudice” language. Rule 41 does not make that mandate. Instead, Rule 41(b) states “Unless the dismissal order otherwise states, . . .” The relationship between the two rules was discussed. The committee concluded that because 4-103(1) and 4-103(2) each specify that a dismissal under the rule is “without prejudice,” 4-103(3) should simply state that dismissal orders issued under Rule 4-103 shall include the “without prejudice” language. No reference to Rule 41 is necessary. All that is required is a clear directive to the District Courts that if the court is relying on Rule 4-103 to dismiss, it must include the “without prejudice” language. After this discussion, the committee agreed to a vote on the following language for subsection (3):

 (3) Orders of dismissal entered under this rule must contain the language “without prejudice.”

The committee also discussed the previous recommendation to strike subsection (4). Mr. Drechsel provided a history of that subsection, including that it was added to 4-103 in 1993 only five years after the first publication of the Code of Judicial Administration. The original 1993 language has remained unchanged since that time.

Previously, the committee believed there was a relationship between subsection (3) and subsection (4) and that those two subsections were added to the Code at the same time and for a common purpose. Mr. Drechsel pointed out that his research indicated that the provision was added to make it clear that a without prejudice dismissal under 4-103(1) and 4-103(2) did not necessarily mean that the only option moving forward was filing a new case; subsection (4) permits a party to attempt to vacate the dismissal and continuing to litigate the case under the previous filing. With this information, the committee agreed that subsection (4) should remain in the rule without any modification.

With no further discussion, Mr. Rice moved to amend the rule as drafted by the committee. Judge Evershed seconded the motion. The motion unanimously passed the committee and it will be recommended (again) to the Judicial Council for public comment.

(4) UPDATE ON CJA 4-601 (SELECTION OF INDIGENT AGGRAVATED MURDER DEFENSE FUND COUNSEL):

Mr. Drechsel provided the committee with an update regarding CJA 4-601. Mr. Drechsel reminded the committee that he had been instructed at the May 3, 2019 meeting to make contact with the Indigent Defense Fund Board to discuss adding a geographical component to criteria for generating the random list. Mr. Drechsel reported that on May 3rd, after the committee meeting, he received a copy of a letter addressed to the Judicial Council from the chair of the Indigent Defense Fund with concerns that the rule does not reflect ABA best practice guidelines for selection of counsel in capital murder cases. That letter proposes striking subsection (2), (3), and (4) of the current Rule 4-601. In addition to that, Mr. Drechsel was also made aware after the May 3rd meeting that CCJJ is also considering legislation to revise the selection process during the next legislative session. In light of these developments, Mr. Drechsel wanted to know how the committee wished to proceed.

The committee discussed the information presented by Mr. Drechsel. The committee discussed that it would be beneficial to refrain from proposing revisions at this time. The committee will continue to monitor the rule, and will coordinate with Liaison Committee if there is a legislative effort to be made. Mr. Drechsel was instructed to hold off on taking further action on this rule at this time.

5) ADJOURN

With no further items for discussion, Judge Chin moved to adjourn the meeting. Judge Evershed seconded the motion. The meeting adjourned at 1:05 p.m. There will not be a committee meeting for the month of July. The next meeting will be held on August 2, 2019, at 12:00 p.m.

Tab 3

This item
will be sent
separately

Tab 4

Effective 5/13/2014

78A-7-301 Justice Court Technology, Security, and Training Account established -- Funding -- Uses.

There is created a restricted account in the General Fund known as the Justice Court Technology, Security, and Training Account.

- (1) The state treasurer shall deposit in the account money collected from the surcharge established in Subsection 78A-7-122(4)(b)(iii).
- (2) Money shall be appropriated from the account to the Administrative Office of the Courts to be used for audit, technology, security, and training needs in justice courts throughout the state.

Amended by Chapter 189, 2014 General Session

Rule 9-107. Justice court technology, security, and training account.

Intent:

To establish the process for allocation of funds from the Justice Court Technology, Security, and Training restricted account.

Applicability:

This rule shall apply to all applications for and allocations from the account.

Statement of the Rule:

(1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.

(2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.

(3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.

(4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.

(5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges, and that recommendation, along with all timely applications shall then be forwarded to the Management Committee of the Judicial Council. The Management Committee will then make the final awards.

(6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.

**Utah State Courts
Justice Court Technology, Security and Training Account
Funding Requests for FY20**

Requests for One-Time Funding

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
1	AOC/Information Technology	Programming and Help Desk Support for Justice Courts	\$235,551		\$228,806	Personnel costs attributable to Justice Courts for IT support
2	AOC/Information Technology	Google Accounts for Justice Court Judges and Clerks	\$22,500		\$22,500	500 licenses @ \$45 each
3	AOC/Information Technology	CORIS Infrastructure for Justice Courts	\$165,215		\$123,079	CORIS Infrastructure for Justice Courts
4	AOC/Judicial Institute (Education)	Management and Leadership Academy for Supervisory Clerks	\$10,426		\$0	Day-long training for current justice court clerks in management positions or clerks who want to move to management positions
5	AOC/Judicial Institute (Education)	Clerk Certification Program	\$5,000		\$5,000	Funding to develop and pilot a program to certify justice court clerks to perform the duties needed to perform their jobs
6	AOC/Judicial Institute (Education)	Presiding Judge Training	\$6,240		\$0	Funding for a one-day training for newly elected Presiding Judges
7	AOC/Judicial Institute (Education)	Judicial Decision Making (fka Law and Literature)	\$7,400		\$7,400	Funding for a 1.5 day program for 17 judges
8	AOC/Judicial Institute (Education)	New Clerk Orientation	\$10,750		\$10,750	Day-long skills workshop held twice a year on the day preceding the justice court clerks' conference
9	Board of Justice Court Judges	Trust and Confidence Committee	\$2,000		\$2,000	Travel for outreach/CLE presentations to build trust and confidence in Justice Courts
10	Board of Justice Court Judges	Computer Equipment for Judges	\$25,000		\$25,000	Funding for the cost of computer equipment for the judges
11	Board of Justice Court Judges	Online Learning System	\$18,000		\$0	Annual licenses for 100 judges and 400 clerks plus training
12	Board of Justice Court Judges	Out-of-State Training Fund	\$50,000		\$50,000	Funding for out-of-state training and educational opportunities
13	Board of Justice Court Judges	Financial Assistance for Active Senior Judges to Attend the Annual Conference	\$5,000		\$5,000	10 active senior judges @ \$500 each

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
14	Box Elder Justice Court	LiveScan Fingerprint Equipment	\$5,449		\$5,449	Funding to purchase and install a Livescan a fingerprint device
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16	East Carbon Justice Court	Computer, Printer and Scanner for the Courtroom	\$1,179		\$0	Funding to purchase a printer, computer, and scanner for the courtroom
17	Emery County Justice Court	TV, Stand and DVD Player	\$198		\$198	Funding to purchase a TV and DVD to show the Rights Videos to defendants
18	Holladay Justice Court	Fireproof Safe	\$435		\$0	Funding to purchase a safe to secure funds and receipt books as recommended by the AOC
19	Mantua Justice Court	Handheld Metal Detector	\$400		\$184	Funding to purchase a handheld metal detector and to train staff
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22	Parowan Justice Court	Security Cameras	\$3,220		\$1,500	Funding to purchase and install a security system for the court
23	Payson Justice Court	Security Upgrades	\$9,640		\$0	Funding to purchase swipe card for one restricted door and replace a keypad on another restricted door
24	Plain City Justice Court	Security Cameras	\$6,604		\$0	Purchase and install four security cameras for the courtroom
25	Riverdale Justice Court	Security Upgrades	\$4,451		\$2,500	Funding to purchase and upgrade court building stairs, create a separate judge entrance, and apply
26	Roy/Weber Justice Court	Printer/Scanner for the Courtroom; Lockers	\$1,460		\$0	Funding for purchase of a wireless printer and scanner to print defendants orders and to purchase
27	Salt Lake City Justice Court	X-Ray Machine	\$20,000		\$0	Funding for the purchase and installation of a XIS 6040 X-ray machine
28	Salt Lake City Justice Court	Surface Tablets for Paperless Jury Process	\$5,694		\$0	Funding for purchase of six Surface Pro Tablets and hard cases
29	Salt Lake City Justice Court	Affirming Artwork	\$3,750		\$0	Funding for purchase and installation of new diverse artwork for the courthouse

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
30	Saratoga Springs Justice Court	Printer/Copier and Safe	\$10,248		\$0	Funding to purchase an updated printer/copier for the court
31	Saratoga Springs Justice Court	Bullet Resistant Materials for New Courthouse	\$19,740		\$0	Funding to purchase and install bulletproof glass for the courtroom
32	Saratoga Springs Justice Court	Security System for New Courthouse	\$29,884		\$0	Funding to purchase and intall security upgrades for the courthouse
33	South Ogden Justice Court	Court Recording Software Upgrade	\$4,189		\$1,000	Funding to replace sound system so it is compatible with the FTR system
34	South Weber Justice Court	Court Security Upgrades	\$1,500		\$1,500	Funding for security upgrades, alarms, window tinting and barriers
35	Sunset Justice Court	Handheld Metal Detector	\$184		\$184	Funding to purchase a handheld metal detector
36	Tremonton Justice Court	Bullet Resistant Materials for Courtroom	\$2,527		\$0	Funding to purchase and install bulletproof panels for the courtroom
37	Utah County Justice Court	Safe, Locking Cabinets, Tripods	\$1,124		\$0	Funding to purchase a safe, gun vault, and tripod
38	Washington County Justice Court	AED, Whiteboards and Projectors	\$1,965		\$0	Funding to purchase several items to enhance safety in the courtroom, see request
39	Wellington Justice Court	Computer, Printer and Scanner for the Courtroom	\$1,179		\$0	Funding to purchase printer, computer and scanner for the courtroom
40	West Jordan Justice Court	Dedicated Microsoft Tablet for the Courtroom	\$3,218		\$0	Funding to purchase a dedicated Microsoft tablet for the courtroom (priority 1)
41	West Jordan Justice Court	Court Computer Upgrades	\$4,000		\$0	Funding to upgrade computers for compatability of the new court FTR system

Total One-Time Grant Requests and Recommendations for FY20	\$710,450	\$496,120
---	------------------	------------------

Ongoing Funding

Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
Board of Justice Court Judges (Unit 2711)	Online Legal Research for Justice Court Judges (ongoing from 2005 grant cycle)		\$20,000		Westlaw subscriptions
Information Technology (Unit 2712)	Vidyo Support and Inventory Management (ongoing from 2008 grant cycle)		\$20,200		
Judicial Institute (Unit 2713)	New Judge Orientation (ongoing from 2005 grant cycle)		\$3,500		
Judicial Institute (Unit 2713)	Justice Court Clerks' Conference (ongoing from 2005 grant cycle)		\$16,075		
Judicial Institute (Unit 2713)	Justice Court Judges' Conference (ongoing from 2005 grant cycle) and \$15,000 (ongoing from 2018 grant cycle) for Justice Court Educational programs		\$30,005		
Judicial Institute (Unit 2713)	Continuation of Utah Judicial Institute Staffing at Current Level (ongoing from FY2009 grant cycle)		\$104,200		Partial cost of Education Coordinators and Conference Coordinator
Judicial Institute (Unit 2713)	Clerks Conferences	\$55,000	\$0		New request
Judicial Institute (Unit 2713)	District Trainings	\$3,500	\$0		New request
AOC/Audit Department (Unit 2420)	Internal Audit Position Dedicated to the Justice Courts (ongoing from FY2012 grant cycle)		\$84,900		

Totals

Total Ongoing Grant Funds	\$278,880
Total One-Time Grant Funds Recommended for FY20	\$496,120

Projected Revenue from FY19 **\$775,000**

Total Grant Awards	\$775,000
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Difference Between Available Funding and Recommended Grant Awards **\$0**

Tab 5

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

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

In the District Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Motion to Set Aside

Default
(Utah Rule of Civil Procedure 55(c))

Judgment
(Utah Rule of Civil Procedure 60(b))

Hearing Requested

Case Number

Judge

Commissioner

Plaintiff/Petitioner Defendant/Respondent asks the court to set aside the
 default judgment entered against them on _____ (date).

1. I ask to set aside the default or judgment for the reasons below (Choose all that apply.):

a. Because of my mistake, surprise, excusable neglect, or inadvertence. (Describe.):

b. I have learned of new evidence that I could not have discovered within 28 days after the judgment was entered. (Describe.):

c. Because of the other party's fraud, misrepresentation or other misconduct. (Describe.):

d. The judgment is void. (Describe.):

e. The judgment has been paid, released, or discharged. (Describe.):

f. The judgment in my case is based on an earlier judgment. That earlier judgment has been reversed or otherwise vacated. (Describe.):

g. It is no longer equitable that the judgment should have prospective application. (Describe.):

h. Some other reason that justifies relief. (Describe.):

2. This motion is being filed within a reasonable time because (Choose all that apply.):

I selected 1a, 1b, or 1c, and I am making this motion within 90 days of the default or judgment.

I selected 1d, 1e, 1f, 1g, or 1h. (Explain why you are filing this motion now and how that is reasonable.):

3. The reasons that I disagree with the claims in the original complaint or petition, and the facts supporting my disagreement, are:

4. I request a hearing.

I do not request a hearing.

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

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

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Set Aside Default or Judgment on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> 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 <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 <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 Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Order on Motion to Set Aside

Default

(Utah Rule of Civil Procedure 55(c))

Judgment

(Utah Rule of Civil Procedure 60(b))

Case Number

Judge

Commissioner

The matter before the court is a Motion to Set Aside Default Judgment entered on _____ (date).

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

The default of Plaintiff/Petitioner Defendant/Respondent.

The stipulation of the parties.

The pleadings and other papers of the parties.

A hearing held on _____ (date), notice of which was served on all parties.

Plaintiff/Petitioner

was present.

was not present.

was represented by _____ (name).

was not represented.

Defendant/Respondent

was present.

was not present.

was represented by _____ (name).

was not represented.

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

The court finds:

1. The moving party

has not shown good cause to set aside the default or judgment

has shown good cause to set aside the default or judgment for the reasons selected below:

mistake, inadvertence, surprise, or excusable neglect.

newly discovered evidence which could not have been discovered in time to move for a new trial under Utah Rule of Civil Procedure 59(b).

fraud, misrepresentation or other misconduct of the other party.

the judgment is void.

the judgment has been satisfied, released, or discharged.

a prior judgment upon which it is based has been reversed or otherwise vacated.

it is no longer equitable that the judgment should have prospective application.

any other reason justifying relief.

for the reasons set forth in the motion.

because:

- 2. The motion was was not made in a reasonable time.
- 3. The moving party has has not set forth a meritorious defense to the underlying complaint/petition.

The court orders:

- 4. The Motion is granted denied.
- 5. Defendant/Respondent must file
 - an Answer
 - other pleading _____ (specify)
 - on or before _____ (date).

6. Other:

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

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 am serving a copy of this Order on Motion to Set Aside Default or Judgment on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> 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 <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 <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

Check your email. You will receive information and documents at this email address.

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

In the District Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Motion to Delay (Stay) Enforcement of Judgment

(Utah Rule of Civil Procedure 62)

Expedited Hearing Requested

Case Number

Judge

Commissioner

I ask the court to delay (stay) enforcement of the judgment in this case entered on _____ (date).

1. I am plaintiff/petitioner defendant/respondent.
2. I ask to delay enforcement because I have filed or am filing (Choose all that apply.):
 a motion to set aside judgment.

- an appeal.
- a motion to alter or amend the judgment.
- a motion to amend findings.
- a motion for a new trial.
- a motion for directed verdict.
- I have not filed anything. I need to delay enforcement because:

3. I ask the delay be in effect until (Choose one.):

- the court rules on my motion.
- this date: _____ .

4. I ask the delay be issued:

- with security. I am willing to deposit \$_____ with the court.
- without security because:

- 5. I request a hearing.
- I do not request a hearing.

6. 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 am serving a copy of this Motion to Stay Execution of Judgment on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> 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 <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 <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

Check your email. You will receive information and documents at this email address.

In the District Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff/Petitioner

v.

 Defendant/Respondent

**Order on Motion to Delay (Stay)
Enforcement of Judgment**

 Case Number

 Judge

 Commissioner

The matter before the court is a Motion to Delay (Stay) Enforcement of Judgment. This matter is being resolved by: (Choose all that apply.)

The default of Plaintiff/Petitioner Defendant/Respondent.

The stipulation of the parties.

The pleadings and other papers of the parties.

A hearing held on _____ (date), notice of which was served on all parties.

Plaintiff/Petitioner

was present.

was not present.

was represented by _____ (name).

was not represented.

Defendant/Respondent

was present.

was not present.

was represented by _____ (name).

was not represented.

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

The court finds:

1. The moving party:

needs to delay enforcement of the judgment in this case entered on _____ (date).

does not need to delay enforcement of the judgment

2. The moving party needs to delay enforcement because:

they have filed:

a motion to set aside judgment.

an appeal.

a motion to alter or amend the judgment.

a motion to amend findings.

a motion for a new trial.

a motion for directed verdict.

for this other reason:

The court orders:

- 3. The motion is granted denied.
- 4. The delay of enforcement (stay) remains in effect until:
 - the court rules on the finding in paragraph 2.
 - this date: _____ .
- 5. Security:
 - is not required.
 - is required in the amount of \$_____. The delay of enforcement (stay) will not be in effect until security is deposited with the court.

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

 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 am serving a copy of this Order on Motion to Delay Enforcement of Judgment on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> 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 <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 <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

Check your email. You will receive information and documents at this email address.

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 _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Motion to Waive Fees and Statement Supporting Motion (Utah Code 78A-2-302 and Code of Judicial Administration Rule 4-508)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

- I cannot pay the court fees in this case. I believe I qualify for a waiver.
- I ask the following fee(s) be waived:
(Choose all that apply. Ask court staff for help if needed.)
 - Filing fee (Refer to Civil Cover Sheet): Divorce education class fee
Amount: \$ _____ (Maximum \$35.00.)
 - OCAP fee (\$20.00) Divorce orientation class fee
(Maximum \$30.00.)

Office of Vital Records fee
(Certificate of Adoption or Certificate of Divorce; \$8.00):

Service fee (within Utah)

Appeal fee

\$225 Filing

\$10 Small claims appeal (Justice Court)

Other _____

Other _____

3. Employment

I am employed as (Choose all that apply):

an hourly employee (Form W-2)

a salaried employee (Form W-2)

self-employed (Form 1099, Form K-1, Schedule C, etc.)

other (Explain): _____

Name of employer	Employer's address and phone number	Job title	Hourly rate or annual salary	Hours per week (If hourly)
			\$	
			\$	
			\$	

I am unemployed because:

4. Dependents (Count spouse, children or other dependents in your household. If none, write 0.)

The following people depend on me for support.

Number of adults	
Number of children under 18	

5. Gross Monthly Income

- I have the following monthly income before tax deductions:
 (Print your pre-tax income in the boxes below. For income that changes from month to month, calculate the annual total and divide by 12 months to list a monthly average.)

Source of income	Monthly amount
Work (Including self employment, wages, salaries, commissions, bonuses, tips and overtime)	\$
Rental income	\$
Business income	\$
Interest	\$
Dividends	\$
Retirement income (Including pensions, 401(k), IRA, etc.)	\$
Worker's compensation	\$
Private disability insurance	\$
Social Security Disability Income (SSDI)	\$
Supplemental Security Income (SSI)	\$
Social Security (Other than SSDI or SSI)	\$
Unemployment benefits	\$
Education benefits (Including grants, loans, cash scholarships, etc.)	\$
Veteran's benefits	\$
Alimony	\$
Child support	\$
Payments from civil litigation	\$
Victim restitution	\$
Public assistance (Including AFDC, FEP, TANF, welfare, etc.)	\$
Financial support from household members	\$
Financial support from non-household members	\$
Trust income	\$
Annuity income	\$
Other (Describe)	\$
Other (Describe)	\$
Total gross monthly income	\$

- I have no income because:

6. Monthly Tax Deductions

I have no monthly tax deductions because I have no income.

I have the following monthly tax deductions.

Type of tax deduction	Amount
Federal income tax	\$
State income tax	\$
Municipal income tax	\$
FICA	\$
Medicare	\$
Total monthly tax deductions	\$

7. After Tax Income

My monthly income is:

\$ _____	Gross monthly income from section 7
- \$ _____	Minus monthly tax deductions from section 8
<hr style="border: 1px solid black;"/>	
= \$ _____	Equals after-tax monthly income

I have no income.

8. Monthly Expenses (Include amounts you pay for yourself and any spouse, children or other dependents in your household.)

Monthly expense	Current Amount
Rent or mortgage	\$
Real estate taxes (if not included in mortgage)	\$
Real estate insurance (if not included in mortgage)	\$
Real estate maintenance	\$
Food and household supplies	\$

Monthly expense	Current Amount
Clothing	\$
Automobile payments	\$
Automobile insurance	\$
Automobile fuel	\$
Automobile maintenance	\$
Other transportation costs (public transportation, parking, etc.)	\$
Utilities (such as electricity, gas, water, sewer, garbage)	\$
Telephone	\$
Paid television, cable, satellite	\$
Internet	\$
Credit card payments	\$
Loans and other debt payments	\$
Alimony	\$
Child support	\$
Child care	\$
Extracurricular activities for children	\$
Education (children)	\$
Education (self)	\$
Health care insurance	\$
Health care expenses (excluding insurance listed above)	\$
Other insurance (describe)	\$
Entertainment	\$
Laundry and dry cleaning	\$
Donations	\$
Gifts	\$
Union and other dues	\$
Garnishment or income withholding order	\$
Retirement deposits (including pensions, 401(k), IRA, etc.)	\$
Other (describe)	\$
Other (describe)	\$
Total monthly expenses	\$

9. **Business Interests** (Add additional sheets if needed.)

I have no business interests.

I have the following business interests.

Business name			
Address & phone			
Nature of business			
Current value of the business \$	Percent owned by _____ % Petitioner _____ % Respondent		

Business name			
Address & phone			
Nature of business			
Current value of the business \$	Percent owned by _____ % Petitioner _____ % Respondent		

10. **Financial Assets** (Add additional sheets if needed.)

I have no financial assets.

I have the following financial assets.

Asset	Name & address of institution	Names on account	Current balance
Bank or credit union Account number: _____ Date opened: _____ Type: <input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> other			\$

Asset	Name & address of institution	Names on account	Current balance
<p>Bank or credit union Account number: _____ Date opened: _____ Type: <input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> other</p>			\$
<p>Stocks, bonds, securities, money market account Account number: _____ Date opened: _____</p>			\$
<p>Retirement account Account number: _____ Date opened: _____</p>			\$
<p>Profit sharing plan Account number: _____ Date opened: _____</p>			\$
<p>Annuity Account number: _____ Date opened: _____</p>			\$
<p>Life insurance Account number: _____ Date opened: _____</p>			\$
<p>Money owed to me Date of loan: _____</p>			\$
<p>Cash</p>			\$
<p>Other (describe)</p>			\$

Asset	Name & address of institution	Names on account	Current balance
Other (describe)			\$

11. **Real Estate** (Add additional sheets if needed.)

I have no real estate.

I have the following real estate.

Home

Address _____

Date acquired	Name(s) on title	\$ Original cost	\$ Current value
First mortgage or lien holder (name & address)		\$ Amount owed	\$ Monthly payments
Second mortgage or lien holder (name & address)		\$ Amount owed	\$ Monthly payments

Other real estate

Address _____

Date acquired	Name(s) on title	\$ Original cost	\$ Current value
First mortgage or lien holder (name & address)		\$ Amount owed	\$ Monthly payments
Second mortgage or lien holder (name & address)		\$ Amount owed	\$ Monthly payments

12. **Personal Property** (Such as vehicles, boats, trailers, major equipment, furniture, jewelry, and collectibles. Add additional sheets if needed.)

I have no personal property.

I have the following personal property.

Property description (if automobile, include year, make, and model)	Debt owed to (name and address)	Names on title (if applicable)	Amount owed	Minimum monthly payments

Property description (if automobile, include year, make, and model)	Debt owed to (name and address)	Names on title (if applicable)	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

13. **Debts Owed** (Do not include amounts you owe on property reported in the Real Estate or Personal Property sections. Add additional sheets if needed.)

I do not owe any debts.

I owe the following debts.

Type of debt (such as credit card, cash loan, or installment payment)	Debt owed to (name and address and phone number)	Names on debt	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

14. **Other**

The following facts also show why I cannot pay these court fees.

I do solemnly swear or affirm that due to my poverty I am unable to bear the expenses of the action or legal proceedings which I am about to commence or the appeal which I am about to take, and that I believe I am entitled to the relief sought by the action, legal proceedings, or appeal.

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 _____

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>V.</p> <p>_____ Defendant/Respondent</p>	<p style="text-align: center;">Order on Motion to Waive Fees</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

The matter before the court is a Motion to Waive Fees. Having reviewed the Motion to Waive Fees and Statement Supporting Motion and supporting financial evidence, and having made an independent determination,

The court orders:

1. [] **The motion is denied.** The information shows that the party is reasonably able to pay the fees.
2. [] **The motion is denied.** The party failed to provide the required information. The party may re-file the motion with the required information within 14 days.
3. [] **The motion is granted.** The following fees are waived. If the fee is waived in part, it is because the party is reasonably able to pay the balance.

Fee	Waived in Full	Waived in Part – Amount to be Paid
Filing fee	[]	
OCAP fee	[]	
Divorce education class fee	[]	
Divorce orientation class fee	[]	
Vital stats fee – divorce certificate or report of adoption	[]	
Service fee (within Utah)	[]	
Other (Describe.)	[]	

4. Any fees not waived must be paid within 30 days or the case may be dismissed.
5. This order is subject to review and amendment as long as the court has jurisdiction of the case.

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

_____ Signature ► _____
 Date _____ Judge _____

Notice to the Moving Party

If the fee waiver was denied because the judge found **you are reasonably able to pay** (paragraph 1 is marked), and you:

- have lost your source of income;
- have unaccounted expenses limiting your ability to pay;
- will suffer immediate irreparable harm if the action is delayed; or
- would lose the opportunity to file the case because of the delay,

you may file a Memorandum Demonstrating Inability to Pay Fees within 10 days of the date of this order.

If the fee waiver was denied **because you failed to provide the required information** (paragraph 2 is marked), and you want your request to be reconsidered, you must file a corrected motion with the required information within 14 days of the date of this order.

Clerk's Certificate of Service

I certify that on _____ (date) a copy of this order was served on the moving party by the method indicated below:

Mailed	Emailed	Party Name	Mail or Email Address
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Date

Signature ►

Printed name of court clerk

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah
 _____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>V.</p> <p>_____ Defendant/Respondent</p>	<p>Order on Motion to Waive Fees (Inmates)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

The matter before the court is a Motion to Waive Fees. Having reviewed the Motion to Waive Fees and Statement Supporting Motion and supporting financial evidence, and having made an independent determination,

The court orders:

1. [] **The motion is denied.** The information shows that the party is reasonably able to pay the fees.
2. [] **The motion is denied.** The party failed to provide the required information. The party may re-file the motion with the required information within 14 days.
3. [] **The motion is granted.** The following fees are waived. If the fee is waived in part, it is because the party is reasonably able to pay the balance.

Fee	Waived in Full	Waived in Part – Amount to be Paid
Filing fee	[]	
OCAP fee	[]	
Divorce education class fee	[]	
Divorce orientation class fee	[]	
Vital stats fee – divorce certificate or report of adoption	[]	
Service fee (within Utah)	[]	
Other (Describe.)	[]	

4. [] The moving party must pay the fees as determined above, but since they are unable to pay the full amount at this time:

The party must pay an initial fee of \$_____, which is 50% of the party’s current trust account balance or 10% of the party’s six-month aggregate disposable income, whichever is greater.

Each month until the fees are paid in full, the agency having custody of the party shall garnish 20% of the party’s aggregate disposable income for the preceding month and, when the amount collected exceeds \$10, pay the amount to the clerk of the court.

5. Any fees not waived must be paid within 30 days or the case may be dismissed.
6. This order is subject to review and amendment for so long as the court has jurisdiction of the case.

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

Date

Signature ► _____

Judge _____

Notice to the Moving Party

If the fee waiver was denied because the judge found **you are reasonably able to pay** (paragraph 1 is marked), and you:

- have lost your source of income;
- have unaccounted expenses limiting your ability to pay;
- will suffer immediate irreparable harm if the action is delayed; or
- would lose the opportunity to file the case because of the delay,

you may file a Memorandum Demonstrating Inability to Pay Fees within 10 days of the date of this order.

If the fee waiver was denied **because you failed to provide the required information** (paragraph 2 is marked), and you want your request to be reconsidered, you must file a corrected motion with the required information within 14 days of the date of this order.

Clerk’s Certificate of Service

I certify that on _____ (date) a copy of this order was mailed to the moving party at this address:

_____ Date Signature ► _____

Printed name of court clerk _____

This is a private record

Name _____

Address _____

City, State, Zip _____

Phone _____

Check your email. You will receive information and documents at this email address.

Email _____

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

In the District Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent**Memorandum Demonstrating
Inability to Pay Fees**

(Utah Code 78A-2-307)

Case Number_____
Judge_____
Commissioner (domestic cases)

1. I say the following (Choose all that apply.):
 - I have lost my source of income.
 - I have unaccounted expenses limiting my ability to pay.
 - I will suffer immediate irreparable harm if the action is delayed.
 - I would lose the opportunity to file the case because of the delay
2. I have filed this document within 10 days after receiving the Order on Motion to Waive Fees.

3. I have attached documents to support my claims.

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 _____

Tab 6



Chambers of
Justice John A. Pearce

Supreme Court
of the
State of Utah

450 South State Street, 5520
PO Box 140210
Salt Lake City, Utah 84114-0210
Telephone (801) 238-7935
Fax: (801) 238-7980
Email: supremecourt@utcourts.gov

June 5, 2019

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.

We current have two positions that need to be filled. Shane Bahr's term on the committee has come to an end. The Committee would like to have Shane serve a second term. Judge Noonan supports his reappointment.

My term has also come to an end. I enjoy my service on the committee and am happy to continue to serve. But I would point out the following for the Council's consideration. Rule of Judicial Administration 1-205(3)(B) provides that members should not serve for more than two consecutive terms "unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms." I have served one term of my own, but took over for Judge McHugh when she left and served roughly the last two years of her term. So I will soon be closing in on the 6 years of service that the Rule contemplates. I believe that the transition with Heidi and the working relationship we have built as she restructures the department could be considered exceptional circumstances. A new chair would need to get up to speed on Heidi's tremendous efforts to improve our IT function and there are efficiencies to be had if I am permitted to continue to serve. But there are others who would do a magnificent job and I am happy to suggest other names should the Council want them.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "John A. Pearce".

John A. Pearce
Chair, Standing Committee on Technology

cc: Heidi Anderson

Utah Courts

Governing Boards and Committees

Please select a committee from the drop down menu.

-- Select Board/Committee -- ▾

Technology Committee

Justice John A. Pearce
Chair, Utah Supreme Court

Shane Bahr
District Court Administrator

James Bauer
Trial Court Executive, Fourth District Juvenile Court

John Bell
Finance Director, Administrative Office of the Courts

Judge Angela Fonnesbeck
First District Juvenile Court

Judge Clemens Landau
Salt Lake City Justice Court

Judge David N. Mortensen
Utah Court of Appeals

Mikelle Ostler
Clerk of Court, Fourth District Juvenile Court

Chris Palmer
Court Security Director

Adam Richards
Utah State Bar

Karl Sweeney (Non-voting)
Internal Audit Director

Larry Webster
Trial Court Executive, Second District Court

Judge Michael Westfall
Fifth District Court

Kim Allard
Staff, Administrative Office of the Courts

Heidi Anderson
Staff, Administrative Office of the Courts



Administrative Office of the Courts

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

June 4, 2019

Hon. Mary T. Noonan
Interim State Court Administrator
Ray Wahl
Deputy Court Administrator

To: Utah Judicial Council

From: Tom Langhorne, Director of Judicial Branch Education (Utah Judicial Institute)

Re: Filling an Education Standing Committee Vacancy: adult educator from higher education

Rule 1-205 of the Rules of Judicial Administration requires the Judicial Branch Education Standing Committee be populated by, "...one adult educator from higher education." For two full terms, Weber State University Professor Brian Stecklein served in that capacity. Because his second committee term has expired, that position must now be filled.

Accordingly, Tom contacted four institutions of higher learning to recruit potentially interested faculty. Tom contacted the University of Utah's continuing education department and BYU's adult continuing education department. Neither institution produced a letter of interest.

However, both Westminster University and Utah Valley University produced a respective letter of interest.

Specifically, Tom received a letter of interest from Jessica Gilmore, UVU's Vice President of Community Outreach and Economic Development. Her letter of interest and vitae are attached.

Likewise, Tom also received a letter of interest and vitae from Professor James Hedges, Director of Innovative Learning and Adult Continuing Education. His letter of interest and vitae are attached.

Tom presented both letters of interest and vitae's to the May 2019 Standing Education Committee. The committee voted to advance Professor Hedges' application for the Judicial Council's consideration and vote.

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

The current Education Standing Committee is currently populated by:

- Hon. Diana Hagen, Court of Appeals (Chair)
- Hon. Anna Anderson, South Salt Lake Justice Court (Chair, Justice Court Education Committee)
- Ms. Mary Barrientez, AOC IT department
- Dr. Kim Free, Interim Human Resources Director and education department judicial educator
- Ms. Lynn Wiseman, Second District Juvenile Court Clerk of Court
- Ms. Joyce Pace, Fifth District Court Trial Court Executive
- Hon. Vernice Trease, Third District Court Judge
- Ray Wahl, Deputy Court Administrator
- Mark Paradise, Third District Court Judicial Assistant
- Hon. George Harmond, Seventh District Court Judge
- Hon. Kim Hornak, Third District Juvenile Court Judge

Staff: Tom Langhorne

Respectfully,

Tom Langhorne

Thursday, May 9, 2019

Attention: Thomas N. Langhorne, Esq.
Judicial Institute Director
TomNL@UTCourts.Gov

Tom;

Thank you for the opportunity to apply for a position on the board. As an educator, I have over 20 years of experience working collaboratively with steering committees, boards, and community members to drive educational initiatives for the benefit of the service region. My commitment to supporting educational pathways aligns well with the open role on your board. As a citizen of Utah it is even more important that our judicial branch is supported by effective policies, profession and ongoing education and a strategic plan for continued innovation. I am keenly interested in engaging in the work to make these goals a reality.

In my role at community colleges and universities I have provided a focused and entrepreneurial leadership style to support innovative thinking to evaluate and engage in strategic enrollment management grounded in a commitment to student success. My collaborative approach to leadership of staff and faculty has always ensured an inclusive process in developing and implementing a shared vision. My high-energy and enthusiasm coupled with a keen sense of humor has defined my management style to bring out the best in those around me, inspire others to continue to innovate and reach beyond successes in the past to create a brighter future for our institutions and to make a difference in the lives of students.

I am interested in expanding my community engagement through service on your board. I have attached my professional resume to provide additional information regarding my background and commitment to higher education. If you have further questions, please don't hesitate to contact me. I look forward to working with you and your team on this valuable mission.

Sincerely

Jessica K. Gilmore

Jessica K Gilmore

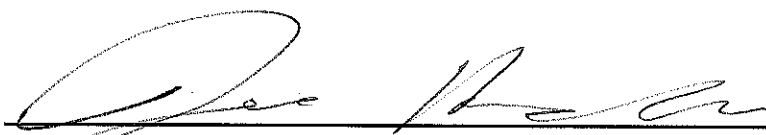
May 24, 2019

To the Standing Education Committee Review Board,

This letter is to express my interest in the position on the Standing Committee on Judicial Education. Currently, I am the Director of Innovative Learning at Westminster College which oversees our Continuing and Professional Education Department. This department is responsible for all of our distance education and competency-based programs. This unit also oversees all of the professional development programs (certificates, certifications, and trainings) for Westminster's corporate and institutional partnerships. Much of the work I do is formulating and strategizing educational solutions for adult learners who have life circumstances that are prioritized over their educational pursuits; given that adult learners are now the majority of higher education students, I work to create, deliver, and assess ways that colleges and universities can make education opportunities more accessible and affordable for these populations without sacrificing quality.

As a faculty member in the Communication Department, I helped create, deliver, and administer our Master of Strategic Communication program which was intentionally designed to meet the needs of adult learners and non-traditional students. I have also worked first hand with many adult learners from local companies in Westminster's Leadership Certificate Program. These experiences have greatly informed my understanding of this growing demographic in higher education—they need more flexible delivery options, varied degree options, wrap-around support services, and want an immediate return on investment. Finally, since 2013, I have been Westminster's representative for the Competency-based Education Network which is a consortium of schools working with the Department of Education to set clear standards for distance education courses and competency-based programs. Westminster College is devoted to delivering the highest quality distance education experience for students which combines the flexibility that students need with the personalized attention they have come to expect from a small private liberal arts institution.

I believe my experience could benefit this standing committee and I would be honored to be considered for the position. Thank you for your consideration.

A handwritten signature in black ink, appearing to read "James Hedges", written over a horizontal line.

James Hedges, PHD