

JUDICIAL COUNCIL MEETING

AGENDA

September 10, 2019

Park City Sheraton (formally Marriott)

Wasatch room – 4th Floor

1895 Sidewinder Drive

Park City, Utah 84060

Chief Justice Matthew B. Durrant Presiding

Lunch will be served at 12:00 p.m.

1. 12:30 p.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 12:35 p.m. Chair’s Report..... Chief Justice Matthew B. Durrant
3. 12:40 p.m. Administrator’s Report Cathy Dupont
4. 12:50 p.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. 1:00 p.m. Board of Appellate Court Judges ReportJudge Gregory Orme
(Information)
6. 1:10 p.m. Board of Justice Court Judges Report..... Judge Rick Romney
(Information) Jim Peters
7. 1:20 p.m. Education Committee Report.....Tom Langhorne
(Information)
8. 1:35 p.m. Communication Matrix..... Cathy Dupont
(Discussion)
9. 1:55 p.m. Assignment to the Standing Committee on Children and Family Law
Committee - "A Performance Audit of Child Welfare During Divorce
Proceedings" Chief Justice Matthew B. Durrant
(Tab 3 – Action)
- 2:05 p.m. Break

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| 10. | 2:15 p.m. | Senior Judge Certifications Nancy Sylvester
(Tab 4 – Action) |
| 11. | 2:25 p.m. | Certification of 2020 Retention Judges..... Nancy Sylvester
(Tab 5 – Action) |
| 12. | 2:40 p.m. | Old Business/New Business All
(Discussion) |
| 13. | 3:00 p.m. | Recognition of Outgoing Council Member
Chief Justice Matthew B. Durrant |
| 14. | 3:05 p.m. | Executive Session – There will be an executive session |
| 15. | 3:30 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.

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| 1. | Forms for Final Approval
(Tab 6) | Brent Johnson |
| 2. | Rule 4-202.02 and Probate Forms for Final Approval
(Tab 7) | Nancy Sylvester |

Tab 1

Agenda

JUDICIAL COUNCIL MEETING**Minutes****August 23, 2019****Matheson Courthouse****Large Conference Room (W19)****450 S. State St.****Salt Lake City, Utah 84111****1:45 p.m. – 4:00 p.m.*****Chief Justice Matthew B. Durrant, Presiding*****Members:**

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

AOC Staff:

Hon. Mary T. Noonan
 Cathy Dupont
 Michael Drechsel
 Shane Bahr
 Stacey Demma
 Jim Peters
 Tiffany Pew
 Nini Rich
 Neira Siaperas
 Nancy Sylvester
 Keisa Williams
 Jeni Wood

Excused:

Hon. Brook Sessions

Guests:

Jacqueline Carlton, Office of Legislative Research
 Hon. Sherene Dillon, Second District Juvenile Court
 Travis Erickson, Seventh District TCE
 Hon. Dennis Fuchs, Senior Judge
 Hon. Elizabeth Hruby-Mills, Third District Court
 Joanna Landau, Indigent Defense Commission
 Jojo Liu, Indigent Defense Commission
 Hon. Laura Scott, Third District Court
 Joseph Wade, Office of Legislative Research

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

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

Motion: Judge Kate Appleby moved to approve the Judicial Council minutes from the July 18, 2019 meeting, as presented. Judge Mark May seconded the motion, and it passed unanimously.

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

Chief Justice Durrant thanked the Council and support staff for a successful budget meeting.

3. ADMINISTRATOR'S REPORT: (Judge Mary T. Noonan)

Judge Mary T. Noonan briefly addressed the Performance Audit of Child Welfare During Divorce Proceedings. The Audit of Evidence Storage and Management Among Selected Utah District and Juvenile Courts report is being finalized.

The new Human Resources Director, Bart Olsen, will begin September 3. The Appellate Court Administrator position should be filled soon.

Judge Noonan noted she would not attend at the September Judicial Council meeting and Annual Judicial Conference.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee said the most recent Liaison meeting discussed weighted caseloads. The committee has been addressing expected legislative bills. Judges who have legislative experience have been invited to attend a Liaison meeting to provide input.

The Council composition workgroup will have recommendations soon on the composition and responsibilities of the Council.

Policy and Planning Committee Report:

Judge Derek Pullan said they are following up on the Council's June retreat assignments. HR's policies are being worked on and are expected to be complete in the fall.

Bar Commission Report:

Rob Rice noted that the Bar created the licensedlawyer.org website, which is an online interactive directory of lawyers.

5. RECERTIFICATION OF PROBLEM-SOLVING COURTS: (Judge Dennis Fuchs)

Chief Justice Durrant welcomed Judge Dennis Fuchs.

The following courts have met all required and presumptive practices for recertification:

Adult Drug Courts

Second District	Farmington	Judge Morris
Second District	Ogden	Judge Bean
Third District	Tooele	Judge Bates
Fifth District	Cedar City	Judge Barnes

Adult Mental Health Courts

Second District	Farmington	Judge Kay
Fifth District	Cedar City	Judge Little
Fifth District	St. George	Judge Leavitt

The Third District Dependency Court in West Jordan (Judge Renteria) met all required practices criteria but not the presumptive practices criteria due to having more than 15 participants but less than 125. This Court was recently changed from a juvenile drug court to a dependency drug court. The amount of participants in the Court is increasing.

The following courts have met all required practices but fail to meet presumptive practices of monitoring historically disadvantaged groups:

Adult Drug Courts

Fourth District	Nephi	Judge Howell
Fourth District	Fillmore	Judge Howell
Fifth District	St. George	Judge Wilcox

Adult Mental Health Court

Fifth District	St. George	Judge Westfall
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The IT Department is working on a program that will better monitor disadvantaged groups. Judge Fuchs recommended, until the program is complete, to change presumptive practice to simple best practice for monitoring disadvantaged groups.

Chief Justice Durrant thanked Judge Fuchs.

Motion: Judge Todd Shaughnessy moved to have Policy & Planning amend the monitoring disadvantaged groups' presumptive practice to simple best practice, as presented. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Judge Ryan Evershed moved to approve recertification of the following courts: Adult Drug Courts: Second District Farmington – Judge Morris, Second District Ogden – Judge Bean Third District, Tooele – Judge Bates, Fifth District Cedar City – Judge Barnes, Fourth District Nephi – Judge Howell, Fourth District Fillmore – Judge Howell, Fifth District St. George – Judge Wilcox; Adult Mental Health Courts: Second District Farmington – Judge Kay, Fifth District Cedar City – Judge Little, Fifth District St. George – Judge Leavitt, Fifth District St. George – Judge Westfall; Dependency Drug Court: Third District West Jordan – Judge Renteria, as presented. Judge Appleby seconded the motion, and it passed unanimously.

**6. STANDING COMMITTEE ON CHILDREN AND FAMILY LAW REPORT:
(Judge Elizabeth Hruby-Mills, Judge Sherene Dillon, and Cathy Dupont)**

Chief Justice Durrant welcomed Judge Elizabeth Hruby-Mills, Judge Sherene Dillon, and Cathy Dupont. Judge Dillon reviewed the committee membership and rules the committee is working on. The committee will come back to the Council in the fall with recommendations for member appointments. The Second, Fourth and Seventh Districts have been working on a

domestic case manager pilot program. This is working well and has covered both urban and rural areas.

The committee offered its services for the Court's response to the Performance Audit of Child Welfare During Divorce Proceedings report.

Chief Justice Durrant thanked Judge Hruby-Mills, Judge Dillon, and Ms. Dupont.

7. CJA RULES 1-204, 3-402, 4-202.03, AND 4-903 FOR FINAL APPROVAL: (Michael Drechsel)

Chief Justice Durrant welcomed Michael Drechsel. Rules 1-204, 3-402, 4-202.03, and 4-903 completed the public comment phase.

- Rule 1-204's proposal allows for the Policy & Planning Committee to recommend to the Council new, amended, or repealed policies. Rule 1-204 did not receive any comments.
- Rule 3-402's proposal clarifies membership of the Human Resources policy committee. Rule 3-402 received 3 comments, which resulted in an amendment from including a probation supervisor on the committee to a chief probation officer.
- Rule 4-202.03's amendment would permit the parent or guardian of a minor victim to access the disposition order in the same way that any victim (including a minor victim) already can. Rule 4-202.03 received no comments.
- Rule 4-903's amendment adds "Licensed Clinical Mental Health Counselor" to list of professionals who may perform custody evaluations and removes from the rule the list of factors required to be considered by an evaluator, instead directing that all custody factors set forth in statute must be considered. Rule 4-903 received 33 comments.

Chief Justice Durrant thanked Mr. Drechsel.

Motion: Kara Pettit moved to approve CJA rules 1-204 and 3-402, with an effective date of September 1, 2019 and CJA rules 4-202.03 and 4-903, with an effective date of November 1, 2019 as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

8. SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)

Chief Justice Durrant welcomed Nancy Sylvester. The senior judges listed below have terms that will expire on December 31, 2019. None of the senior judges has any complaints pending before the Utah Supreme Court or the Judicial Conduct Commission.

The following Active Senior Judges are seeking recertification:

Appellate Courts

Hon. Judith M. Billings

District Courts

Hon. L.A. Dever

Hon. Donald Eyre, Jr.

Hon. Dennis Fuchs

Hon. Ben H. Hadfield

Hon. Scott M. Hadley

Hon. Michael Lyon

Hon. Sandra Peuler

Juvenile Courts

Hon. L. Kent Bachman

Hon. Paul D. Lyman

Hon. Frederic Oddone

Hon. Robin Reese
 Hon. Gary Stott
 Hon. W. Brent West

The following Inactive Senior Judges are seeking recertification:

District Courts

Hon. Douglas Cornaby
 Hon. Denise Posse-Blanco Lindberg
 Hon. Tyrone Medley

Juvenile Courts

Hon. Leslie Brown
 Hon. Hans Chamberlain
 Hon. Paul Iwasaki
 Hon. Andrew Valdez
 Hon. Diane Wilkins

Motion: Judge Pettit moved to approve recertification of active senior judges: Hon. Judith M. Billings, Hon. L.A. Dever, Hon. L. Kent Bachman, Hon. Donald Eyre, Jr., Hon. Paul D. Lyman, Hon. Dennis Fuchs, Hon. Frederic Oddone, Hon. Ben H. Hadfield, Hon. Scott M. Hadley, Hon. Michael Lyon, Hon. Sandra Peuler, Hon. Robin Reese, Hon. Gary Stott, and Hon. W. Brent West, and to approve recertification of inactive senior judges: Hon. Douglas Cornaby, Hon. Leslie Brown, Hon. Denise Posse-Blanco Lindberg, Hon. Hans Chamberlain, Hon. Tyrone Medley, Hon. Paul Iwasaki, Hon. Andrew Valdez, and Hon. Diane Wilkins as presented. Justice Lee seconded the motion, and it passed unanimously.

9. PROBATE CODE SUBCOMMITTEE REVISION PROPOSAL: (Judge Laura Scott and Nancy Sylvester)

Chief Justice Durrant welcomed Judge Laura Scott and Nancy Sylvester. The Utah Supreme Court tasked the Probate Subcommittee with reviewing the Uniform Probate Code (Title 75) for court procedure and making recommendations for codifying that procedure in rule and amending the Code. This task would accomplish at least two purposes: 1) making our courts more accessible to the public by clarifying how a probate case will proceed in the district court; and 2) affirming that court procedure is the constitutional prerogative of the Utah Supreme Court and should be governed by court rule instead of by statute. Due to the voluminous nature of Title 75, the Probate Subcommittee chose to focus initially on Chapter 5 of the Probate Code, which addresses guardianship and conservatorship.

The Probate Subcommittee recommends that the Judicial Council advance to the Legislature during the 2020 Legislative Session amendments to Chapter 5 of the Uniform Probate Code. The subcommittee will recommend to the Utah Supreme Court that a separate body of probate rules be created. Rule 5 of the Utah Rules of Probate Procedure would address the giving of notice in probate proceedings in much the same way that Rule 5 of the Utah Rules of Civil Procedure does so in civil cases.

Chief Justice Durrant thanked Judge Scott and Ms. Sylvester.

Motion: Justice Lee moved to refer to the Liaison Committee the advancement to the legislation amendments to Chapter 5 of the Uniform Probate Code, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant welcomed Joanna Landau and Jojo Liu. Ms. Landau noted the Commission protects constitutionally guaranteed liberties through ongoing support for effective indigent defense services.

The IDC collaborates with the state, local governments, indigent defense providers, and other stakeholders to:

- Provide guidance & standards to ensure effective local defense services;
- Gather and report information about local indigent defense services;
- Award state funding grants to local governments to improve indigent defense services; and
- Encourage and aid in the regionalization of indigent defense services throughout the state.

Rule 11-401 of the Code of Judicial Administration created a court-appointed appellate representation roster. Several counties do not have qualified appellate representation.

Chief Justice Durrant thanked Ms. Landau and Ms. Liu.

11. OLD BUSINESS / NEW BUSINESS

Judge Appleby requested the Council create a report for the judiciary from the Budget meeting results.

12. EXECUTIVE SESSION

Motion: Judge Appleby moved to go into an executive session to discuss a personnel matter. Judge Chin seconded the motion, and it passed unanimously.

13. CONSENT CALENDAR ITEMS

a) Probation Policies 5.1 and 5.3. Approved without comment.

b) Committee Appointments. 1) Judge Brendan McCullagh and Karen Klucznik were reappointed to the MUJI – Criminal Committee. Judge Katherine Peters was appointed to the Resources for Self-Represented Parties Committee. Judge Jon Carpenter and Judge Brian Brower were appointed to the Uniform Fine and Bail Committee. Approved without comment.

c) CJA Rule 4-410 for Public Comment. Approved without comment.

14. ADJOURN

The meeting adjourned.

Agenda

JUDICIAL COUNCIL
BUDGET AND PLANNING SESSION

Minutes
August 23, 2019
Matheson Courthouse
Large Conference Room (W19)
450 S. State St.
Salt Lake City, Utah 84111
8:30 a.m. – 1:45 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

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

Excused:

Hon. Brook Sessions

Guests:

Jim Bauer, Third District Juvenile TCE
Commissioner Catherine S. Conklin, Second District
Phil Dean, State Budget Director and Chief Economist
Travis Erickson, Seventh District TCE
Hon. Hruby-Mills, Third District Court
Hon. Noel Hyde, Second District Court
Hon. Mark Kouris, Third District Court
Hon. Clemens Landau, Salt Lake Justice Court
Hon. David Mortensen, Court of Appeals
Joyce Pace, Fifth District TCE
Russ Pearson, Eighth District TCE
Peyton Smith, Third District TCE
Gary Syphus, Legislative Fiscal Analyst

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Michael Drechsel
Holly Albrecht
Brody Arishita
Shane Bahr
John Bell
Stacey Demma
Todd Eaton
Geoff Fattah
Jeff Hastings
Alisha Johnson
Brent Johnson
Tiffany Lee
Heather Marshall
Jim Peters
Nathanael Player
Clayson Quigley
Nini Rich
Neira Siaperas
Amber Stubbings
Nancy Sylvester
Jessica Van Buren
Keisa Williams
Jeni Wood

Guests (cont.):

Joseph Wade, Office of Legislative Research
Dave Walsh, Deputy Director, CCJJ
Hon. Jeffrey Wilcox, Fifth District
Alex Wilson, Legislative Fiscal Analyst

1. WELCOME: (Chief Justice Matthew B. Durrant)

Judge Kate Toomey welcomed everyone to the meeting.

2. OVERVIEW OF BUDGET PLANNING SESSION: (Judge Mary T. Noonan)

Judge Mary Noonan provided an explanation of the process for budget requests and the duties of the Judicial Council.

3. GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET ECONOMIC PRESENTATION: (Phil Dean)

Chief Justice Durrant welcomed Phil Dean, State Budget Director and Chief Economist from the Governor's Office of Management and Budget. Mr. Dean provided demographic statistics for 1) income, 2) employment, 3) public programs, 4) population, and 5) outlooks. Mr. Dean stated Utah has a population of approximately 3.2 million. Unemployment claims remain low. With their recent expansion, Medicaid has seen a significant increase. Construction continues to thrive in Utah. The Census Bureau noted last December that the St. George area has one of the largest growth rate in the United States.

Chief Justice Durrant thanked Mr. Dean.

4. CASELOAD DATA PRESENTATION OVERVIEW: (Clayson Quigley and Heather Marshall)

Chief Justice Durrant welcomed Clayson Quigley and Heather Marshall. A weighted caseload is measured by counting case filings and events and weighing them by the time they take to complete. Ms. Marshall reviewed Supreme Court case filings; Court of Appeals case filings; District Court case filings, Justice Court filings, and Juvenile Court referrals.

District Courts saw a modest 3% increase in case filings. Criminal cases in district court cover 60% of judicial workloads. Juvenile Court referrals have seen a 7% decline in all case types and events. Delinquency cases in juvenile court cover 70% of judicial workload. Ms. Marshall also discussed the clerical weighted caseload. Judicial Administration Rule 4-402 governs the calculation of clerical weighted caseload. The district and juvenile clerical weighted caseload methodology was revised in 2017.

Chief Justice Durrant thanked Mr. Quigley and Ms. Marshall.

5. RECOMMENDATION FOR JUDICIAL SALARY INCREASE BY THE ELECTED OFFICIAL AND JUDICIAL COMPENSATION COMMISSION (EJCC): (Michael Drechsel)

Chief Justice Durrant welcomed Michael Drechsel, Assistant State Court Administrator. Mr. Drechsel explained the EJCC is a six-person commission (staffed by Alex Wilson, Legislative Fiscal Analyst Office), created by statute that, in alternating years, reviews judicial compensation. In 2018, the EJCC recommended to the Executive Appropriations Committee a 1.5% judicial increase, which did not pass. Chief Justice Matthew Durrant, State Court Administrator Judge Mary Noonan, Deputy State Court Administrator Cathy Dupont, and Assistant State Court Administrator Michael Drechsel meet with EJCC in July. The Chief let the committee know that the Court supports the schedule of salary increases for Judges and will

work with the committee to communicate that support to the Legislature. The EJCC committee indicated they would consider recommending a judicial compensation increase this year with data received by the courts to justify the increase. The courts seek judicial compensation based on the need to narrow the gap between large law firms' salaries and judicial salaries. Nationally, Utah is ranked 11th for judicial compensation without a cost of living and 19th in the nation with a cost of living.

The EJCC would like to create a methodology for judicial compensation to be addressed in smaller, more regular implements, rather than large increases several years apart.

Chief Justice Durrant thanked Mr. Drechsel.

**6. REPORTS AND BUDGET REQUESTS PRESENTATION:
BOARD OF DISTRICT COURT JUDGES**

Commissioners' Salaries Increase: (Commissioner Catherine S. Conklin and Judge Noel Hyde)

Chief Justice Durrant welcomed Judge Noel Hyde and Commissioner Catherine Conklin. Commissioners are evaluated on an annual basis pursuant to CJA Rules 3-111, 3-201, and 3-201.2. A commissioner's term is four years, renewable at the option of the Judicial Council. Commissioners' salaries have historically been set at 90% of a district court or juvenile court judge's salary. In recent years, commissioners' salaries declined to approximately 84.5% of a judge's salary. There has been a 50% turnover of commissioners. In the interest of retention of quality commissioners and attracting the best replacements, this request is made to increase commissioners' salaries.

The request for the commissioners' salaries increase is \$92,500 in ongoing money. The commissioners also asked the Council to adopt a commissioner salary standard of 90% of judges' salary.

Chief Justice Durrant thanked Judge Hyde and Commissioner Conklin.

Additional Fifth District Judge and Staff: (Judge Jeffrey Wilcox and Joyce Pace)

Chief Justice Durrant welcomed Judge Jeffrey Wilcox and Joyce Pace. The Fifth District currently has six District Court Judges: four judges in Washington County, one judge in Iron County, and one judge who splits time between Iron and Washington Counties. The 2019 Judicial Weighted Caseload reports that the Fifth District judges are carrying 117% of the recommended caseload and shows the district needs one additional judge. St. George ranks third in the Nation for percentage population growth.

Problem solving efforts currently in place:

- In order to resolve cases in accordance with timelines, three juvenile judges assist in covering district court cases.
- District Judges are regularly utilizing visiting judges to assist with many cases where there is a conflict.
- Judges have several weeklong jury trials coming up on cases that they are not able to calendar due to an influx of in-custody felony cases. Several cases are asking for one

week and some up to four weeks for jury trials. Without the assistance of a senior judge, these cases cannot be heard.

Alternatively, a new commissioner could alleviate domestic caseloads.

The request for a Fifth District judge and staff is \$453,788 in ongoing money (3 FTEs).

Chief Justice Durrant thanked Judge Wilcox and Ms. Pace.

Additional Third District Judge and Staff: (Judge Mark Kouris and Peyton Smith)

Chief Justice Durrant welcomed Judge Mark Kouris and Peyton Smith. The Judicial weighted caseload still shows that Third District is short almost four judges. At the last Legislative session, the Third District was allocated two new judges. In order to adequately address the large caseloads, the Third District is requesting an additional judge and two clerks.

Third District currently has 29 assigned judges and 5 commissioners. Currently, the Third Judicial District stands at 3.7 judicial officers below the Judicial Weighted Case Load's recommendation, including the two new judges allocated to the Third District during the 2019 Legislative session. During FY2018, the Third Judicial District handled 45% of case filings in the State and 53% of all jury trials conducted in the State.

The addition of a judicial officer would assist in addressing master calendaring issues, which contribute to below average days pending rates, and places the Third District in a more equitable position with other districts. The one time portion of the request is for furniture and audio/visual equipment for new courtrooms.

Potential solutions:

- Having Third District juvenile judge(s) assist with district cases.
- When the next juvenile judge retires or quits, the district court is allowed the replacement judge spot.

Judge Hyde noted the Board of District Court Judges believes the need for judicial officers in the Third District and Fifth District are equal.

The request for a Third District judge and staff is \$46,000 in one-time funding and \$907,576 in ongoing money (4 FTEs).

Two Problem-Solving Court (Drug Court) Clerks: (Judge Mark Kouris and Peyton Smith)

The Third District has five drug courts in Salt Lake County. On average, the time required to accomplish the needed drug court duties by a clerk takes eight hours each week. Each clerk is expected to complete these duties and to complete all of their other daily duties. The most recent clerical weighted caseload study showed that Third District is short 6.55 clerks.

Having dedicated drug court clerks will allow Third District to offer better customer service and will allow all agencies to have the same point person to help address issues. These

clerks can help ensure that each drug court is following the same guidelines and that each is consistent in their practices.

The request for the two problem-solving court (drug court) clerks is \$153,636 in ongoing money.

Chief Justice Durrant thanked Judge Hyde, Judge Kouris and Mr. Smith.

7. REPORTS AND BUDGET REQUESTS PRESENTATION: TECHNOLOGY STANDING COMMITTEE

Five-Year Computer Replacement: (Judge Clemens Landau and Todd Eaton)

Chief Justice Durrant welcomed Judge Clemens Landau and Todd Eaton. The Court's IT Department needs ongoing funding to be able to better support and maintain the office desktop computer equipment courts use for daily operations. These monies will be used for the replacement of aging equipment.

This building block request seeks to reinstate the Courts' desktop replacement schedule.

The \$250,000 request would fund a mix of replacement equipment including:

- PCs & Scanners \$150,300
- Laptops \$84,700
- Printers \$15,000
- Total \$250,000

Alternatively, if ongoing funding is not appropriated, one-time or carry-forward funding could be utilized.

The request for the five-year computer replacement is \$250,000 in ongoing money.

Chief Justice Durrant thanked Judge Landau and Mr. Eaton.

Information Technology FTE Resources: (Judge Clemens Landau and Brody Arishita)

Chief Justice Durrant welcomed Brody Arishita. The Court's IT Department has continued to grow in the number of applications needed to support the Courts in the last 10 years. As the courts move further down the path of e-Courts, the staffing for the IT Department has stayed the same. The demand to increase the courts technology to support the public is continuing to increase. The IT Department need to increase the staff so we can keep up with demands.

The request for the Information Technology FTE resources is \$650,000 in ongoing money (6 FTEs).

Chief Justice Durrant thanked Judge Landau and Mr. Arishita.

Microsoft Office Suite Upgrades: (Judge Clemens Landau and Todd Eaton)

There are currently 1540 machines across the state that have MS Office 2010 installed. This version of Microsoft Office will end support in October of 2020, and will no longer be patched for security. This will put the courts at risk of cyber security attacks. Microsoft will no longer supply any patching for security or support.

Microsoft Office will eventually remove the desktop version and we will need to move to the subscription service. There is currently no ongoing funding for Microsoft Office products. The IT Department believes that moving towards the subscription service version for users is the best option as the courts finalize cost benefit analysis of Google-Suite vs. Office 365. The cost of Google suite will double in 2022 and with the amount we pay for Microsoft Office IT believes there can be a relatively cost neutral long-term option to switch to Office 365.

Alternatively, if each district provides funding for Microsoft Office for their users, this cost could come down.

The request for the Microsoft Office Suite upgrades is \$410,000 in one-time money and Move towards Office 365 – Subscription Service is \$72,000 in ongoing money.

Chief Justice Durrant thanked Judge Landau and Mr. Eaton.

OCAP Support Staff: (Judge Clemens Landau, Brody Arishita, and Clayson Quigley)

The IT Department and Court Services jointly submit this request to increase resources for OCAP in the form of one additional IT staff member and one additional Court Services staff member to provide standard development processes, security protocols, monitoring and tools. Currently a large portion of the application is developed and supported outside of IT. This has created challenges: many users have been unable to reliably access OCAP for the past year; the system has serious security concerns. OCAP is a foundational tool in providing access to justice relied upon heavily by self-represented litigants.

The request for the OCAP support staff is \$210,000 in ongoing money (2 FTEs).

Chief Justice Durrant thanked Judge Landau, Mr. Arishita, and Mr. Quigley.

West Jordan Audio/Visual Upgrade: (Judge Clemens Landau and Todd Eaton)

The Audio/Video equipment in the West Jordan building is failing frequently. Replacement parts must be purchased through eBay and repurposing old equipment, because the parts are no longer available through traditional websites and vendors. The team has had to go to West Jordan 35 times in FY2019 to perform repairs.

The request for the West Jordan audio/visual upgrade is \$450,000 in one-time money.

Chief Justice Durrant thanked Judge Landau and Mr. Eaton.

8. REPORTS AND BUDGET REQUESTS PRESENTATION: SYSTEM-WIDE REQUESTS

Child Welfare Mediator: (Nini Rich)

Chief Justice Durrant welcomed Nini Rich. The purpose of this request is to provide ongoing funding for a half-time Child Welfare Mediator position that is currently funded with one-time money. The increase in mediation referrals from Juvenile Court Judges (over 12% since FY2014) has resulted in crowded mediation calendars and increasing difficulty for judges to get cases mediated within tight statutory timelines. The majority of cases must be scheduled within a timeframe of 2 weeks or less from the date of the judge's order.

The one-time funding of an additional half-time mediator in FY19 greatly reduces the mediation calendar congestion as well as scheduling complaints from the court and counsel. It has also addressed the problem of leaving some families without access to the benefits of participating in a collaborative decision making process that has been shown to lead to better outcomes for children and families.

The request for the child welfare mediator is \$54,947 in ongoing money.

Chief Justice Durrant thanked Ms. Rich.

Self-Help Center Funding Increase: (Nathanael Player)

Chief Justice Durrant welcomed Nathanael Player. The Self-Help Center seeks increased funding to better serve the public. This two-part request asks for ongoing funding to continue to fund five SHC attorneys full-time and for one additional staff attorney. Permanent full-time funding with the existing five staff attorneys (who are only permanently funded for 30 hours per week) would cost \$98,155. One additional staff attorney would cost \$96,909 and is one FTE. On May 20, 2019, the Judicial Council approved one-time funds to allow the self-Help Center to pilot full time status, but this money will run out on June 30, 2020.

Highlights from FY 2019

- 21,495 total contacts – the highest number ever for the Self-Help Center
- 10,113 calls answered and 34,221 calls missed (a 70% missed call rate)
- 6,273 emails
- 4,311 texts
- 109 average contacts per day

The request for the Self-Help Center funding increase is \$195,064 (\$98,155 for permanent funding for full-time staff and \$96,909 for one additional staff attorney) in ongoing money (1 FTE).

Chief Justice Durrant thanked Mr. Player.

Public Outreach/Education Coordinator: (Judge Elizabeth Hruby-Mills, Geoff Fattah, and Judge Shauna Graves-Robertson)

Chief Justice Durrant welcomed Judge Elizabeth Hruby-Mills, Geoff Fattah, and Judge Shauna Graves-Robertson. Based on past recommendation by the courts' Commission on Racial

and Ethnic Fairness study to invest more time and resources toward actively reaching out to marginalized communities, the Standing Committee on Judicial Outreach recommends the creation of a Public Outreach and Education Coordinator position under the Public Information Office.

Alternatively, one potential funding source is partial funding from the Utah Bar Foundation; however, this may violate policy in funding staff positions using grants.

The request for the Public Outreach/Education coordinator is \$94,060 in ongoing money (1 FTE).

Chief Justice Durrant thanked Judge Hruby-Mills, Mr. Fattah, and Judge Graves-Robertson.

9. REPORTS AND BUDGET REQUESTS PRESENTATION: COURT FACILITIES PLANNING COMMITTEE

West Jordan Courtroom Build-Out: (Judge David N. Mortensen)

Chief Justice Durrant welcomed Judge David N. Mortensen. During the 2019 Legislative session, the Third District was allocated two additional judges. These two new judges will be located in Salt Lake County. The two courthouses in Salt Lake County are the Matheson Courthouse and the West Jordan Courthouse. In the Matheson Courthouse, Third District occupies the third and fourth floors. There is currently one available courtroom on the fourth floor for one of the new judges. In the West Jordan Courthouse, Third District occupies the third floor where there are five finished courtrooms (all being used) and one shelled courtroom (for the second new judge). This will also allow all the district judges to be on the same floor.

Alternatively, there currently is an empty courtroom at the West Jordan courthouse on the second floor, which is the juvenile court floor; however, a juvenile courtroom does not have a jury box or deliberation room.

The request for the West Jordan Courtroom build-out is \$1,140,356 in one-time money.

Chief Justice Durrant thanked Judge Mortensen.

10. DISCUSSION AND PRIORITIZATION OF FY 2021 BUILDING BLOCK BUDGET REQUESTS: (Nini Rich)

The budget categories that must be determined when prioritizing the budget requests are:

- 1) Obligations,
- 2) Deferral or alternative funding,
- 3) Elimination,
- 4) Building blocks,
- 5) Supplemental, and
- 6) Fiscal note building blocks.

Fiscal notes are attached to legislation. Building blocks do not require statute to advance. John Bell needs to have the Council's recommendations within 30 days.

Committee discussion

The Liaison Committee agreed that there continues to be a pronounced need for additional district court judges in several locations throughout the state, particularly in the Third District Court (3.7 district court judges) and the Fifth District Court (one district court judge). The courts are conducting additional study to determine whether the present judicial weighted caseload methodology properly assesses the juvenile court workload in a post-HB0239 world. The committee does not think it prudent to ask the legislature to appropriate new funding for additional judges during the 2020 session, particularly in light of the data indicating a possible excess of as many as 6.8 juvenile court judges. The Council believes it is essential to find ways to address the needs for additional district court positions. To balance these competing concerns, the committee proposed a response that incorporates two components.

The Liaison Committee recommended the following:

- The courts request that the legislature reallocate two juvenile court judge positions to the district court upon the retirement, resignation, or death of juvenile court judges. One of these judgeships would be allocated to the Third District Court. The second judgeship would be allocated to the Fifth District Court. This method of reallocation has historical precedent (SB0140 - 2002).
- The juvenile court bench and district court bench should continue to work together to meet remaining workload demands.
- The Judicial Council should not ask the legislature to make additional changes to the number of district court or juvenile court judges beyond what is recommended by this committee.

The District Board recommended the following:

- Request two new judges from the 2020 Legislature. One judge for the Third District and one judge for the Fifth District.
- Support the recommendations outlined in the memorandum submitted by the Board of Juvenile Court Judges Memorandum to fill one judicial vacancy in the third district through job-sharing.
- Should the Council deem it necessary to reallocate juvenile judicial positions (through attrition) to create new district court judge positions, the Board of District Court Judges recommended limiting reallocation to one position until the new Juvenile Court study is complete and the other considerations delineated in the Juvenile Board Memorandum are explored.

The Board of Juvenile Court Judges recognizes that the results of the workload analysis are in large part a consequence of a continuous decline in delinquency and child welfare referrals. The FY19 Juvenile Court Judicial Weighted Caseload analysis was conducted using a workload formula that was last updated in 2009. Since then, juvenile court work and practices have changed significantly. Juvenile court judges have assisted district court in several districts for many years.

The Juvenile Board recommended the following:

- Juvenile judges will continue to assist district court judges with workload needs. Some of this assistance, as previously noted, is now occurring. Juvenile judges have committed to offer the district court additional assistance equaling the work of one judicial officer. Details of that assistance will be arranged through the Presiding Judges. A meeting between Third District Juvenile and District Court Presiding Judges has been scheduled for August 26, 2019. It is anticipated that logistics, calendars, and any necessary training can be arranged as early as January 2020.
- If the Council determines that it is necessary to reallocate judicial positions between the district and juvenile courts, the Board would support that decision. However, the Board requests that such reallocation be accomplished through attrition (retirement and/or vacancy). It is anticipated that one or more retirements will occur in 2020.

The Seventh District, following an initial review of judicial duties and considering the Court's electronic system, recommended the study and initiation of a statewide initiative for Judicial Workload Support. The electronic review and signing of documents is an ideal first step toward implementing such a practice. These duties do not require substantial court resources for the originating district, and do not constitute a significant challenge for maintaining and cataloging recordings, etc., as would formal hearings.

Under the current judicial workload conditions, Seventh District has the capacity to assist in the development and implementation of this statewide practice. Additional study with a multi-disciplinary team may reveal additional opportunities to achieve efficiencies through inter-district judicial support.

Motion: Judge Paul Farr moved to defer the Third District Court Judge request to the Budget Committee for alternative funding. Judge Mark May seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to defer the Fifth District Court Judge request to the Budget Committee for alternative funding. Justice Lee seconded the motion, and it passed unanimously.

Motion: Judge Todd Shaughnessy moved to defer the Two Problem-Solving Court (Drug Court) Clerks, the Public Outreach/Education Coordinator, the Self-Help Center new FTE attorney, and the Child Welfare Mediator request to the Budget Committee. Judge Paul Farr seconded the motion, and it passed unanimously.

Motion: Judge Todd Shaughnessy moved to amend his motion to remove the Child Welfare Mediator from the motion above. Justice Thomas Lee seconded the motion, and it passed unanimously.

Motion: Judge Derek Pullan moved to refer the West Jordan Courtroom Build-Out request to DFCM for alternative funding. Judge Kate Appleby seconded the motion, and it passed with Judge Shaughnessy opposed.

Motion: Judge Shaughnessy moved to approve the OCAP court services staff member and the OCAP IT staff member for \$210,000 in ongoing funds. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to approve the Self-Help Center permanent funding for an additional staff attorney for \$96,909 in ongoing funds and to request the Budget Committee look for funding source for ongoing funding of \$98,155 for fulltime status. Judge May seconded the motion, and it passed unanimously.

Motion: Judge May moved to defer the Microsoft Office Suite Upgrades of \$410,000 and to approve moving towards Office 365 – subscription service that is \$72,000 in ongoing money. Judge Brian Cannell seconded the motion, and it passed unanimously.

Motion: Judge Pettit moved to approve the Court Commissioner Recruitment and Retention (submitted as commissioners' salary increase) of \$92,500 in ongoing funds. Judge Cannell seconded the motion, and it passed unanimously.

Motion: Judge Ryan Evershed moved to approve the request for a child welfare mediator, \$54,947 in ongoing money. Judge Pettit seconded the motion, it passed with Justice Lee, Judge Farr, Judge Shaughnessy, and Judge Pullan opposed.

Motion: Justice Lee moved to approve IT 6 FTE Resources for \$650,000 in ongoing funds. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to defer the IT Five-Year Replacement Schedule. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to approve the West Jordan audio (not visual) request of \$450,000 in one-time funds. Justice Lee seconded the motion, and it passed unanimously.

The Committee completed the prioritized list. The results of the voting are as follows:

- 1A. Information Technology Resources
- 1B. Microsoft Office Suite Upgrades
- 1C. West Jordan Audio/Visual Upgrade
- 1D. OCAP Support Staff
- 2. Self-Help Center Funding Increase
- 3. Court Commissioner Recruitment and Retention (submitted as commissioners' salary increase)
- 4. Child Welfare Mediator

Motion: Judge May moved to approve the list as prioritized as listed above. Judge Farr seconded the motion, and it passed unanimously.

11. ADJOURN

The meeting adjourned at 2:00.

Tab 2

Agenda

JUDICIAL COUNCIL MANAGEMENT COMMITTEE

Minutes
August 23, 2019
Council Room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
4:45 p.m. – 5:10 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
Hon. Todd Shaughnessy

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Michael Drechsel
Shane Bahr
Neira Siaperas
Nancy Sylvester
Jeni Wood

Excused:**Guests:**

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 August 13, 2019 Management Committee meeting minutes, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

2. LPP FORMS FOR APPROVAL: (Nancy Sylvester)

Nancy Sylvester explained the Licensed Paralegal Practitioner Committee would like the Judicial Council's permission to better delineate on the court website which forms have been approved by the Council for LPP use. The committee discussed several ways of accomplishing this:

- Placing a seal or mark of some sort next to each form that has been approved for LPP use;
- Posting the list of the approved Judicial Council forms on the LPP webpage; and
- Placing links in the forms list for quicker navigation.

The committee noted that any kind of seal or delineation would have to make clear that the form may be used by any pro se litigant or attorney, in addition to the LPP.

Motion: Judge Appleby moved to approve amendments to rule 4-202.02, as presented, and to remove this item from the Judicial Council agenda and add it to the Council's consent calendar. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the proposed agenda for the September 10, 2019 Judicial Council meeting. Changes were addressed.

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

4. ADJOURN

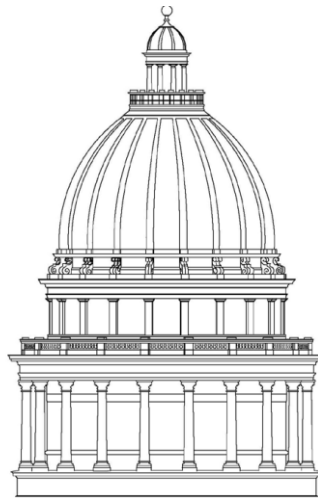
The meeting adjourned.

Tab 3

Agenda

REPORT TO THE
UTAH LEGISLATURE

Number 2019-08



**A Performance Audit of Child
Welfare During Divorce Proceedings**

August 20, 2019

Office of the
LEGISLATIVE AUDITOR GENERAL
State of Utah



STATE OF UTAH

000030

Office of the Legislative Auditor General

315 HOUSE BUILDING • PO BOX 145315 • SALT LAKE CITY, UT 84114-5315
(801) 538-1033 • FAX (801) 538-1063

Audit Subcommittee of the Legislative Management Committee

President J. Stuart Adams, Co-Chair • Speaker Brad R. Wilson, Co-Chair

Senator Karen Mayne • Senator Evan J. Vickers • Representative Brian S. King • Representative Francis D. Gibson

KADE R. MINCHEY, CIA, CFE
AUDITOR GENERAL

August 20, 2019

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report, **A Performance Audit of Child Welfare During Divorce Proceedings** (Report #2019-08). A digest is found on the blue pages located at the front of the report. The Audit Scope and Objectives are explained in the Introduction.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

Kade R. Minchey, CIA, CFE
Auditor General

Digest of A Performance Audit of Child Welfare During Divorce Proceedings

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.” For many American families, divorce is a key entry point into the Judicial system. When divorce involves children, statute establishes rights and responsibilities for the divorcing parents and protects the best interests of children throughout the divorce process. Child protections during divorce are secured through the coordinated efforts of several state agencies, including Utah’s district and juvenile courts, the Attorney General’s Office, the Office of the Guardian ad Litem (GAL), and the Division of Child and Family Services (DCFS).

We were asked to examine the processes for protecting children involved in divorce cases that include allegations of abuse and neglect as well as visitation and custody disputes. We found that high-conflict, child-welfare-involved divorce cases are infrequent. However, statute requires protections for the children involved in these cases. To deliver these protections and reduce the harm inflicted on children by divorce, enhancing the efficiency of court operations while simultaneously improving outcomes for divorcing families is critical. Therefore, in addition to reviewing the adequacy of existing child protections, we also reviewed the need for enhanced efficiencies in case processing and validated court personnel training and oversight.

Chapter II Child Protections Appear Reasonable, Triage May Further Improve Protections

Appropriate Child Welfare Controls Are in Place to Protect Children During Divorce. Divorce cases that involve children and include allegations of abuse and neglect are infrequent. In the past five years, only 1 percent of divorce cases involving children had a documented child welfare concern. Although these cases are infrequent, appropriate controls must be in place to protect the health and safety of the children involved. To document these controls, we reviewed *Utah Code* and Utah Court Rules and analyzed 10 cases to ensure appropriate controls and child protections were in place. We also interviewed many child welfare experts across many organizations to make sure that we had not overlooked any potential problems with Utah’s existing child welfare system. Collectively, this review led us to conclude that the existing system has sufficient controls in place to protect children during divorce. Although to enhance controls, it may be beneficial to require a DCFS referral prior to filing a child protective order in district court.

Triage of Divorce Cases Could Further Enhance Child Protections. We were asked to compare divorce time frames for a typical divorce with those for a divorce involving child welfare concerns. We found that the presence of child disputes in divorce proceedings drastically increases the time to disposition. The courts have independently reported this concern and made recommendations for improvement, such as triaging cases for enhanced efficiencies. When cases are triaged, they are assigned to a particular track based on their complexity. Triage holds promise for allocating limited court resources across cases more efficiently and effectively, as demonstrated in other states. A form of triage was piloted by the Second Judicial District over a decade ago and was effective at reducing disposition times. An updated triage is currently being used in a pilot program in Utah's Fourth and Seventh Judicial Districts with preliminary data showing promising results. We recommend moving forward with triage to enhance efficiencies.

Chapter III

Training Requirements Vary by Expert, Special Masters' Role Needs Clarification

Child Welfare Experts Vary in Training Requirements and Court Oversight. We reviewed compliance with training requirements for experts involved in district and juvenile court proceedings and learned that the requirements and oversight body vary by specialist. Court-affiliated personnel such as judges, commissioners, and GALs have specific training requirements and court oversight. We were able to document with relative ease that judges and commissioners met their annual training requirement. While it was more difficult to validate if GALs were meeting their annual training requirements, we found they were in compliance after reviewing multiple documents. In addition, child welfare experts such as special masters, custody evaluators, parenting coordinators, and visitation supervisors have varied training requirements and oversight bodies depending on their professional affiliation. Therefore, we could not easily validate if these entities have met and are meeting their annual training requirements. Given the important role these entities play in child welfare and divorce proceedings, we recommend that the courts provide additional oversight of these entities.

Special Masters' Role Needs Clarification. Special masters are lacking in oversight, guidance, and training requirements. Specifically, we found the following: The use and powers of special masters are unclear. There are no specific training requirements or minimum qualifications to act as a special master. There is no detailed tracking of special masters. We reviewed court rules for special masters and found they do not include specific training requirements, nor do they provide adequate guidance for judicial use. This lack of clarity was evident in interviews with those familiar with special masters, who reported inconsistencies in their use. Collectively, these interviews revealed that there is no consensus surrounding special masters' appointment and use. We recommend the Judicial Council adopt, in full or in part, ABA Guidelines for use of special masters in domestic cases.

REPORT TO THE UTAH LEGISLATURE

Report No. 2019-08

A Performance Audit of Child Welfare During Divorce Proceedings

August 2019

Audit Performed By:

Audit Manager	Darin Underwood, CIA
Audit Supervisor	Anndrea Parrish
Audit Staff	Brent Packer

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Chapter I

Introduction

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.” For many American families, divorce is a key entry point into the Judicial system. When divorce involves children, statute establishes rights and responsibilities for the divorcing parents and protects the best interests of children throughout the divorce process.¹ Child protections during divorce are secured through the coordinated efforts of several state agencies, including Utah’s district and juvenile courts, the Attorney General’s Office, the Office of the Guardian ad Litem (GAL), and the Division of Child and Family Services (DCFS).

We were asked to examine the processes for protecting children involved in divorce cases that include allegations of abuse and neglect as well as visitation and custody disputes. We found that high-conflict, child-welfare-involved divorce cases are infrequent. However, statute requires protections for the children involved in these cases. To deliver these protections and reduce the harm inflicted on children by divorce, enhancing the efficiency of court operations while simultaneously improving outcomes for divorcing families is critical. Therefore, in addition to reviewing the adequacy of existing child protections, we also reviewed the need for enhanced efficiencies in case processing and validated court personnel training and oversight.

We were asked to examine the processes for protecting children involved in divorce cases that include allegations of abuse and neglect.

High-Conflict, Child-Welfare-Involved Divorce Cases Are Rare

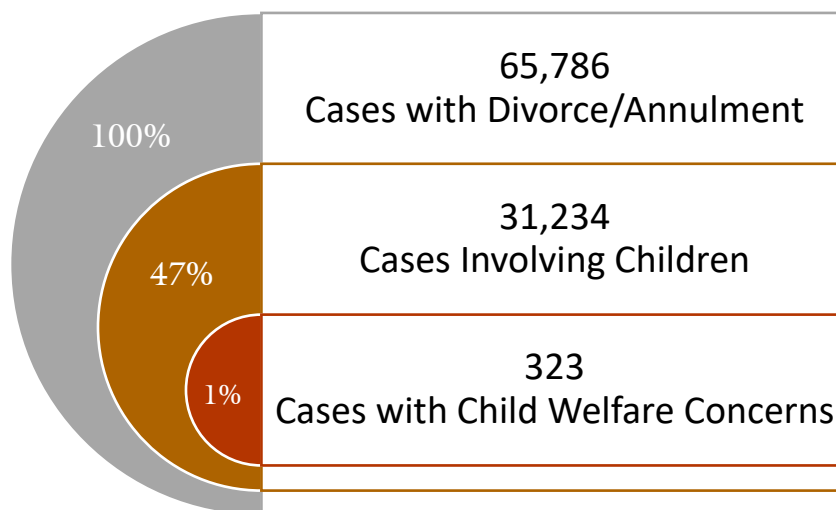
Cases involving divorcing parents with child welfare concerns are among the most complex and sensitive matters that courts hear. Cases involving child visitation disputes, custody disputes, and allegations of abuse and neglect require significant court resources in order to identify and protect the best interests of children and make appropriate

¹ According to the Children’s Bureau, the term “best interests of the child,” does not have a standard definition but, “generally refers to the deliberation that courts undertake when deciding what type of services, actions, and orders will best serve a child as well as who is best suited to take care of a child. . .with the child’s ultimate safety and well-being the paramount concern.”

information available to judicial decision makers. Fortunately, these cases are rare. We found relatively few divorce cases involving child welfare concerns, as shown in Figure 1.1.²

In district court, a GAL may be appointed to represent minors when allegations of abuse and neglect are present or when there are custody disputes. The presence of a GAL is one of the only ways we could track the presence of a child welfare concern in the courts' database system. Therefore, it is possible that additional high-conflict divorce cases involving children have not been captured in our data.

Figures 1.1 Few Divorce Cases Involve Child Welfare Concerns. During the last five years, only 1 percent of all divorce cases involving children also involved child welfare concerns.



Source: Administrative Office of the Courts data for all divorce cases from 2014 to 2018.

In the last five years, Utah courts processed nearly 66,000 divorce cases. Just under half of these cases involved children and only a small fraction of these cases—1 percent—included child welfare concerns.

Although there are relatively few divorce cases involving child welfare concerns, statute requires protection of the children in these cases. The “best interests of the child” is the definitive standard used to

Although there are relatively few divorce cases involving child welfare concerns, statute requires protection of the children in these cases.

² Divorce cases with child welfare concerns were identified by the presence of a GAL attorney, which is tracked in Utah Courts database, CORIS.

resolve child disputes in divorce and parenting proceedings.³ This standard, in addition to other factors set forth in statute, is used by judicial decision makers in determining parent time and child custody arrangements. Because protecting children is paramount, we reviewed court data, documented statutory protections, reviewed case files for systematic concerns, interviewed many specialists within Utah's child welfare system, and reviewed best practices in other states. These activities helped us identify if existing child protections are adequate. This review, however, would not be complete without an understanding of changing needs of divorcing families and how this change is driving innovation across courtrooms.

Over the last few decades, the characteristics of divorce cases have changed rapidly. A variety of factors have led to increased case complexity, including a significant increase in the number of self-represented parties and more high-conflict and highly contested divorces. These changes have been met with new, innovative practices such as mandatory alternative dispute resolution (i.e., mediation), mandatory divorcing parent education, the Online Court Assistance Program (OCAP), and the Divorce Education for Children program, as well as a number of new court specialists available to aid judges in their decision-making processes. We credit the courts for responding to the changing needs of divorcing families with innovative practices and anticipate that they will continue to enhance child protections and improve court operations through additional efficiencies, as recommended in this audit.

A variety of factors have led to increased divorce case complexity including a significant increase in the number of self-represented parties.

Audit Scope and Objectives

We were asked in the audit request to review “possible systemic mishandling” of child welfare cases amid divorce proceedings. Specifically, the audit request asked us to determine if the institutions charged with protecting the interests of children whose parents are undergoing divorce are adequate. Based on the audit request, we focused our scope on both district court divorce proceedings and the

We were asked to determine if the institutions charged with protecting the interests of children whose parents are undergoing divorce are adequate.

³ *Utah Code* 30-3-10 provides that the court will consider the best interests of the child without “preference for either parent solely because of the gender of the parent”

surrounding institutions that protect children whose parents are divorcing.

In addition to the overarching audit request, we were also asked nine questions that related specifically to child welfare. After performing a risk assessment, we determined that two questions could not be answered due to insufficient data. Two additional questions only received a limited review. We performed a more in-depth review on the remaining five questions, which are discussed in the following chapters:

- Chapter II reviews the courts' capacity to protect children involved in divorce proceedings and documents the need for enhanced efficiencies for divorce case processing.
- Chapter III reviews the adequacy of court staff training and the role of special masters in court proceedings.

The following section addresses the two limited-review questions. These questions appear here because they are largely informational and did not result in an audit recommendation but are important topics for discussion.

Parental Alienation and Domestic Violence Factor into Judicial Decision Making

Parental Alienation Is Sometimes Used in Court Decisions.

The audit request asked us to review the extent to which Parental Alienation Syndrome (PAS) is used in determining abuse and neglect allegations. Parental Alienation Syndrome is a controversial term invoked in cases involving child custody disputes. The idea is that one parent falsely alleges domestic violence or child abuse in order to “alienate” the child from the other parent and obtain a child custody or visitation advantage. This parent may try to influence a child to believe untrue claims about the other parent. The main critique of PAS is that a child’s behavior and attitude toward the “alienated” parent are based on false allegations, making allegations that are valid difficult to prove. Our literature review indicated that PAS has been rejected multiple times for inclusion in the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association because it lacks a scientific basis. It has also been rejected by the legal community for not being evidence based and, therefore, is not

Parental Alienation Syndrome has been rejected by the legal community for not being evidence based.

admissible in court. While not admissible in court, we found, PAS is occasionally used in district court decisions.

We reached out to a limited sample of district court judges and commissioners to determine whether PAS is used in Utah's courts. The majority reported that they do not use PAS in weighing child abuse and neglect determinations, although some judges reported factoring PAS into their judicial decision making. We do not draw any conclusions from this finding, as our review was limited, but we discuss PAS and the following topic for informational purposes only.

Domestic Violence Co-Occurs with and Compounds Child Maltreatment. Exposure to domestic violence is a significant risk factor for child maltreatment, with co-occurrence rates ranging between 30 and 60 percent. Children exposed to domestic violence, for example, have higher rates of health problems owing in part to the impact that a stressful environment has on young, developing brains. A parent who is a victim of domestic violence is also faced with a number of challenges that impact a child's safety, such as where to find housing, money, child care, and access to legal services.

Domestic violence exposure is a significant risk factor for child maltreatment, with co-occurrence rates ranging between 30 and 60 percent.

We were asked to examine if a parent who is a victim of domestic violence has adequate resources to provide court-ordered parent time. Because this is an area of significant impact to parents and children alike that extends beyond the scope of our audit, we were unable to adequately address this question. We documented, however, that there are resources available to victims of domestic violence. According to the domestic violence program coordinator for the courts, free legal services are available to victims of domestic violence. There are also locations where children can be safely exchanged between parents. We also found that while training on domestic violence is available to court personnel, it is not mandatory (as discussed in Chapter III). Policy makers and child welfare experts may benefit from additional tools and resources on the National Center for State Courts website on domestic violence.⁴

We believe the courts could benefit from additional initiatives, such as triaging divorce cases by level of complexity and ensuring

⁴ More information on domestic violence is available at:
<https://www.ncsc.org/Topics/Children-Families-and-Elders/Domestic-Violence/Resource-Guide.aspx>

court specialists have clear guidance and oversight, as discussed in the remaining chapters of this report. These initiatives, and others, could help address new challenges facing the courts and maintain efficient and effective court operations.

Chapter II

Child Protections Appear Reasonable, Triage May Further Improve Protections

One concern raised in the audit request was whether the safeguards entrusted to protect children during the divorce process are sufficient. To address this concern, we performed the following tasks:

- A statute review, which revealed many controls designed to protect both the interests of children and the rights of parents.
- A limited analysis of 10 cases involving child abuse and neglect allegations, which demonstrated, in these cases, that the district courts are exercising these controls.
- Interviews of key child welfare experts from a variety of organizations to determine if additional child protections are needed. These experts reported that the existing system appears to be working effectively to protect children.

In a related review of divorce time frames, we found that cases with child welfare or custody disputes, which resulted in the appointment of a guardian ad litem (GAL) or custody evaluation, significantly delays divorce time frames. The courts have also documented this pattern; they recommend that custody evaluation be used judiciously and that all divorce cases be triaged in a way that allows for efficient and effective case processing. Triage is a form of case management that assigns cases to a particular track based on complexity. We support the courts' recommendation for both limited use of custody evaluations as well as the study and expansion of triage statewide.

Appropriate Controls Are in Place To Protect Children During Divorce

Divorce cases that involve children and include allegations of abuse and neglect are infrequent. In the past five years, only 1 percent of divorce cases involving children had a documented child welfare concern. Although these cases are infrequent, appropriate controls must be in place to protect the health and safety of the children involved. To document these controls, we reviewed *Utah Code* and Utah Court Rules and analyzed 10 cases to ensure appropriate

Only 1 percent of all divorce cases involving children in the last five years had a documented child welfare concern.

controls and child protections were in place. We also interviewed many child welfare experts across many organizations to make sure that we had not overlooked any potential problems with Utah's existing child welfare system. Collectively, this review led us to conclude that the existing system has sufficient controls in place to protect children during divorce. Although to enhance controls, it may be beneficial to require a DCFS referral prior to filing a child protective order in district court.

Statute Is Designed to Balance the Protections of Children with the Protections of Parental Rights

We documented several statutory provisions that protect children throughout the divorce process while also recognizing the fundamental constitutional rights of parents to care for and manage their children.⁵ These provisions are designed to protect children in the least intrusive and least restrictive way possible. For example, one case we reviewed involved children removed from a home who were later reunited with their father after a safety plan was made and child protections were secured. Statutory protections include the following:

- Individuals have a duty to report child abuse and neglect to the Division of Child and Family Services (DCFS) when they observe abuse or neglect or have reason to believe these offenses are occurring.
- Once an allegation is received, it is DCFS' statutory responsibility to 1) receive the referral and 2) determine whether the allegations are supported after an investigation is performed.
- The district court may appoint a private GAL to represent the best interests of the minor. When families cannot afford to pay for this, a pro bono private GAL or a publicly funded GAL may be assigned.

Additionally, the Child Protection Division of the AG's office has a team of experienced child abuse prosecutors and assistants who strive to protect children in imminent danger of abuse and neglect. DCFS works with the AG to open a juvenile court case on behalf of a child

⁵ Utah Code 62A-4a-201 states, "a parent possesses a fundamental liberty interest in the care, custody, and management of the parent's children."

We documented a number of statutory child protections designed to protect children throughout the divorce process.

when a DCFS referral is supported and court oversight is needed to protect the child.

Most supported referrals, however, never result in court involvement. There are a variety of reasons for this. Court oversight may be deemed unnecessary because it is determined that the child is protected, or sufficient evidence may be lacking. Moreover, the legal standard for DCFS to support an allegation is less than the legal standard of proof required of the AG's office to file a petition in the juvenile court. In situations where a juvenile court case is not opened, DCFS may provide alternative services, such as a referral to community programs or the development of a child safety plan.

Our review of statute and rule indicates that the child welfare system has been carefully designed to protect children. We were asked, however, to review whether district courts, specifically, are protecting children. We were given five cases to review that purportedly documented inadequate child protections. Our case file review findings are included in the following section.


Reviewed Cases Indicate Child Welfare Agencies Are Following Appropriate Steps in Protecting Children

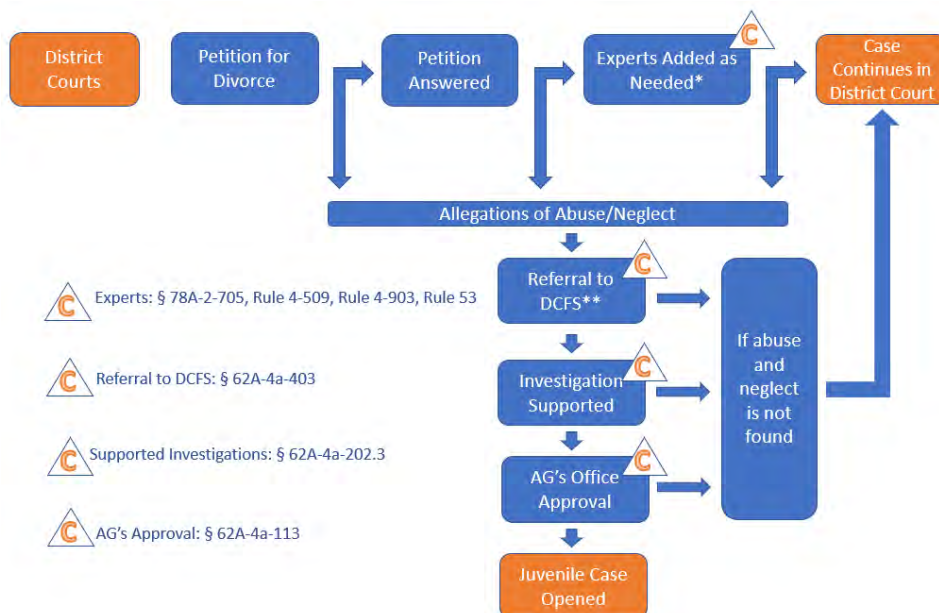
To review that appropriate child welfare controls are in place, we reviewed 10 divorce cases involving children with child welfare concerns. Because we do not typically audit outcomes of individual cases and do not want to second-guess judicial discretion, we focused our review on the court *process* which, according to relevant stakeholders, is designed to protect children.

Our sample included five cases provided to us, which were the impetus for this audit, and an additional five randomly selected cases involving divorce and child welfare concerns. We then validated these 10 cases against the courts' existing process, shown in Figure 2.1, to ensure each case had the appropriate controls and child protections in place.

Most supported DCFS referrals never result in court involvement.

Our review of statute and rule indicates that the child welfare system has been carefully designed to protect children.

Figure 2.1 Divorce Process from District Court to Juvenile Court When Abuse and Neglect Are Present. When allegations of abuse or neglect arise during the divorce process, controls are in place to protect the welfare of children as the divorce proceeds through district court. Statutory controls are indicated by the .



Source: Office of the Legislative Auditor General, based on Administrative Office of the Courts interviews and statutory review.

*Experts include a guardian ad litem, a custody evaluator, a parent coordinator, and a special master.

**Anyone who suspects that child abuse or neglect is occurring has a responsibility to contact the Division of Child and Family Services.

Figure 2.1 illustrates the divorce process when allegations of abuse and neglect are present. This figure represents those cases that have supported findings of abuse and neglect, resulting in juvenile court involvement. Most district court cases will not move through the entire process.

As the figure shows, an allegation is referred to DCFS, which responds with a child protective service investigation that determines if the allegation is supported. All supported allegations must meet the statutory definition of abuse and neglect. For a case as to be opened in juvenile court, the AG's office must establish that there is sufficient evidence. The juvenile courts are well prepared to address child welfare concerns, as they have judges and specialists who receive extensive

All supported allegations must meet the statutory definition of abuse and neglect.

training and experience with child welfare. Safety plans, as well as child and family teaming are common practices in juvenile courts.⁶

Because the juvenile courts are very equipped to handle child welfare cases, our focus was on child protections at the district court level. After reviewing the 10 cases, we found that all cases followed the process outlined in Figure 2.1. While we could not definitively prove all children in these cases were protected, our review demonstrated that essential controls are in place and the system is designed to protect children.

Child Welfare Experts Report Existing Process Has Functioning Controls for Protecting Children

To supplement our case file review, we interviewed key child welfare experts across institutions to identify if there were control weaknesses in the existing system that we missed. We interviewed stakeholders from DCFS, the Administrative Office of the Courts (AOC), the juvenile courts, the Child Protection Division of the AG's office, and the GAL's office. Despite concerns raised that provided the basis for this audit, all key stakeholders reported that the current system has functioning controls to protect children.

The audit request letter raised the concern that children whose parents are divorcing are treated differently than their peers in the child welfare system who are not involved in the divorce process. The experts we spoke to did not report that this was a valid concern. In contrast, DCFS' director stated that all children, regardless of the presence of divorcing parents, are treated with the same child protective service protocols. There was, however, one discrepancy in practice between juvenile and district courts in instances of child protective orders that warrants AOC's review.

Our review demonstrated that essential controls are in place and the system is designed to protect children.

⁶ Teaming includes children and their families who convene with child welfare experts staffed to their case to achieve the goal of safety, permanency, and well-being.

A DCFS referral is not required when a standard protective order is requested in district court.

When a Protective Order Involves a Child in District Courts, a DCFS Referral Should Be Considered

When a child is being abused or is in imminent danger of being abused, a **child protective order** may be filed on behalf of the child. To do so, a DCFS referral must first be made. A DCFS referral is not required when a **standard protective order** is requested in district court, even if the order involves children. This is because the document used in district courts refers to protective orders in general and not specifically to child protective orders. We recommend that DCFS work with the Court's Standing Committee on Children and Family Law and eventually the Judicial Council to review this difference in practice and determine if a change is warranted.

Long delays in case processing time frames were also raised as a concern by several experts. This particular concern is the focus of the following section.

Triage of Divorce Cases Could Further Enhance Child Protections

We found that the presence of child disputes in divorce proceedings drastically increases the time to disposition.

We were asked to compare divorce time frames for a typical divorce with those for a divorce involving child welfare concerns. We found that the presence of child disputes in divorce proceedings drastically increases the time to disposition. The courts have independently reported this concern and made recommendations for improvement, such as triaging cases for enhanced efficiencies. When cases are triaged, they are assigned to a particular track based on their complexity. Triage holds promise for allocating limited court resources across cases more efficiently and effectively, as demonstrated in other states. A form of triage was piloted by the Second Judicial District over a decade ago and was effective at reducing disposition times. An updated triage is currently being used in a pilot program in Utah's Fourth and Seventh Judicial Districts with preliminary data showing promising results. We recommend moving forward with triage to enhance efficiencies.

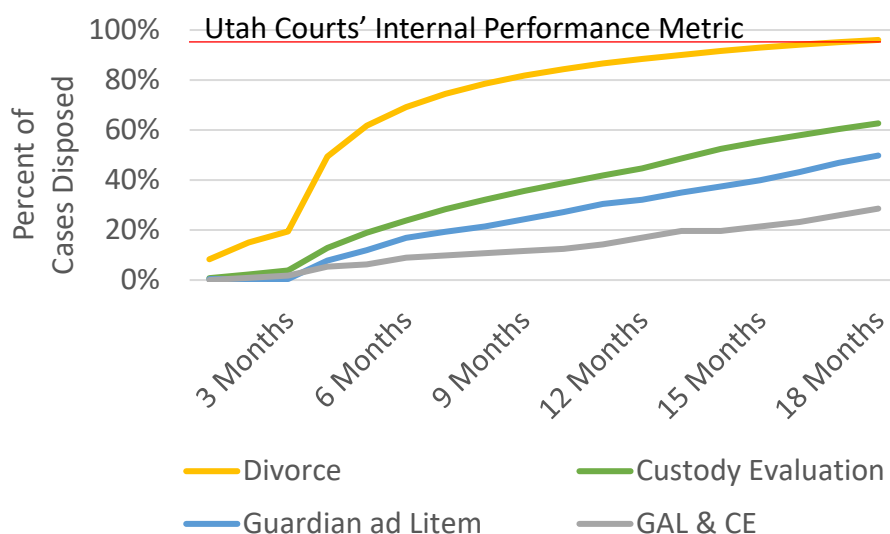
Disputes over Children Significantly Extend Divorce Time Frames

The average divorce in Utah takes six months from filing date to disposition. Not surprisingly, increased complexity extends time frames:

- A custody evaluation extends time to disposition by 10 months on average, for a total of 16 months.
- Involving a GAL, which indicates the presence of a child welfare concern, extends time to disposition on average by 16 months, for a total of 22 months.
- When both a GAL and a custody evaluation are present, the time to disposition is lengthened by 20 months, for a total of 26 months.

Figure 2.2 demonstrates a significant increase in divorce time frames when there is a child welfare concern, as indicated by the appointment of a GAL or the ordering of a custody evaluation.

Figure 2.2 A Comparison of Divorce Time Frames with a Guardian ad Litem or Custody Evaluation (CE) over Five Years. In cases involving conflict over children, as indicated by the presence of a GAL or custody evaluation, time frames are significantly extended.



Source: Raw data from Administrative Office of the Courts, analysis performed and graphic generated by the Office of the Legislative Auditor General. Note: Data was used from 2014 to 2018.

When both a GAL and a custody evaluation are present, which are indicators of case complexity, the time to disposition is lengthened by 20 months, for a total of 26 months.

The standard set by the courts is 95 percent of divorce cases disposed within 18 months, as shown by the red line.

As shown in Figure 2.2, divorce cases meet the standard set by the courts—95 percent of cases disposed within 18 months—as shown by the red line. Cases involving a GAL or custody evaluation are not included in this calculation. When a custody evaluation is ordered, only 63 percent of cases meet the standard. Only 50 percent of cases meet the standard when a GAL is assigned. The inclusion of both a custody evaluation and a GAL results in only 29 percent of cases being completed within 18 months.

The Courts Are Aware that Custody Evaluations Extend Divorce Time Frames

We discussed divorce time frames with court administrators, who were not surprised by our findings. In fact, in 2017, the Committee on Children and Family Law released a report to the Judicial Council regarding domestic case processing.⁷ The report concluded that “The process of getting a final order in a domestic case takes too long, costs too much money, and is too complicated.” In particular, the report found that “cases in which custody is disputed take the longest and cost the most.”

One reason for this is that custody evaluations are ordered too frequently and are inappropriate in most circumstances. The report, which was adopted by the Judicial Council, recommended that custody disputes be triaged based on the nature of the dispute and occur only at the request of the parties or when warranted by extraordinary circumstances. Under the triage model, unrequested custody evaluation orders would become the rare exception rather than the rule. We support the courts’ recommendation to limit custody evaluations. While helpful, this change alone will not achieve faster divorce resolutions and better outcomes. The courts need to expand the practice of triaging all cases statewide to improve case processing efficiencies and family outcomes.

Triage Could Help the Divorce Process Be More Efficient While Also Promoting Positive Family Outcomes

Utah’s single-track case processing may not be optimizing courts’ and parties’ time and resources, since each case is subject to the same linear and tiered process. For example, in some districts, parties are

In 2017, Utah Courts released a report that found “cases in which custody is disputed take the longest and cost the most.”

We support the courts’ recommendation to order custody evaluations at the request of the parties or when extraordinary circumstances warrant it.

⁷ Domestic Case Process Improvement Subcommittee. Jun 26, 2017.

required to see a commissioner before their case can be heard by a judge. In contrast, some states utilize triage, which is a way of more efficiently and effectively processing cases by assigning each case to the appropriate track based on its unique characteristics. These characteristics are identified early in the case based on validated factors such as length of marriage or separation, marital property and debt, and age of children. The case is then assigned to one of three tracks:

- Track 1: Cases with straightforward issues (the majority of cases), which can be fast-tracked directly to trial
- Track 2: Cases involving complex issues requiring extraordinary discovery, which will be sent to pretrial
- Track 3: Cases involving custody disputes, which will be sent to pretrial or a custody evaluation settlement conference

While most cases are uncontested and can be fast-tracked and quickly resolved, heavily contested divorce cases involving custody disputes or child welfare concerns are understandably more complicated, requiring more experts and services and, consequently, more resolution time. The overarching goal of triage is to provide the best results for the family by assigning the appropriate amount and type of case management; the primary focus is not on achieving shorter disposition times. Our expectation, however, is that triage will cause a net decrease in the average divorce time frame.

Triage is beneficial to divorcing families with child welfare concerns because it can provide the appropriate resources at the right time, resulting in better outcomes and reduced family conflict. While research indicates that most divorcing couples will move beyond their conflict in two or three years, as many as one-third of divorcing couples will have heightened conflict over their children for many years. This conflict has significant implications for child outcomes, families, and court systems.

Numerous courts, including those in Alaska, Miami, Florida, Colorado, and Connecticut have developed domestic relations triage processes. Some of these courts have demonstrated efficiency gains since the adoption of triage. For example, Alaska's Early Resolution Program (ERP), which employs triage, found favorable outcomes for triaged cases when compared with traditional, single-track cases. These

Triage is a more efficient and effective way of processing cases by assigning each case to the appropriate track based on its unique characteristics.

Alaska's Early Resolution Program found favorable outcomes for triaged cases when compared with traditional, single-track cases.

outcomes include faster times to disposition, lower cost per case, and fewer post-decree modifications.

Utah's Second Judicial District has been utilizing a domestic case management program, which is a form of triage, for over a decade. This program has shown that triage has reduced disposition times by 47 days according to court reported data (from 2007 to 2018).

More recently, the Fourth and Seventh Judicial Districts have piloted an updated triage program, also called the Domestic Case Manager Program. Notably, these programs have case managers who move cases along efficiently. Preliminary data shows promising results in both sites.

Preliminary data shows promising results in all three Utah triage study sites.

Figure 2.3 Results of Triage Pilot Projects in the Fourth and Seventh Judicial Districts. Preliminary data shows promising results for both triage pilot sites.



4th District Pilot

- 1% more cases disposed
- 46 fewer days to disposition

7th District Pilot

- 4% more cases disposed
- 38 fewer days to disposition



Source: Data from Administrative Office of the Courts. Note: Comparison data was taken from July 1st, 2017 to December 31st, 2017 and July 1st, 2018 to December 31st, 2018.

Once the courts have had the opportunity to study the pilot program, we support the expansion of the program to additional districts if it proves beneficial at improving family outcomes and reducing divorce disposition lengths. To ensure efficiency gains are lasting and quality is not impacted, the courts may want to consider tracking the number of cases that are reopened (i.e., post-decree modifications) following a case closure as an added outcome metric to their pilot program. The courts may also want to consider measuring the age of active pending cases as Colorado does, to identify stalled cases in need of court intervention.

As an added outcome metric on their triage pilot program, the courts may want to consider tracking the number of cases that are reopened following a case closure.

In summary, the current child welfare system entrusted to protect children is working. By reviewing statute and rule, examining cases, and interviewing multiple child welfare experts, we believe appropriate controls are in place to protect children. However, we also found that divorce time frames are significantly extended by child welfare and/or custody concerns, as indicated by the presence of a GAL or a custody evaluation. To address this concern, we agree with the courts' own internal assessment that custody evaluations should be used sparingly and that each case should be assigned an appropriate track according to its unique characteristics. This will require the courts to expand the triage program in additional judicial districts.

Recommendations

1. We recommend that the Division of Child and Family Services work with the Court's Standing Committee on Children and Family Law and eventually the Judicial Council to review whether it would be beneficial to require a referral to the Division of Child and Family Services when a standard protective order involving children is requested in district court.
2. We recommend that the Judicial Council amend Utah Court Rule to allow for custody evaluations to be ordered only at the request of the parties or when extraordinary circumstances warrant it in accordance with the Domestic Case Processing Improvement Subcommittee's recommendation.
3. We recommend that the Administrative Office of the Courts in consultation with the Court's Standing Committee on Children and Family Law and eventually the Judicial Council study the

outcomes of their triage pilot sites and if the data demonstrates that triage is effective at reducing divorce disposition lengths and improving family outcomes, expand the program to other districts.

Chapter III

Training Requirements Vary by Expert, Special Masters' Role Needs Clarification

We were asked to determine if court personnel and child welfare experts in divorce cases receive adequate training, specifically on child abuse and neglect, as well as domestic violence. We found wide variation in training requirements based on the specialists used and their professional affiliations. Court personnel such as judges, commissioners and Guardians ad Litem (GALs) have specialized training requirements and court oversight. We were able to document that they comply with annual training requirements. Public and private GALs, as well as juvenile court judges, are the only court personnel required to have specific abuse and neglect training. While not mandatory, all court personnel and child welfare experts can choose to receive specific child abuse and neglect training as well as domestic violence training.

In contrast, it was difficult for us to evaluate if child welfare experts who are added to cases when conflict between parents escalates, such as custody evaluators, parent coordinators, and special masters, are meeting their annual training requirements.

Because child welfare experts impact families undergoing divorce, especially when child abuse and neglect allegations are present, appropriate court oversight of these experts is critical. We found court oversight of experts inconsistent and recommend that it be enhanced for some child welfare specialists. We further recommend that the courts adopt guidelines for the use of special masters as recommended by the American Bar Association (ABA), to establish consistent procedures for their appointment and use.

Child Welfare Experts Vary in Training Requirements and Court Oversight

We reviewed compliance with training requirements for experts involved in district and juvenile court proceedings and learned that the requirements and oversight body vary by specialist. Court-affiliated personnel such as judges, commissioners, and GALs have specific training requirements and court oversight. We were able to document

We were asked to determine if court personnel and child welfare experts in divorce cases receive adequate training.

We had difficulty determining if guardians ad litem are meeting their annual training requirement because it is unclear and not systematically tracked.

with relative ease that judges and commissioners met their annual training requirement. We initially had difficulty determining if GALs were meeting their annual training requirement because the requirement is unclear and is in need of being tracked more systematically. Ultimately, we were able to validate that their annual training requirements were met through compiling multiple documents. In addition, child welfare experts such as special masters, custody evaluators, parenting coordinators, and visitation supervisors have varied training requirements and oversight bodies depending on their professional affiliation. Therefore, we could not easily validate if these entities have met and are meeting their annual training requirements. Given the important role these entities play in child welfare and divorce proceedings, we recommend that the courts provide additional oversight of these entities.

Court Personnel Largely Comply with Annual Training Requirements

All juvenile and district court judges and commissioners are required to receive at least 30 hours of annual training. These training hours include the Utah State Bar's biennial requirement of 24. We validated that court judges and commissioners satisfied their annual training requirements. While we received documentation on individual training events for GALs, we had difficulty determining if they are meeting their annual training requirements because the requirement is unclear and is in need of being tracked more systematically. However, annual training, specifically child welfare training, is occurring. Figure 3.1 shows an overview of compliance with annual continuing legal education (CLE) requirements of typical court staff.

We validated that court judges and commissioners comply with annual training requirements.

Figure 3.1 Annual Continuing Legal Education Requirements for Typical Court Participants. While offered, specific training on child welfare and domestic violence is not required for judges and commissioners in district courts.

	Public Guardian ad Litem	Private Guardian ad Litem	District Court Judges & Commissioners	Juvenile Court Judges
Annual Training Requirement (Hours)	20	12	30	30
Annual Training Requirement Fulfilled?	Yes	Yes	Yes	Yes
Child Abuse and Neglect Training Required?	Yes	Yes	Offered/Not Required	Yes
Domestic Violence Training Required?	Offered/Not Required	Offered/Not Required	Offered/Not Required	Offered/Not Required

Source: Office of the Guardian ad Litem and Administrative Office of the Courts

Note: The Office of the Guardian ad Litem reported requiring approximately 20 hours of training annually for public GALs; private GALs are only required to fulfill their annual 12 hours of training to comply with Utah State Bar requirements, three of which must be child-welfare specific.

As child welfare specialists, juvenile court GALs and judges receive extensive child abuse and neglect training. We discussed training requirements with the courts' education director and found that the courts provide ongoing abuse and neglect training opportunities to all juvenile court judges. While training on topics related to child welfare is not mandatory for district court judges and commissioners, they too are offered this type of training. Interestingly, 62 percent of district court judges reported having three or more years of experience with family law prior to being appointed as a judge. In the next section, we review the training and oversight of child welfare experts.

Child Welfare Experts Need Additional Court Oversight

When a divorce case involving children has an elevated level of complexity or conflict, child welfare experts are added to the case to help address the underlying concerns. Each of these experts plays an important role in bringing about resolution to complicated child welfare cases. Child welfare experts hold the following positions:

- **Public and Private Guardians ad Litem**—Attorneys appointed to represent the best interests of children and teens in cases of alleged abuse, neglect, and dependency.
- **Special Masters**—Quasi-judicial officers appointed by the courts who are given limited powers to manage parenting disputes such as child custody, visitation or parent time, and

While not mandatory in district court, child abuse and neglect training is provided to all judges and commissioners.

Child welfare experts play an important role in bringing about resolution to complicated child welfare cases.

child support. Special masters will be discussed at greater length later in this chapter.

- **Parent Coordinators**—Licensed individuals appointed to assist parties in resolving conflicts about parenting issues.
- **Custody Evaluators**—Licensed individuals appointed to conduct an impartial evaluation of the respective parties.
- **Visitation Supervisors**—Volunteers or agencies that oversee parental visitation and/or transportation of children.

We reviewed the training requirements for these staff and found variation in their annual training requirements, as shown in Figure 3.2.

Figure 3.2 Annual Continuing Education Requirements of Child Welfare Experts by Professional License. Parent coordinators, custody evaluators, and special masters vary in training requirements based on their professional affiliations.

	Board Certified Psychiatrist	Licensed Marriage and Family Therapist	Licensed Clinical Social Worker
Annual CLE Requirement	20 Parent Coordinator Custody Evaluator	20 Parent Coordinator Custody Evaluator	20 Parent Coordinator Custody Evaluator
	Licensed Psychologist	Attorney	Volunteer
Annual CLE Requirement	24 Parent Coordinator Custody Evaluator Special Master*	12 Guardian ad Litem Special Master*	N/A Visitation Supervisor

* Special masters are not required to be attorneys or licensed psychologists. However, it was reported to us that the majority of special masters are attorneys or licensed psychologists.

Child welfare experts vary in annual training requirements based on their professional affiliations. For example, a parent coordinator who is a licensed psychologist requires 24 annual training hours, while a parent coordinator who is a licensed clinical social worker only needs 20 hours. Oversight for most of these professional affiliations is provided by the Division of Occupational and Professional Licensing.

Child welfare experts vary in annual training requirements based on their professional affiliations.

Generally, these experts are brought onto a case as complexity increases. For example, a custody evaluation might be ordered when there is drug use in the home and the judge is unclear about proper placement of the child. A special master might be assigned when there is intense conflict between the divorcing parents and immediate temporary decisions are required. These experts are intended to provide an extra layer of protection to children. Consequently, their opinions are factored into judicial decisions, as indicated in the case files we reviewed. For example, one judge we interviewed reported greatly respecting the GAL's opinion and frequently supporting the GAL's recommendation in rendering a judgment. Because these experts' opinions factor into judicial decision making and impact the lives of children and their families, we believe it is reasonable to expect some court oversight of these individuals. We found, however, that some child welfare experts receive limited and variable court oversight depending on the position they serve in as well as their professional affiliations.

Most Experts Are Not Part of a Vetted Roster Maintained by the Courts. Custody evaluators, parent coordinators, visitation supervisors, and special masters play an important role in the court process. One court administrator stated that these third-party professionals act as “tools that a judge can employ to ensure the best interests of the child are being represented.” Despite this important role, the courts do not maintain a vetted roster demonstrating professional standards. This is surprising given that the courts maintain a vetted roster for mediators as well as public and private GAL attorneys through the Office of GAL. For example, in reference to the private GAL program, Utah Courts state:

Because children are involved, it is necessary for the Office to screen [private GAL] applicants who demonstrate the requisite ability and proficiency to represent them

Given the precedent that exists for other child welfare experts regarding training and oversight, as well as the weight of child welfare matters, we believe training and oversight should extend to all experts who play a critical role in cases involving children. This would add consistency across various roles. It would also improve the Administrative Office of the Courts' (AOC) ability to enhance child protections and high-quality services to the public for these child welfare experts. Further, should complaints against an expert arise and

Child welfare experts are intended to provide an extra layer of protection to children.

Guardians ad litem, custody evaluators, and parent coordinators must have specific child development training and maintain professional licensure.

the complaint be assessed and deemed valid, the AOC can exercise its authority in removing the expert from the roster. This gives the AOC the capacity to vet individuals and strengthens the competencies required of all experts. We recommend that the AOC determine an implementation strategy, an appropriate oversight body, and identify the additional resources necessary to implement this recommendation. Moreover, the Judicial Council will need to enact a rule enabling the AOC this authority.

Court Administrative Rules Outline Minimal Training Requirements for Most Experts. Public and private GALs, custody evaluators, and parent coordinators must have specific child development training and maintain professional licensure. For example, according to *Court Rule 4-509*, parenting coordinators must have, “completed graduate level coursework in child development . . . , at least 3 years of post-licensure clinical practice substantially focused on child/marital/family therapy; and a working familiarity with child custody/parent-time law”

Notably, no similar requirements for visitation supervisors and special masters exist. Since supervised visits are often provided free of charge by volunteers, it may be unnecessarily cumbersome to require minimum qualifications for them. Special masters, however, should be held to a higher standard as they become increasingly used in high-conflict divorce cases, as discussed in this final section.

Special Masters’ Role Needs Clarification

Special masters are lacking in oversight, guidance, and training requirements. Specifically, we found the following:

- The use and powers of special masters are unclear.
- There are no specific training requirements or minimum qualifications to act as a special master.
- There is no detailed tracking of special masters.

There are no specific training requirements or minimum qualifications to act as a special master.

We reviewed court rules for special masters and found they do not include specific training requirements, nor do they provide adequate guidance for judicial use. This lack of clarity was evident in interviews with those familiar with special masters, who reported inconsistencies in their use. Collectively, these interviews revealed that there is no consensus surrounding special masters' appointment and use.

This is not a concern unique to Utah. In fact, the ABA, recognizing the "lack of methodical and consistent approach to the appointment and use of special masters," developed and adopted guidelines in January 2019.

Use and Powers of Special Masters Are Unclear

The special master, in the context of a divorce proceeding, is a person appointed by the courts to manage parenting disputes when parents are having difficulty cooperating or co-parenting. Special masters' authority is derived from the *Federal Rules of Civil Procedure*, Rule 53 and *Utah Rules of Civil Procedure*, Rule 53, wherein "master" is defined as "a referee, an auditor, and an examiner." Such vague language does not provide clear guidance for judicial use.

With Limited Guidance, Judges are Unclear About the Appropriate Use of Special Masters. We performed a small, informal survey of eight judges, three commissioners, and three special masters in the Second, Third, and Fourth Judicial Districts to better understand how special masters are used.

Rule 53 states that the referral for services by a special master "shall, in the absence of the written consent of the parties, be made only upon showing that *some exceptional condition requires it*" (emphasis added). Not surprisingly, there are discrepancies in how judges and commissioners use special masters. Some reported that both the petitioner and the respondent had to consent before the appointment of a special master, while others viewed special masters' authority as statutorily sanctioned, allowing their use without the parties' consent. For example, one special masters told us she has been appointed "even when the parties don't stipulate." In contrast, a commissioner reported that "appointment may only occur if stipulated to by both parties." There are also discrepancies in special masters' power.

Special Masters' Powers Are Unclear. Rule 53 is directed toward "masters" generally and is silent on the topic of divorce or

There are no specific training requirements or minimum qualifications to act as a special master.

The special master, in the context of a divorce proceeding, is a person appointed by the courts to manage parenting disputes.

custody. Therefore, some judges we interviewed interpreted this to mean special masters do not have authority in custody matters, while others viewed special masters as quasi-judicial. For example, one case we reviewed had an order describing the position as a “quasi-judicial officer.” This same order stated that “Special Master decisions are effective as orders . . .” and as such are protected by quasi-judicial immunity. Such discrepancies regarding the power of special masters signal the need for additional clarification.

In sum, judges may not be fully utilizing special masters as a resource in a time of rising district court caseloads and more self-represented parties. As the ABA report states:

Today, there is an underutilized dispute resolution tool that could aid in the “just, speedy and inexpensive” resolution of cases: appointment of special masters.

Complex cases can strain judicial resources and divert time to some cases at the expense of others. The courts report that alternative dispute resolution tools such as mediation have already been used effectively in Utah’s courts. But special masters can further aid in freeing up valuable judicial time. In order to enhance the benefits of special masters in domestic cases, we recommend that the Judicial Council or Supreme Court increase guidance through full or partial implementation of the ABA guidelines.⁸ At a minimum, such guidelines should include training requirements, a vetting process, and a post-evaluation process.

There Are No Specific Training Requirements or Minimum Qualifications for Special Masters

Special masters do not have minimum training requirements or qualifications. In fact, nowhere in statute or court rule could we find any standard to establish special master training requirements. Additionally, since a roster has not been developed for eligible practitioners, unqualified individuals may be eligible to participate as a special master. Given the impact special masters have on judicial decision making, we question why a roster with minimum training requirements and qualification has not been established.

⁸ *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, adopted January 28, 2019.

Ambiguity surrounding the use and powers of special masters appears to discourage judges from utilizing them as a resource.

We could not identify any standard in statute or rule to establish special master training requirements.

We recognize that most, if not all, practicing special masters possess some sort of certification, typically a juris doctorate or psychology license. Without clear guidance, however, the position may be susceptible to the appointment of unqualified individuals.

One likely reason for the absence of regulation surrounding special masters is the variety of functions they perform. A special master can be appointed in any civil case, not just domestic cases. As such, special masters can have a background in engineering, accounting, law, or psychology, to name a few. They draw upon their unique backgrounds to perform the functions of a special master.

ABA guidelines suggest that the selection of special masters ought to be done in a manner that ensures “qualified and appropriately skilled and experienced candidates are identified and chosen.” According to the ABA, this may be accomplished through the development of “local rules and practices for selecting, training, and evaluating special masters, including rules designed to facilitate the selection of special masters from a diverse pool of potential candidates.” Consequently, we recommend that the AOC clarify the minimum qualifications in rule.

Detailed Tracking Is Not Available for Special Masters

Despite special masters’ ability to make decisions and orders in a case, they are not tracked in the court database system (CORIS). Since they are not tracked, neither their performance as individuals nor their impact as a whole can be evaluated.

In contrast, private GALs and custody evaluators are flagged in the system in such a way as to be able to isolate the frequency of their use. This practice enables insights as to when and how the positions are being used. We recommend that special masters be tracked in the CORIS system so that performance can be evaluated.

It is important to note that the use of special masters in Utah is relatively uncommon, occurring mostly in the Fourth District. However, special masters were consistently involved in the high-conflict divorce cases we reviewed and were present in multiple districts. If the use of special masters increases, as is anticipated in the ABA guidelines, the courts need to be ahead of this trend and institute clear guidance and training requirements. The courts will also need to

We recommend that the courts implement the special master guidelines set forth by the American Bar Association.

Special masters are not tracked in the court database systems.

track special masters to monitor their frequency as well as their impact on the cases they serve.

Recommendations

1. We recommend that the Judicial Council enact a rule enabling the Administrative Office of the Courts oversight of custody evaluators, parent coordinators, and special masters.
2. Following Judicial Councils' rule, we recommend that the Administrative Office of the Courts implement a roster of vetted custody evaluators, parent coordinators, and special masters.
3. We recommend that the Judicial Council or Supreme Court adopt guidelines in Court Administrative Rule for the use of special masters in domestic cases. These guidelines, at a minimum, should include training requirements, a vetting process, and a post-evaluation process.
4. We recommend that the Administrative Office of the Courts track special masters in the court database system (CORIS).

Agency Responses

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Administrative Office of the Courts

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

July 11, 2019

Hon. Mary T. Noonan
Interim State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

Mr. Kade Minchey
Legislative Auditor General
W315, Utah State Capitol
Salt Lake City, Utah 84114

Dear Mr. Minchey,

Thank you for the opportunity to respond to the recently completed audit entitled *A Performance Audit of Child Welfare During Divorce Proceedings*. We reviewed the audit, and many of the audit findings and recommendations are consistent with actions the Utah courts are already in the process of implementing.

A few of the audit recommendations in Chapter II and III would require resources for the courts. Expanding the court's pilot programs that triage divorce cases for enhanced efficiencies would, for most locations, require dedicated clerks. A requirement to maintain and establish a court roster and provide oversight for custody evaluators, parent coordinators, and special masters would require additional court staff. Court oversight would also add an additional layer of regulation for the mental health professionals who serve as custody evaluators. These professions are currently regulated by the Division of Occupational and Professional Licensing, which, by statute, is responsible for establishing criteria for licensing and oversight of professional conduct.

We want to acknowledge the manner in which the staff of your office conducted this audit. As usual, they were professional in all respects. I will be available to respond to any questions when the audit is presented to the Legislative Audit Committee.

Sincerely,

Judge Mary T. Noonan
Interim State Court Administrator

Cc: Chief Justice Matthew B. Durrant

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.

150 South State Street / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3800 / Fax: 801-578-3843



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF HUMAN SERVICES

ANN SILVERBERG WILLIAMSON
Executive Director

DIVISION OF CHILD AND FAMILY SERVICES

DIANE MOORE
Director

June 28, 2019

To: Kade Minchey | Auditor General
Office of the Utah Legislative Auditor General

From: Diane Moore | Director
Division of Child and Family Services, Department of Human Services

Thank you for the opportunity to review the findings of the "Child Welfare During Divorce Proceedings" audit. We appreciate your time in assessing this critical area and for allowing us to provide information. We look forward to continued dialogue with stakeholders on this issue.

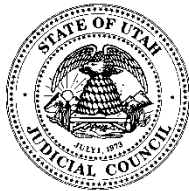
Kindest Regards,

Diane Moore
Director, Division of Child and Family Services

Division of Child and Family Services, 195 North 1950 West, Salt Lake City, Utah 84116
telephone (801) 538-4100 • facsimile (801) 538-3993 • <https://dcfs.utah.gov>

Tab 4

Agenda

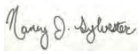


Administrative Office of the Courts

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

M E M O R A N D U M

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester 
Date: August 27, 2019
Re: Certification of Senior Judges

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

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

The senior justice court judges below have terms of office that will expire on December 31, 2019. None has complaints pending before the Utah Supreme Court or the Judicial Conduct Commission.

The Board of Justice Court Judges will make its recommendations on August 30, 2019. I will come prepared to discuss those recommendations.

The Judicial Council should convene an executive session to discuss the qualifications of Active Senior Judge Norman Ashton. The Council will note several issues with Judge Ashton's application: 1) he did not receive the full 30 required education hours in 2017; and 2) his PJ/Court Executive Survey scores are fairly low. The survey scores should be considered, however, against the backdrop of a low response rate and very small pool (1 or 2 respondents at most).

Last_Name	First_Name	Salute	Court	Geographic_Division
Ashton	Norman	Judge	Justice Court	Active
Barringham	Holly M.	Judge	Justice Court	Inactive
Beesley	James L.	Judge	Justice Court	Inactive
Scott	Lesley	Judge	Justice Court	Inactive
Thomas	Marsha C.	Judge	Justice Court	Active

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.

A. CERTIFICATION PROCESS

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

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

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

B. PERFORMANCE STANDARDS FOR SENIOR JUDGES

i. Attorney Surveys of Senior Judges

A satisfactory score for an attorney survey question is achieved when the ratio of favorable responses is 70% or greater. The Judicial Council shall determine whether the senior judge's survey scores are satisfactory.

ii. Cases Under Advisement

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

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

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

iii. Education

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

iv. Substantial Compliance with the Code of Judicial Conduct

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

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

v. Physical and Mental Competence

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

vi. Survey of Presiding Judges and Court Staff.

The Council also measures the performance of active senior judges by a survey of all presiding judges and trial court executives of districts in which the senior judge has been assigned. Those are provided to the extent that they are available.



Senior Judge Application Active Status

I, Norman Ashton, apply for the office of active senior judge and declare as follows:

- (1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- (2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- (3) I demonstrate appropriate ability and character.
- (4) I was in office for at least five years.
- (5) I comply with the restrictions on secondary employment provided by the Utah Code.
- (6) I am physically and mentally able to perform the duties of judicial office.
- (7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- (8) I am a current resident of Utah.
- (9) I will satisfy the education requirements of an active justice court judge.
- (10) I will accept assignments, subject to being called, at least two days per calendar year.
- (11) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration and rules of the Supreme Court.
- (12) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been certified for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- (13) I will continue to meet the requirements for certification as those requirements are determined by the Judicial Council to apply to active senior justice court judges.
- (14) I was not removed from office or involuntarily retired on grounds other than disability.
- (15) I was not suspended during my final term of office or final four years in office, whichever is greater. and
- (16) I did not resign from office as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- (17) I will submit relevant information as requested by the Judicial Council.
- (18) My date of birth is PRIVATE and my retirement date is 1/7/20²¹~~15~~.
- (19) I have not been subject to any order of discipline for conduct as a senior judge.

- (20) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- (21) During my current term there have been 0 orders of discipline against me entered by the Supreme Court, and I have attached a copy of each.
- (22) The address at which I can be contacted after retirement is:

PRIVATE

PRIVATE

PRIVATE

My email address & phone #:

PRIVATE

JUDICIAL PERFORMANCE EVALUATION INFORMATION

I further declare as follows:

- (23) I have not had more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year; and
- (24) I have had no cases under advisement more than six months after submission.
- (25) I am in substantial compliance with the Code of Judicial Conduct.
- (26) I am physically and mentally fit for office.
- (27) I have obtained the following judicial education hours for the years indicated.

2017	2018	2019
24 est. 0	32.0	24

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

Fall Training Conf. (8 hours)

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

2017	2018	2019
Yes	Yes	Yes

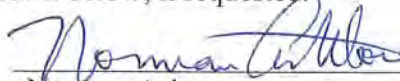
- (29) I understand that I must contact the Administrative Office of the Courts and request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education requirements.

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

Date

July 17, 2019

Norman Ashton



Please complete and return by July 22, 2019 to:

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

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

Senior Judge Norman Ashton

Question	Certification Score	Excellent	More than Adequate	Adequate	Less than Adequate	Inadequate	No Personal Knowledge	Average	Average All SJ
Behavior is free from impropriety and the appearance of impropriety	100.00%	1	0	0	0	0	0	5.00	4.67
Behavior is free from bias and	100.00%	1	0	0	0	0	0	5.00	4.61
Avoids ex parte communications (contact with one party without the other parties present)	100.00%	1	0	0	0	0	0	5.00	4.66
Understands and correctly applies the rules of procedure and evidence	80.00%	0	1	0	0	0	0	4.00	4.47
Understands and correctly applies the substantive law	80.00%	0	1	0	0	0	0	4.00	4.45
Is attentive to presentations	100.00%	1	0	0	0	0	0	5.00	4.54
Is prepared for hearings and trials	100.00%	1	0	0	0	0	0	5.00	4.50
Explains the purpose of the hearing	100.00%	1	0	0	0	0	0	5.00	4.52
Demonstrates appropriate	100.00%	1	0	0	0	0	0	5.00	4.56
Maintains order in the courtroom	80.00%	0	1	0	0	0	0	4.00	4.68
Provides a fair and adequate opportunity to present evidence or proffers of evidence	80.00%	0	1	0	0	0	0	4.00	4.55
Oral and written decisions and orders are clear and well reasoned	0.00%	0	0	0	0	0	1	0.00	4.36
Issues recommendations without unnecessary delay	0.00%	0	0	0	0	0	1	0.00	4.52
Effectively uses pretrial procedures to narrow and define the issues	100.00%	1	0	0	0	0	0	5.00	4.46
Overall, the performance of this court commissioner is	80.00%	0	1	0	0	0	0	4.00	4.57
Overall Average Score:	80.00%	8	5	0	0	0	2	4.00	4.54

Comments:

I appreciated how the Judge remembered to allow me, as the prosecution, an opportunity to be heard before he made a decision or ruling. I thought his demeanor was very professional and look forward to working with him again.

Utah Judicial Council's

Senior Judge Performance Evaluation Program TCE Evaluation

Report for Ashton Norman

June 2019

Report prepared by the National Center for State Courts



This Report offers a one-page overview of results from your 2019 Utah Judicial Council Senior Judge Performance Evaluation. This overview consists of two sections. First, the *Survey Participants* table displays the number of eligible trial court executives and presiding judges that were selected to evaluate you and the number of evaluations completed by trial court executives and presiding judges and the response rate. Second, the *Evaluation Summary* section displays the survey results for each of the 15 items on which you were rated. The first column in the table displays the mathematical average score you received on each item (shown in blue). The second column presents the average score for all senior judges evaluated this year. The last two columns on the right side of the *Evaluation Summary* display the range of scores you received (also in blue), indicating your lowest and highest score for each question, by performance area, and in total. Following the evaluation summary are written responses to one optional question posed to attorney evaluators. These responses were taken directly from the survey responses, and were only edited for spelling. For more information about survey process, please refer to the Appendix.

Survey Participants

Number of fully completed evaluations	1
Number of surveys not completed for lack of experience with this senior judge	1
Response Rate	50%

Evaluation Summary

Behavior/Attribute Rated	Average Rating		Range of Ratings this Senior Judge Received	
	Individual Mean Score	Average Score for all Senior Judges	Lowest	Highest
Behavior is free from impropriety and the appearance of impropriety	2.00	4.63	N/A	2
Behavior is free from bias and favoritism	3.00	4.63	N/A	3
Avoids ex parte communications (contact with one party without the other parties present)	3.00	4.63	N/A	3
Understands and correctly applies the rules of procedure and evidence	2.00	4.63	N/A	2
Understands and correctly applies the substantive law	2.00	4.63	N/A	2
Is attentive to presentations	3.00	4.50	N/A	3
Is prepared for hearings and trials	3.00	4.40	N/A	3
Explains the purpose of the hearing or trial	3.00	4.63	N/A	3
Demonstrates appropriate demeanor	3.00	4.63	N/A	3
Maintains order in the courtroom	3.00	4.70	N/A	3
Gives parties a fair opportunity to present the case	3.00	4.25	N/A	3
Oral and written decisions and orders are clear and well reasoned	2.00	4.63	N/A	2
Issues orders and opinions without unnecessary delay	3.00	4.63	N/A	2
Effectively uses pretrial procedures to narrow and define the issues	2.00	5.00	N/A	2
Overall, the performance of this senior judge is	3.00	4.63	N/A	3
Overall average score	2.67	4.56	2	3

Responses to the question: *"How can this senior judge improve his or her performance?"* (Note: these responses have been edited to correct spelling errors.)

Appendix: Technical Notes

EVALUATION FORMS

Eligible participants for the evaluation included attorneys who have appeared before the senior judge. Respondents who opened the survey but did not complete it because they did not feel they had sufficient experience with this senior judge were removed from the data analysis; but they *were* included in the "Number of Eligible Participants."

CALCULATION OF INDIVIDUAL ITEM SCORES

Individual item scores were derived using the following procedure. First, all individual respondent's ratings of the evaluated senior judge were averaged across each of the eight items on which senior judges were evaluated. These scores were calculated as an arithmetic mean: the sum of all relevant ratings provided by the respondent was divided by the number of respondents and these appear in the first column labeled "*individual mean score*." The same process was used to generate a comparison score of all senior judges evaluated during this period. This score was computed as the arithmetic mean across all respondents on all senior judge evaluations; these scores appear in the second column labeled "average score for all senior judges." Finally, an overall average score for each individual judge and all judges evaluated were computed by averaging the scores on the 15 individual scored items.



Senior Judge Application
Inactive Status

I, Holly M. Barringham, apply for the office of senior judge, inactive status, and declare as follows:

- 1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- 2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- 3) I demonstrate appropriate ability and character.
- 4) I was in office for at least five years. My separation date is 7/29/2011.
- 5) I comply with the restrictions on secondary employment provided by the Utah Code.
- 6) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 7) During my current term there have been 0 orders of discipline against me entered by the Supreme Court, and I have attached a copy of each.
- 8) The mailing address and phone number at which I can be contacted after retirement are:

PRIVATE

PRIVATE

My email address and phone number are:

PRIVATE

PRIVATE

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

Date

7/15/19

Barringham

If you wish to apply for appointment, please complete and return no later than July 22, 2019 to:

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



Senior Judge Application
Inactive Status

I, James L. Beesley, apply for the office of senior judge, inactive status, and declare as follows:

- 1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- 2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- 3) I demonstrate appropriate ability and character.
- 4) I was in office for at least five years. My separation date is 7/2/2017.
- 5) I comply with the restrictions on secondary employment provided by the Utah Code.
- 6) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 7) During my current term there have been 0 orders of discipline against me entered by the Supreme Court, and I have attached a copy of each.
- 8) The mailing address and phone number at which I can be contacted after retirement are:

PRIVATE

PRIVATE

My email address and phone number are:

PRIVATE

PRIVATE

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

7-14-2019

Date

James L. Beesley
Beesley

If you wish to apply for appointment, please complete and return no later than July 22, 2019 to:

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



Senior Judge Application

Inactive Status

LESLIE

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

- 1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- 2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- 3) I demonstrate appropriate ability and character.
- 4) I was in office for at least five years. My separation date is 12/31/2015.
- 5) I comply with the restrictions on secondary employment provided by the Utah Code.
- 6) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 7) During my current term there have been 0 orders of discipline against me entered by the Supreme Court, and I have attached a copy of each.
- 8) The mailing address and phone number at which I can be contacted after retirement are:

PRIVATE

PRIVATE

My email address and phone number are:

PRIVATE

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

Date

7-15-19

Scott

L. Scott

If you wish to apply for appointment, please complete and return no later than July 22, 2019 to:

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



Senior Judge Application Active Status

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

- (1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- (2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- (3) I demonstrate appropriate ability and character.
- (4) I was in office for at least five years.
- (5) I comply with the restrictions on secondary employment provided by the Utah Code.
- (6) I am physically and mentally able to perform the duties of judicial office.
- (7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- (8) I am a current resident of Utah.
- (9) I will satisfy the education requirements of an active justice court judge.
- (10) I will accept assignments, subject to being called, at least two days per calendar year.
- (11) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration and rules of the Supreme Court.
- (12) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been certified for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- (13) I will continue to meet the requirements for certification as those requirements are determined by the Judicial Council to apply to active senior justice court judges.
- (14) I was not removed from office or involuntarily retired on grounds other than disability.
- (15) I was not suspended during my final term of office or final four years in office, whichever is greater. and
- (16) I did not resign from office as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- (17) I will submit relevant information as requested by the Judicial Council.
- (18) My date of birth is PRIVATE ^{reduction in force} retirement date is was 12/31/2016.
- (19) I have not been subject to any order of discipline for conduct as a senior judge.

- (20) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- (21) During my current term there have been 0 orders of discipline against me entered by the Supreme Court, and I have attached a copy of each.
- (22) The address at which I can be contacted ~~after retirement~~ is:

PRIVATE

PRIVATE

PRIVATE

PRIVATE

My email address & phone #:

PRIVATE

PRIVATE

JUDICIAL PERFORMANCE EVALUATION INFORMATION

I further declare as follows:

- (23) I have not had more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year; and
- (24) I have had no cases under advisement more than six months after submission.
- (25) I am in substantial compliance with the Code of Judicial Conduct.
- (26) I am physically and mentally fit for office.
- (27) I have obtained the following judicial education hours for the years indicated.

2017	2018	2019
42.5	51	22

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

July 19 - Third District Training ~4 hrs.
September 26-27 - Justice Court Judges Fall Workshop ~12 hrs

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

2017	2018	2019

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

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

July 14, 2019
Date

Marsha C Thomas
Marsha C. Thomas

Please complete and return by July 22, 2019 to:

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

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

Utah Judicial Council's

Senior Judge Performance Evaluation Program TCE Evaluation

Report for Marsha Thomas

June 2019

Report prepared by the National Center for State Courts



This Report offers a one-page overview of results from your 2019 Utah Judicial Council Senior Judge Performance Evaluation. This overview consists of two sections. First, the *Survey Participants* table displays the number of eligible trial court executives and presiding judges that were selected to evaluate you and the number of evaluations completed by trial court executives and presiding judges and the response rate. Second, the *Evaluation Summary* section displays the survey results for each of the 15 items on which you were rated. The first column in the table displays the mathematical average score you received on each item (shown in blue). The second column presents the average score for all senior judges evaluated this year. The last two columns on the right side of the *Evaluation Summary* display the range of scores you received (also in blue), indicating your lowest and highest score for each question, by performance area, and in total. Following the evaluation summary are written responses to one optional question posed to attorney evaluators. These responses were taken directly from the survey responses, and were only edited for spelling. For more information about survey process, please refer to the Appendix.

Survey Participants

Number of fully completed evaluations	1
Number of surveys not completed for lack of experience with this senior judge	1
Response Rate	50%

Evaluation Summary

Behavior/Attribute Rated	Average Rating		Range of Ratings this Senior Judge Received	
	Individual Mean Score	Average Score for all Senior Judges	Lowest	Highest
Behavior is free from impropriety and the appearance of impropriety	5.00	3.88	N/A	5
Behavior is free from bias and favoritism	5.00	4.13	N/A	5
Avoids ex parte communications (contact with one party without the other parties present)	5.00	4.13	N/A	5
Understands and correctly applies the rules of procedure and evidence	5.00	3.88	N/A	5
Understands and correctly applies the substantive law	5.00	3.88	N/A	5
Is attentive to presentations	5.00	3.83	N/A	5
Is prepared for hearings and trials	5.00	4.00	N/A	5
Explains the purpose of the hearing or trial	5.00	4.13	N/A	5
Demonstrates appropriate demeanor	5.00	4.13	N/A	5
Maintains order in the courtroom	5.00	4.30	N/A	5
Gives parties a fair opportunity to present the case	5.00	3.75	N/A	5
Oral and written decisions and orders are clear and well reasoned	5.00	3.88	N/A	5
Issues orders and opinions without unnecessary delay	5.00	4.13	N/A	5
Effectively uses pretrial procedures to narrow and define the issues	5.00	3.50	N/A	5
Overall, the performance of this senior judge is	5.00	4.13	N/A	5
Overall average score	5.00	4.17	N/A	5

Responses to the question: *"How can this senior judge improve his or her performance?"* (Note: these responses have been edited to correct spelling errors.)

Appendix: Technical Notes

EVALUATION FORMS

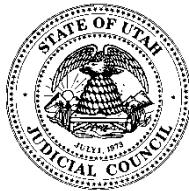
Eligible participants for the evaluation included attorneys who have appeared before the senior judge. Respondents who opened the survey but did not complete it because they did not feel they had sufficient experience with this senior judge were removed from the data analysis; but they *were* included in the "Number of Eligible Participants."

CALCULATION OF INDIVIDUAL ITEM SCORES

Individual item scores were derived using the following procedure. First, all individual respondent's ratings of the evaluated senior judge were averaged across each of the eight items on which senior judges were evaluated. These scores were calculated as an arithmetic mean: the sum of all relevant ratings provided by the respondent was divided by the number of respondents and these appear in the first column labeled "*individual mean score*." The same process was used to generate a comparison score of all senior judges evaluated during this period. This score was computed as the arithmetic mean across all respondents on all senior judge evaluations; these scores appear in the second column labeled "average score for all senior judges." Finally, an overall average score for each individual judge and all judges evaluated were computed by averaging the scores on the 15 individual scored items.

Tab 5

Agenda



Administrative Office of the Courts

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

MEMORANDUM

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester *Nancy D. Sylvester*
Date: August 22, 2019
Re: 2020 Retention Elections and Compliance with Rule 3-101 Performance Standards

JPEC rule 597-3-4(2) provides that “No later than October 1st of the year preceding each general election year, the Judicial Council shall certify to the commission whether each judge standing for retention election in the next general election has satisfied its performance standards.” Rule 3-101 of the Utah Code of Judicial Administration establishes three performance standards:

- a maximum number of cases under advisement;
- a minimum number of continuing education hours; and
- physical and mental competence.

All of the judges standing for election in 2020 have met those standards.

The judges standing for election in 2020 are as follows:

Supreme Court

Pearce, John A.

Bell, Matthew

Kelly, Keith A.

Brady, M. James

Lee, Wallace A.

Court of Appeals

Christiansen-Forster, Michele M.

Dale, Robert J.

Low, Thomas L.

Hagen, Diana

Davis, Lynn W.

Lunnen, Robert

Harris, Ryan M.

Eldridge, Jared

McClellan, Clark A.

Mortensen, David N.

Hamilton, David R.

Morris, Jr., John R.

Orme, Gregory K.

Holmberg, Kent

Powell, Kraig

Pohlman, Jill

Howell, Anthony

Shaughnessy, Todd M.

Hruby-Mills, Elizabeth A.

Stone, Andrew H.

Hyde, Noel S.

Taylor, James R.

District Court

Bates, Matthew

Kay, Thomas L.

Valencia, Jennifer

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.

Page 2
Retention Elections

Walton, John J.
Willmore, Thomas L.

Juvenile Court

Beck, Steven
Bunnell, Craig
Dillon, Sherene T.
Eisenman, Susan
Heward, Michelle E.
Manley, Mary L.
Morgan, Kirk
Neill, Robert
Nielsen, Douglas J.

Noland, Jeffrey J.

Justice Court

Birch, Randy B.
Boehm, Michael Peter
Chin, Augustus G.
Cook, Trevor L.
Cox, John R.
Cummings, Morgan Laker
Dow, John M.
Farr, Paul C.
Johnson, Gary
Junk, Michael

Memmott, Brian
Nelson, Trent
Owens, Gary
Parkin, Reed S.
Schaeffer-Bullock, Kelly N.
Seegmiller, Thad
Stucki, Clay
Vo-Duc, George
Ynchausti, John Carl

SUPREME COURT



Self Declaration Form

John A. Pearce

	Yes	No
1) From 12/17/2015 to the present, have you circulated more than 10 principal opinions more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 12/17/2015 to the present, have you circulated more than 5 principal opinions more than six months after submission in any one calendar year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4) Please enter your education hours for the following years during which you were in office:

<u>30.5</u>	<u>34.25</u>	<u>45</u>	<u>42</u>	<u>22.75</u>
2015	2016	2017	2018	2019

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

National Center for State Courts Court Technology Conference - 18.5 hours

8/8/19

Date

Sign here ►

John A. Pearce
Justice, Supreme Court

Please complete this form and return it no later than Tuesday, August 20 to:

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

COURT OF APPEALS



Self Declaration Form

Michele M. Christiansen Forster

	Yes	No
1) From 1/5/2015 to the present, have you circulated more than 13 principal opinions more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you circulated more than 6 principal opinions more than six months after submission in any one calendar year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, is your average time to circulation of a principal opinion more than 120 days after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>57</u>	<u>40.30</u>	<u>38.5</u>	<u>54</u>	<u>26.75 (as of 8/20/19)</u>
2015	2016	2017	2018	2019

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

9/11-13/19 Annual Judicial Conference - 13.25 hours
 11/14-17/19 Appellate Judges Education Institute - 12.0 hours

August 12, 2019
 Date

Sign here ▶

Michele M. Christiansen Forster

Michele M. Christiansen Forster

Judge, Court of Appeals

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Diana Hagen

	Yes	No
1) From 7/27/2017 to the present, have you circulated more than 6 principal opinions more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 7/27/2017 to the present, have you circulated more than 3 principal opinions more than six months after submission in any one calendar year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 7/27/2017 to the present, is your average time to circulation of a principal opinion more than 120 days after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>0</u>	<u>0</u>	<u>41.75</u>	<u>80</u>	<u>31.75</u>
2015	2016	2017	2018	2019

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

Sept. 11-13, 2019 Annual Judicial Conference - 14.25 hrs.

8/8/2019

Date

Sign here ►

Diana Hagen

Diana Hagen
Judge, Court of Appeals

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Ryan M. Harris

	Yes	No
1) From 7/27/2017 to the present, have you circulated more than 6 principal opinions more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 7/27/2017 to the present, have you circulated more than 3 principal opinions more than six months after submission in any one calendar year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 7/27/2017 to the present, is your average time to circulation of a principal opinion more than 120 days after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>35.75</u>	<u>46</u>	<u>33.5</u>	<u>56</u>	<u>18.75</u>
2015	2016	2017	2018	2019

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

Annual Judicial Conference, Sept. 2019 : 13.25

Inn of Court, Oct/Nov 2019 : 3

August 12, 2019

Date

Sign here ►

Ryan M. Harris

Judge, Court of Appeals

Please complete this form and return it no later than Tuesday, August 20 to:

Nancy J. Sylvester

P. O. Box 140241

Salt Lake City, Utah 84114-0241

FAX: 801-578-3843

nancyjs@utcourts.gov



Self Declaration Form
David N. Mortensen

	Yes	No
1) From 6/15/2016 to the present, have you circulated more than 9 principal opinions more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 6/15/2016 to the present, have you circulated more than 4 principal opinions more than six months after submission in any one calendar year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 6/15/2016 to the present, is your average time to circulation of a principal opinion more than 120 days after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>53.75</u>	<u>52</u>	<u>49</u>	<u>41</u>	<u>46.75</u>
2015	2016	2017	2018	2019

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

Aug. 9, 2019

Date

Sign here ►

David N. Mortensen
Judge, Court of Appeals

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Gregory K. Orme

	Yes	No
1) From 1/5/2015 to the present, have you circulated more than 13 principal opinions more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you circulated more than 6 principal opinions more than six months after submission in any one calendar year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, is your average time to circulation of a principal opinion more than 120 days after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

31	35	45.5	36	31
2015	2016	2017	2018	2019

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

8/20/19

Date

Sign here ►

Gregory K. Orme
Judge, Court of Appeals

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Jill Pohlman

	Yes	No
1) From 6/17/2016 to the present, have you circulated more than 9 principal opinions more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 6/17/2016 to the present, have you circulated more than 4 principal opinions more than six months after submission in any one calendar year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 6/17/2016 to the present, is your average time to circulation of a principal opinion more than 120 days after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0	30	41	36	26.25
2015	2016	2017	2018	2019

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

I will attend the Annual Judicial Conference in September 2019 and expect to earn approximately 13 additional education hours.

8.19.19

Date

Sign here ►

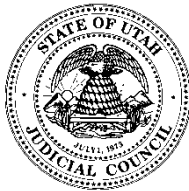
Jill Pohlman

Judge, Court of Appeals

Please complete this form and return it no later than Tuesday, August 20 to:

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

DISTRICT COURT



Self Declaration Form

Matthew Bates

	Yes	No
1) From 7/1/2016 to the present, have you held more than 9 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 7/1/2016 to the present, have you held more than 4 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 7/1/2016 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

_____	0	42.5	32	38	28.25
2014	2015	2016	2017	2018	2019

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

Fall Judicial Conference at Park City. 12+ hours.

August 21, 2019

Date

Sign here ►

Matthew Bates

Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

Nancy Sylvester

P. O. Box 140241

Salt Lake City, Utah 84114-0241

FAX: 801-578-3843

nancyjs@utcourts.gov



Self Declaration Form
Matthew Bell

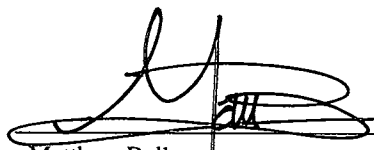
	Yes	No
1) From 10/18/2017 to the present, have you held more than 5 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 10/18/2017 to the present, have you held more than 2 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 10/18/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u> </u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>69</u>	<u>25.25</u>
2014	2015	2016	2017	2018	2019

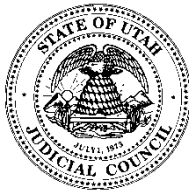
If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.

ANTICIPATE ADDITIONAL 14.25 HRS FOR ANNUAL JUDICIAL CONFERENCE,
FOR A TOTAL OF 39.5 HRS IN 2019.

August 7, 2019 Sign here ► 
Date Matthew Bell
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

M. James Brady

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

41.5	31	31.5	43	_____
2015	2016	2017	2018	2019

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

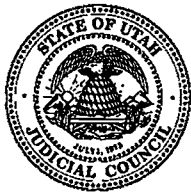
Annual Judicial Conference - 21?

Law and Economics Center Symposium on Law & Economics of Marijuana Legalization - 12?

August 7, 2019	Sign here ►	/s/ James Brady
Date		M. James Brady Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Robert J. Dale

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>31</u>	<u>31</u>	<u>30</u>	<u>38</u>	<u>17.25</u>
2015	2016	2017	2018	2019

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

2019 Annual Judicial Conference: 13.25

8/7/19

Date

Sign here

Robert J. Dale
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Lynn W. Davis

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>120.75</u>	<u>60</u>	<u>49.25</u>	<u>52</u>	<u>35</u>
2015	2016	2017	2018	2019

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

20 August 2019
Date

Sign here ►

Lynn W. Davis
Lynn W. Davis
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Jared Eldridge

	Yes	No
1) From 6/21/2017 to the present, have you held more than 6 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 6/21/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 6/21/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:


_____	0	0	55.75	36	3.5
2014	2015	2016	2017	2018	2019

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

Annual Judicial Conf., Sept 11-13 - 13.25

Specialty Court Conf., Oct 24-25 - 12.5

Inns of Court - at least 1.0

8/8/2019 Sign here ► 

Date Jared Eldridge
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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

Administrative Office of the Courts Chief Justice Matthew B. Durrant

Utah Supreme Court Chair, Utah Judicial Council August 6, 2019

Hon. Mary T. Noonan State Court Administrator **Catherine J. Dupont** Deputy Court Administrator

Judge David R. Hamilton District Court, Second Judicial District Via email

Re: Self-declaration form. Please reply by Tuesday, August 20.

Dear Judge Hamilton:

You are scheduled to stand for election in 2020 and the Judicial Council must report to the Judicial Performance Evaluation Commission whether you have met the Council's standards of performance for:

- judicial education;
- cases under advisement; and
- physical and mental competence to continue holding office.

I have attached a form to assist you with reporting this information to the Council.

I have completed part of the education information based on your year-end reporting. If a year is blank it means that the education department did not receive your report for that year. First term judges will not have been in office for all years. Please add the information for the current year.

Please complete the remainder of the form and return it to me promptly. If you have any questions, please contact me.

Sincerely,

Nancy Sylvester Associate General Counsel

Encl. Self-Declaration Form

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.

450 South State Street / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3808 / Fax: 801-578-3843 / email: nancyjs@utcourts.gov

Self Declaration Form

David R. Hamilton Yes No

1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission? No

2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year? No

3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission? No

4) Are you mentally and physically fit for office? Yes

5) Please enter your education hours for the following years during which you were in office:

47.5 46.75 38.25 47 2015 2016 2017 2018 2019

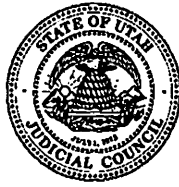
If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.

8/8/19
Sign here ► Date David R. Hamilton


Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Kent Holmberg

	Yes	No
1) From 2/15/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 2/15/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 2/15/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

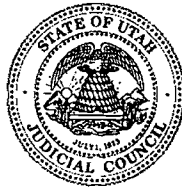
<u> </u>	<u>0</u>	<u>0</u>	<u>44</u>	<u>36</u>	<u>36</u>
2014	2015	2016	2017	2018	2019

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

8-7-19 Sign here ► Kent Holmberg
Date Kent Holmberg
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Anthony Howell

	Yes	No
1) From 12/5/2016 to the present, have you held more than 8 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 12/5/2016 to the present, have you held more than 4 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 12/5/2016 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

	0	0	45	32	<i>currently 37.75</i>
2014	2015	2016	2017	2018	2019
					<i>50+</i>

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

Annual Judicial Conference 13.25

Specialty Court Conference 10+ ?

8-8-19

Date

Sign here ►

[Signature]

Anthony Howell

Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Elizabeth A. Hruby-Mills

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

46.5	37	31.5	33	21 (to date) + 13.25 anticipated =
2015	2016	2017	2018	2019 34.25

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

Anticipate : 13.25 hours at Annual Judicial Conference.

8/7/19

Date

Sign here ►

Elizabeth A. Hruby-Mills
Elizabeth A. Hruby-Mills
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Noel S. Hyde

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>55.5</u>	<u>36</u>	<u>45.5</u>	<u>42</u>	<u>20.5 + *</u>
2015	2016	2017	2018	2019

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

* I will attend the judicial conference in September 2019, and anticipate approximately 13 additional hours at the conference, making at least 33.5 hours for the year.

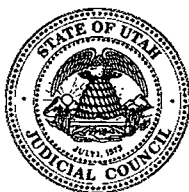
Aug. 21, 2019
Date

Sign here ►

Noel S. Hyde
Noel S. Hyde
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Thomas L. Kay

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

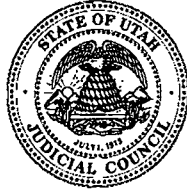
<u>34.5</u>	<u>32</u>	<u>31.5</u>	<u>32</u>	<u>35</u>
2015	2016	2017	2018	2019

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

August 12, 2019 Sign here ► Thomas L. Kay
 Date Thomas L. Kay
 Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Keith A. Kelly

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

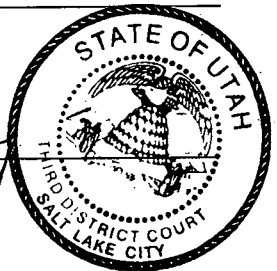
<u>61</u>	<u>51</u>	<u>38.5</u>	<u>78</u>	<u>36.5</u>
2015	2016	2017	2018	2019

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

8/13/19
Date

Sign here ►

Keith Kelly
Keith A. Kelly
Judge, District Court



Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Wallace A. Lee

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>33</u>	<u>42.5</u>	<u>36</u>	<u>31</u>	<u>30.5 Anticipated</u>
2015	2016	2017	2018	2019

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

Annual Judicial Conference - 14.25 (including retirement)

9 August 2019

Date

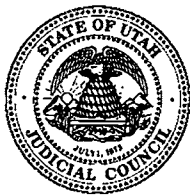
Sign here ►

Wallace A. Lee

Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Thomas L. Low

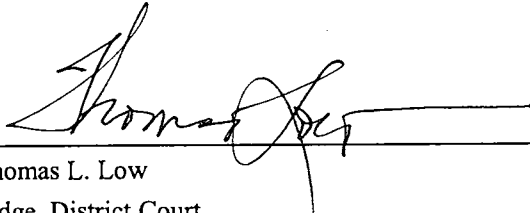
	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>30.75</u>	<u>46.25</u>	<u>34.25</u>	<u>30</u>	<u>17.75</u>
2015	2016	2017	2018	2019

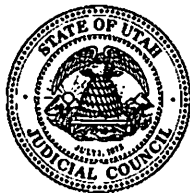
If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.

Annual Judicial Conference - 14.25

12 Aug. 2019 Sign here ► 
Date Thomas L. Low
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Robert Lunnen


	Yes	No
1) From 1/3/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/3/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/3/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u> </u>	<u>0</u>	<u>0</u>	<u>73</u>	<u>41</u>	<u>30+ (to date)</u>
2014	2015	2016	2017	2018	2019

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

Annual Judicial Conference, Park City 14+ hours anticipated.
September 11, 12 & 13.

8/18/2019 Sign here ► 
 Date Robert Lunnen
 Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Clark A. McClellan

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>46.5</u>	<u>30.5</u>	<u>44.75</u>	<u>31</u>	<u>41.75</u>
2015	2016	2017	2018	2019

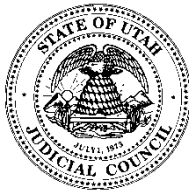
If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.

I have completed 16.25 as of 8.13.19. I will complete 13.25
more at the Judicial Conference in September and 12.5 additional
hours at the Specialty Court Conference in October

8.13.19 Sign here ► Clark A. McClellan
Date Clark A. McClellan
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

John R. Morris, Jr.

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>43</u>	<u>40.5</u>	<u>43</u>	<u>52</u>	<u>16.25</u>
2015	2016	2017	2018	2019

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

<u>Annual Judicial Conf.</u>	<u>13.25</u>
<u>Specialty Courts Conf</u>	<u>12.5</u>

8/13/19
Date

Sign here ▶

John R. Morris, Jr.
John R. Morris, Jr.
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Kraig Powell

	Yes	No
1) From 1/3/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/3/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/3/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0	0	67.75	57	21
2014	2015	2016	2017	2018

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

Annual Judicial Conference
September 2019 - 21 hours

August 7, 2019 Sign here ► Kraig Powell
Date Kraig Powell
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Todd M. Shaughnessy

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>50.5</u>	<u>32.25</u>	<u>62.75</u>	<u>42</u>	<u>22.25</u>
2015	2016	2017	2018	2019

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

DRUG COURT CONFERENCE 10/24-10/25 : 10
ANNUAL CONFERENCE 9/11-9/12-9/13 : 13

8/15/19

Date

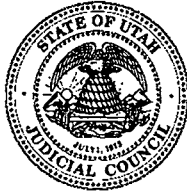
Sign here ►

Todd M. Shaughnessy

Todd M. Shaughnessy
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Andrew H. Stone

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>35</u>	<u>32.75</u>	<u>32.5</u>	<u>31</u>	<u>19.25 (to date)</u>
2015	2016	2017	2018	2019

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

Annual Judicial Conf, Retirement session (Total 14.25)

Date

Aug 13, 2019

Sign here ►

Andrew H. Stone
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

James R. Taylor

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>39.75</u>	<u>30</u>	<u>40</u>	<u>32</u>	<u>18</u>
2015	2016	2017	2018	2019

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

Judicial Conference (Sept.) 12 hours (est.)
Specialty Conference (Oct.) 10 hours (est.)
 * Teach 2 3-hour courses at UVU (6 hours) (est.)

8/7/2019
 Date

Sign here ▶

James R. Taylor
 Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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

* I understand that there is a limit to the number of hours that can be counted for this activity.
 JRT



Self Declaration Form
Jennifer Valencia

	Yes	No
1) From 6/21/2017 to the present, have you held more than 6 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 6/21/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 6/21/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

2014	0	0	42.5	31	3.5 12.75 16.25
	2015	2016	2017	2018	2019 <i>safar</i>

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

Annual Jud. Conf. 9/11-13 14.25 hrs
JR/ Summer Sem. 10 hrs.

August 20, 2019
Date

Sign here ►

Jennifer Valencia
Jennifer Valencia
Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
John J. Walton

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>60</u>	<u>39</u>	<u>42.5</u>	<u>41</u>	<u>24</u>
2015	2016	2017	2018	2019

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

ANNUAL JUDICIAL CONFERENCE (APPRX. 12 HOURS)

8/7/19

Date

Sign here ►

John J. Walton

Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Thomas L. Willmore

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

41
2015
60
2016
35.75 ^{TLW}
~~0~~
2017
36
2018
2019

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

Legislative update, annual judicial conference, drug court conference and speaking to school and scout groups. Hours will exceed 30 hours for all courses & activities.

8/20/2019

Date

Sign here ►

Thomas L. Willmore

Thomas L. Willmore

Judge, District Court

Please complete this form and return it no later than Tuesday, August 20 to:

Nancy Sylvester

P. O. Box 140241

Salt Lake City, Utah 84114-0241

FAX: 801-578-3843

nancyjs@utcourts.gov

JUVENILE COURT



Self Declaration Form
Steven Beck

	Yes	No
1) From 6/21/2017 to the present, have you held more than 6 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 6/21/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 6/21/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0	0	70.25	77	24.5
2014	2015	2016	2017	2018

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

Annual Judicial Conference - 15.25

Specialty Courts Conference - 12.5

8.12.19

Date

Sign here ►

Steven K. Beck

Steven Beck
Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Craig Bunnell

	Yes	No
1) From 7/14/2016 to the present, have you held more than 9 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 7/14/2016 to the present, have you held more than 4 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 7/14/2016 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

	0	60	44	63	16.5
2014	2015	2016	2017	2018	2019

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

2019 Annual Judicial Conference ~ 13⁺

2019 Specialty Courts Conference ~ 10⁺

Aug 20, 2019

Date

Sign here ►

Craig Bunnell

Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

Nancy Sylvester

P. O. Box 140241

Salt Lake City, Utah 84114-0241

FAX: 801-578-3843

nancyjs@utcourts.gov



Self Declaration Form
Sherene T. Dillon

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>46.75</u>	<u>53.75</u>	<u>44</u>	<u>44</u>	<u>54.75</u>
2015	2016	2017	2018	2019

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

8/9/19
Date

Sign here ►

Sherene T. Dillon
Sherene T. Dillon
Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Susan Eisenman

	Yes	No
1) From 6/21/2017 to the present, have you held more than 6 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 6/21/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 6/21/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0	0	36.75	48	13
2014	2015	2016	2017	2018

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

JUDICIAL CONFERENCE 13.25

SPECIALTY COURTS CONF. 12.50

9 August 2019

Date

Sign here ▶

Susan Eisenman

Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

Nancy Sylvester

P. O. Box 140241

Salt Lake City, Utah 84114-0241

FAX: 801-578-3843

nancyjs@utcourts.gov



Self Declaration Form
Michelle E. Heward

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>40.5</u>	<u>42</u>	<u>43</u>	<u>41</u>	<u>42.75</u>
2015	2016	2017	2018	2019

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

9/11-13 Annual Judicial Conference w/retirement session 14.25 hrs
10/24-25 Specialty Courts Conference 12.5 hrs

August 7, 2019
Date

Sign here ►

Michelle E. Heward

Michelle E. Heward
Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Mary L. Manley

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>31</u>	<u>39.5</u>	<u>30.25</u>	<u>39</u>	<u>16.5 currently</u>
2015	2016	2017	2018	2019
				<u>42.25 anticipated total</u>

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

<u>September 2019</u>	<u>Annual Judicial Conference</u>	<u>13.25 hours</u>
<u>October 2019</u>	<u>Specialty Courts Conference</u>	<u>12.50 hours</u>

August 8, 2019
Date

Sign here ►

Mary L. Manley

Mary L. Manley

Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Kirk Morgan

	Yes	No
1) From 3/8/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 3/8/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 3/8/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0	0	34.5	50	32
2014	2015	2016	2017	2018

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

8/7/19
Date

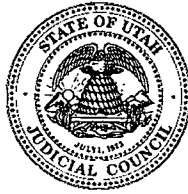
Sign here ►

Kirk Morgan
Kirk Morgan

Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Robert Neill

	Yes	No
1) From 1/3/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/3/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/3/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0	0	69.75	61	13
2014	2015	2016	2017	2018

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

Annual Judicial Conference - 13.25 hrs.

Specialty Courts Conference - 12.5 hrs.

August 12, 2019

Date

Sign here ►

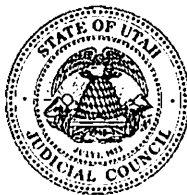
Robert A. Neill

Robert Neill

Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Douglas J. Nielsen

	Yes	No
1) From 9/29/2016 to the present, have you held more than 8 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 9/29/2016 to the present, have you held more than 4 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 9/29/2016 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

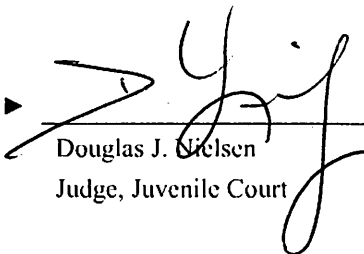
0	42.5	36.75	34	13
2014	2015	2016	2017	2018

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

Annual Judicial Conference (13.25), Utah Fall Substance Abuse Conference (13.5),
Specialty Courts Conference (12.50)

August 20, 2019
 Date

Sign here ►


 Douglas J. Nielsen
 Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Jeffrey J. Noland

	Yes	No
1) From 1/5/2015 to the present, have you held more than 13 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 6 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>53</u>	<u>44</u>	<u>34.75</u>	<u>42</u>	<u>13</u>
2015	2016	2017	2018	2019

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

Annual Judges' Conference - 13
Problem Solving Court Conference - 10

August 9, 2019
 Date

Sign here ►

Jeffrey J. Noland
 Jeffrey J. Noland
 Judge, Juvenile Court

Please complete this form and return it no later than Tuesday, August 20 to:

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

JUSTICE COURT



Self Declaration Form

Randy B. Birch

	Yes	No
1) From 1/5/2015 to the present, have you held more than 15 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 7 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

62.5	32.5	75	48	40.5
2015	2016	2017	2018	2019

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

I am also scheduled to attend 3day Substance Abuse Conference 9/18-9/20/19 & 4th District Justice Court 9/20-27/19

8/22/2019
Date

Sign here ►

Randy B. Birch
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Michael Peter Boehm

	Yes	No
1) From 1/23/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/23/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/23/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>0</u>	<u>0</u>	<u>71.25</u>	<u>42</u>	<u>21</u>
2015	2016	2017	2018	2019

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

Fall Workshop - September 26 & 27, 2019 (11.5 hrs)

8/12/19
Date

Sign here ►

Michael P. Boehm
Michael Peter Boehm
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Augustus G. Chin

	Yes	No
1) From 1/5/2015 to the present, have you held more than 15 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 7 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

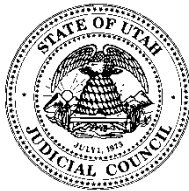
69.5	56.15	69.75	53	49.08
2015	2016	2017	2018	2019

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

Date August 8, 2019
 Sign here Augustus G. Chin
 Augustus G. Chin
 Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Trevor L. Cook

Self Declaration Form Trevor L. Cook	Yes	No
1) From 12/7/2016 to the present, have you held more than 15 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 12/7/2016 to the present, have you held more than 7 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 12/7/2016 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>33</u>	<u>30.5</u>	<u>30.75</u>	<u>30</u>	
2015	2016	2017	2018	2019

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

August 9, 2019

Date _____

Sign here ►

Trevor L. Cook
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

John R. Cox

	Yes	No
1) From 1/5/2015 to the present, have you held more than 15 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 7 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

52.5	39.5	37.25	52	29
2015	2016	2017	2018	2019

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

In April 2019 I attended Spring Conf. & Legal Institute for 17.5 and 7.5 hours, or 25 hours. On Aug. 16 I attended District 4 & 6 training for another 4 hours, totalling 29. I plan to attend Fall Workshop 2019 in Sept which will complete 2019 requirement

Date

Sign here ►

John R. Cox

Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

Nancy Sylvester

P. O. Box 140241

Salt Lake City, Utah 84114-0241

FAX: 801-578-3843

nancyjs@utcourts.gov



Self Declaration Form
Morgan Laker Cummings

	Yes	No
1) From 1/23/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/23/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/23/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>0</u>	<u>0</u>	<u>72.5</u>	<u>43</u>	<u>24 (so far)</u>
2015	2016	2017	2018	2019

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

I will be attending the Annual Judicial Conference, as well as the Justice Court Fall Workshop. I also plan on attending the Bar's annual Mangum + Benson evidence CE in December. I anticipate another 24+ hours from these events.

Aug. 21, 2019 Sign here ► Morgan Laker Cummings
Date Morgan Laker Cummings
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
John M. Dow

	Yes	No
1) From 1/5/2015 to the present, have you held more than 15 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 7 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>31.5</u>	<u>48.75</u>	<u>45</u>	<u>40</u>	<u>6</u>
2015	2016	2017	2018	2019

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

+ 2019 Spring Conference
+ Fall Substance Abuse Conference.

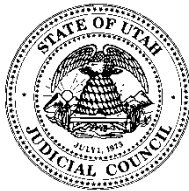
8-20-19
Date

Sign here ►

John M. Dow
John M. Dow
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Paul C. Farr

	Yes	No
1) From 1/5/2015 to the present, have you held more than 15 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 7 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input type="checkbox"/>
4) Are you mentally and physically fit for office?	<input type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

50.5	57.5	89	116	
2015	2016	2017	2018	2019

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

Nothing is reported for 2019 due to the change in reporting from calendar year to fiscal year. I have attended the 2019 spring bar conference and the 2019 justice court judges annual conference. I ~~anticipate attending the spring bar conference, and annual justice court conference in 2020.~~ I have already taught 8 hours of new judge orientation and anticipate teaching an additional 8 or 16 hours. I will continue to have well over 30 hours each reporting period.

8/10/19

Sign here ►

Date

Paul C. Farr

Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

Nancy Sylvester

P. O. Box 140241

Salt Lake City, Utah 84114-0241

FAX: 801-578-3843

nancyjs@utcourts.gov



Self Declaration Form
Gary Johnson

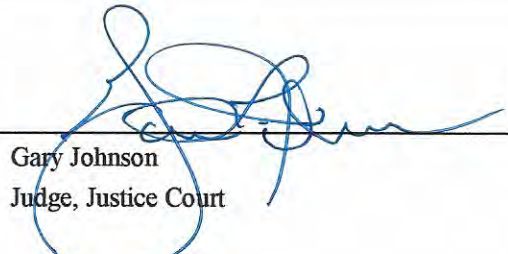
	Yes	No
1) From 7/1/2016 to the present, have you held more than 9 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 7/1/2016 to the present, have you held more than 4 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 7/1/2016 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

34	33	32	36	
2015	2016	2017	2018	2019

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

8-20-19
 Date

Sign here ► 
 Gary Johnson
 Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Michael Junk

	Yes	No
1) From 1/23/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/23/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/23/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

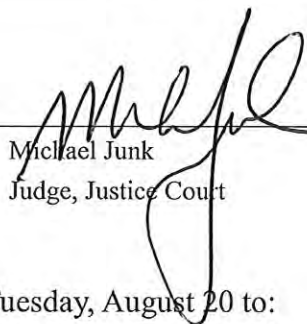
5) Please enter your education hours for the following years during which you were in office:

0	0	50	54	43
2015	2016	2017	2018	2019

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

8/15/19
Date

Sign here ►


Michael Junk
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Bryan Memmott

	Yes	No
1) From 8/24/2017 to the present, have you held more than 5 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 8/24/2017 to the present, have you held more than 2 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 8/24/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>0</u>	<u>0</u>	<u>40</u>	<u>42</u>	<u>22</u>
2015	2016	2017	2018	2019

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

Fall Conference & district trainings
11.5 hrs 2-4 hrs

8/21/19
Date

Sign here ►

Bryan Memmott

Bryan Memmott
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Trent Nelson

	Yes	No
1) From 1/23/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/23/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/23/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0	0	65.25	58	28.5
2015	2016	2017	2018	2019

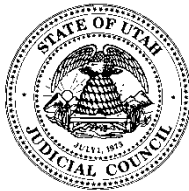
If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.

Judicial Conference Park City, Sept. 11, 12 & 13. approx. 10 hours
 CE lunches with Second District justices; 2 hours

8/20/19 Sign here ► Trent Nelson
 Date Trent Nelson
 Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Gary Owens

	Yes	No
1) From 5/23/2016 to the present, have you held more than 9 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 5/23/2016 to the present, have you held more than 4 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 5/23/2016 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0	47	31	40	
2015	2016	2017	2018	2019

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

I attended the Spring Conference, an education event in Fillmore, and will attend the Annual Judicial Conference. So I will have over 30 hours by the end of the year.

8/21/2019

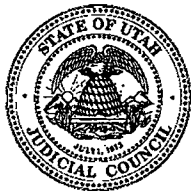
Date

Sign here ► /s/ Nancy J. Sylvester at the direction of Judge Gary Owens

Gary Owens
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Reed S. Parkin

	Yes	No
1) From 1/5/2015 to the present, have you held more than 15 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/5/2015 to the present, have you held more than 7 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/5/2015 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

84	40	84	49	*24
2015	2016	2017	2018	2019

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

* 2019 training year cut 6 hrs short due to change in Reporting Policy

8-19-19

Date

Sign here ►

Reed S. Parkin
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Kelly N. Schaeffer-Bullock

	Yes	No
1) From 1/23/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/23/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/23/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>0</u>	<u>0</u>	<u>71</u>	<u>48</u>	<u>43.25</u>
2015	2016	2017	2018	2019

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

8/20/19
Date

Sign here ►

Kelly N. Schaeffer-Bullock
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
Thad Seegmiller

	Yes	No
1) From 1/23/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/23/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/23/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>0</u>	<u>0</u>	<u>65</u>	<u>38</u>	<u>25 so far</u>
2015	2016	2017	2018	2019

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

I will attend the 5th District Fall Workshop. I will also attend a 1 hour ethics substance abuse CLE for my Nevada license. I will also attend a litigation CLE for my firm's annual requirements.

August 21, 2019

Date

Sign here ►

Thad Seegmiller

Thad Seegmiller
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

Clay Stucki

	Yes	No
1) From 1/23/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/23/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/23/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0 0 77 70 52 (to date)
 2015 2016 2017 2018 2019

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

August 9, 2019
Date

Sign here ►

Clay Stucki
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form
George Vo-Duc

	Yes	No
1) From 1/23/2017 to the present, have you held more than 7 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 1/23/2017 to the present, have you held more than 3 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 1/23/2017 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

0	0	52	30	24
2015	2016	2017	2018	2019

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

I WILL ATTEND THE FALL WORKSHOP 9/26 - 9/27, 2019
WHICH IS AN 11 (ELEVEN) HOUR CLE, BRINGING
MY TOTAL TO 35 HRS FOR THE YEAR

Date 8/20/19

Sign here ▶

George Vo-Duc
Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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



Self Declaration Form

John Carl Ynchausti

	Yes	No
1) From 5/23/2016 to the present, have you held more than 9 cases under advisement more than two months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) From 5/23/2016 to the present, have you held more than 4 cases under advisement more than two months after submission in any one year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) From 5/23/2016 to the present, have you held any case under advisement more than six months after submission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Are you mentally and physically fit for office?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5) Please enter your education hours for the following years during which you were in office:

<u>0</u>	<u>41</u>	<u>38</u>	<u>48</u>	<u>35</u>
2015	2016	2017	2018	2019

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

8 AUGUST 2019

Date

Sign here

John Carl Ynchausti
 John Carl Ynchausti
 Judge, Justice Court

Please complete this form and return it no later than Tuesday, August 20 to:

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

Tab 6

Agenda

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 #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Acceptance of Service (Utah Rule of Civil Procedure 4(d)(3))</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

1. ~~I have received the summons and complaint or petition in this case.~~

1. I received and accept service of the following documents in this case (Choose all that apply.):

☐ Summons

☐ Complaint or Petition

☐ Amended Complaint or Petition

☐ Parenting Plan

☐ Notice of Divorce Education Requirements

☐ Notice of URCP 26.1 Disclosure and Discovery Requirements in Domestic Relations Actions

☐ Notice of URCP 26.3 Disclosure Requirements in Unlawful Detainer Actions

☐ Other: _____ (describe)

2. I understand that service is effective on the date I sign this document.
3. I know I can still respond to the complaint or petition in this case.

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Acceptance of Service 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.)		

 Date

 Signature ►

 Printed Name

This is a private record.

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Petitioner</p> <p>v.</p> <p>_____</p> <p>Respondent</p>	<p>Request to Register Foreign</p> <p><input type="checkbox"/> Child Custody or Parent-Time Order (UCCJEA) Utah Code 78B-13-101 et seq.</p> <p><input type="checkbox"/> Support or Income Withholding Order (UIFSA) Utah Code 78B-14-101 et seq.</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner (domestic cases)</p>
---	---

1. Request

I want to register the attached orders (Choose all that apply.):

- ☐ Child custody or parent-time order.

The district court has jurisdiction. (Utah Code 78B-13-305) (UCCJEA)

- ☐ Support or income withholding order.

The district court has jurisdiction. (Utah Code 78B-14-602) (UIFSA)

- ☐ Combined child custody or parent-time order and support or income withholding order.

2. **Safeguarded address**

- ☐ My health, safety, or liberty, or that of my child would be jeopardized by including my contact information. I have provided it in a separate Non-public Information – Safeguarded Address form instead of listing my contact information in paragraph 3 below. (Utah Code 78B-13-209(5)).

3. **Requesting party**

I am a (Choose one.):

- ☐ parent of the children listed below.

- ☐ person who has been acting as a parent to the children listed below.

Name of Minor	Date of Birth	Address (street, city, state, ZIP) (omit if safeguarded)

4. **Order to be registered**

(Choose one.)

- ☐ There is only one order. It has never been modified. The original order described below is attached.

- ☐ The original order has been modified. The most recent modified order is the controlling order. The original order and most recently modified order are described below and attached.

- ☐ There are multiple orders. I want the court to determine which order or orders are controlling. They are attached. (This can only be used if registering a support or income withholding order.)

Original order:

- ☐ I believe this is the controlling order.

Name of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	
Payor:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Monthly Amount	\$

Most recently modified order:

- ☐ I believe this is the controlling order.

Name of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	
Payor:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Monthly Amount	\$

Other modified order:

☐ I believe this is the controlling order.

Name of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	
Payor:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Monthly Amount	\$

5. Party information

Name	Social Security Number	Address (street, city, state, ZIP) (omit if protected)	Ordered to (choose all that apply)
Parent			<input type="checkbox"/> Have custody <input type="checkbox"/> Have parent-time <input type="checkbox"/> Pay support <input type="checkbox"/> Receive support
Parent			<input type="checkbox"/> Have custody <input type="checkbox"/> Have parent-time <input type="checkbox"/> Pay support <input type="checkbox"/> Receive support
Custodian			<input type="checkbox"/> Have custody <input type="checkbox"/> Have parent-time <input type="checkbox"/> Pay support <input type="checkbox"/> Receive support
Person Receiving Payments			<input type="checkbox"/> Have custody <input type="checkbox"/> Have parent-time <input type="checkbox"/> Pay support <input type="checkbox"/> Receive support

(If you are registering a support or income withholding order, complete paragraphs 6-10.)

Information about the person required to pay (6-8)

6. ☐ **Employer**

Name	Address (street, city, state, ZIP)

7. ☐ **Other sources of income**

Name	Address (street, city, state, ZIP)

8. ☐ **Property**

Non-exempt property in Utah (if known):

Description	Location (Address: street, city, state, ZIP)

9. ☐ **Others affected by this action**

Other people or agencies whose rights may be affected in this action:

Name	Address (street, city, state, ZIP)

10. ☐ **Past-due child support**

The amount of past-due support (arrears) or consolidated arrears under multiple orders) is \$_____. (If none, enter zero.)

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 Request to Register Foreign Child Custody, or Parent-Time Order, or Support or Income Withholding Order 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.)		

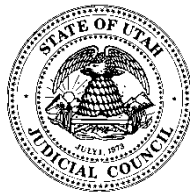
Signature ►

Date

Printed Name

Tab 7

Agenda



Administrative Office of the Courts

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

MEMORANDUM

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

To: Utah Management Committee and Judicial Council
From: Judge Kate Appleby and Nancy Sylvester on behalf of the LPP Committee
Date: August 16, 2019
Re: Approved Council Forms for LPP use and Amending Rule 4-202.02

The Licensed Paralegal Practitioner Committee would like the Judicial Council's permission to better delineate on the court website which forms have been approved by the Council for LPP use. The committee discussed several ways of accomplishing this:

- Placing a seal or mark of some sort next to each form that has been approved for LPP use;
- Posting the list of the approved Judicial Council forms on the [LPP webpage](#); and
- Placing links in the forms list for quicker navigation.

The committee noted that any kind of seal or delineation would have to make clear that the form may be used by any pro se litigant or attorney, in addition to the LPP. The list of forms approved for LPP use as of the date of this memorandum is attached.

The committee also noted another issue during its discussions. Rule 4-202.02(2)(L) discusses an index that includes the ability to search for an attorney's name. Paragraph (2)(O) similarly makes an attorney's contact information public. Kim Allard and Clayson Quigley suggested that these paragraphs should also include licensed paralegal practitioners. The amendments would read as follows:

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

- (2)(L)(i) amount in controversy;
- (2)(L)(ii) attorney name;
- (2)(L)(iii) licensed paralegal practitioner name;
- (2)(L)(~~iii~~iv) case number;
- (2)(L)(~~iv~~v) case status;

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.

Probate Rules and Code-based Court Procedures

August 23, 2019

Page 2

- (2)(L)(~~v~~vi) civil case type or criminal violation;
- (2)(L)(~~vi~~vii) civil judgment or criminal disposition;
- (2)(L)(~~vi~~iii) daily calendar;
- (2)(L)(~~viii~~ix) file date;
- (2)(L)(~~i~~x) party name;
- (2)(O) name, business address, business telephone number, and business email address of a lawyer or licensed paralegal practitioner appearing in a case;

The committee would like the Judicial Council's approval to expedite these amendments so that LPP data tracking may occur as soon as the first admittees begin practicing this fall.

Council-Approved Forms for LPP Use

Approved forms

Form Name	Approved Date	Approved By
Abstract of judgment	May 21, 2018	Judicial Council
Acceptance of service	January 22, 2018	Judicial Council
Affidavit with exhibit(s)	May 21, 2018	Judicial Council
Answer	December 18, 2017	Judicial Council
Application for temporary restraining order and Order on application for temporary restraining order	April 22, 2019	Judicial Council
Certificate of service	January 22, 2018	Judicial Council
Certification of readiness for trial	July 18, 2019	Judicial Council
Consent to email service	January 22, 2018	Judicial Council
Counter motion	May 21, 2018	Judicial Council
Counterclaim	December 18, 2017	Judicial Council
Debt collection answer	December 18, 2017	Judicial Council
Declaration of jurisdiction and grounds for divorce	July 18, 2019	Judicial Council
Domestic relations injunction	April 22, 2019	Judicial Council
Eviction forms used in OCAP <ul style="list-style-type: none"> • Three day notice to pay or to vacate • Three day notice to comply with lease or vacate • Three day notice to vacate for criminal nuisance • Three day notice to vacate for nuisance • Three day notice to vacate for assigning or subletting contrary to rental contract • Three day notice to vacate for committing waste on premises • Three day notice to vacate for engaging in unlawful business on or in the premises • Three day notice to vacate for lease violation which cannot be brought into compliance • Three day notice to vacate for committing criminal act on the premises • Fifteen day notice to vacate • Five day notice to a tenant at will • Complaint • Order of Restitution • Affidavit of Damages 	December 18, 2017	Judicial Council

<ul style="list-style-type: none"> • Judgment for Plaintiff for Unlawful Detainer • Judgment for Defendant for Unlawful Detainer • Request for Hearing on Enforcement of Order of Restitution • Tenant Answer and Counterclaim • Motion to Set Amount of Counter Bond • Notice of Possession Bond • Order setting amount of possession bond • Request for Possession Bond hearing • Tenant Counter Bond Property • Order Setting Amount of Counterbond • Motion to Release Possession Bond • Order to Release Possession Bond 		
Eviction forms used in OCAP (additional) <ul style="list-style-type: none"> • Request for occupancy hearing • Notice of occupancy hearing • Ex parte motion for order of restitution 	January 28, 2019	Judicial Council
Exhibit summary	May 21, 2018	Judicial Council
Fee waiver – district and justice court <ul style="list-style-type: none"> • Motion to waive fees and statement supporting motion • Order on motion to waive fees • Order on motion to waive fees (inmates) • Memorandum 	June 24, 2019	Judicial Council
Financial declaration Certificate of service of financial declaration	February 25, 2019	Judicial Council
Income verification and compliance with child support guidelines	July 18, 2019	Judicial Council
Initial disclosures	May 21, 2018	Judicial Council
Judgment information statement	May 21, 2018	Judicial Council
Military parenting plan	January 28, 2019	Judicial Council
Memorandum opposing motion	April 16, 2018	Judicial Council
Motion for alternative service	February 26, 2018	Judicial Council
Motion for genetic testing	December 17, 2018	Judicial Council
Motion for leave to amend	July 18, 2019	Judicial Council
Motion for summary judgment to declare non-parentage after genetic testing Order granting motion for summary judgment on non-parentage	January 28, 2019	Judicial Council
Motion for temporary orders (domestic)	December 18, 2017	Judicial Council
Motion for temporary orders due to deployment	January 28, 2019	Judicial Council

(domestic)		
Motion (generic)	April 16, 2018	Judicial Council
Motion to appear remotely	June 11, 2018	Judicial Council
Motion to appoint parent coordinator	August 17, 2018	Judicial Council
Motion to change venue	June 11, 2018	Judicial Council
Motion to continue	June 11, 2018	Judicial Council
Motion to correct clerical mistake	December 18, 2017	Judicial Council
Motion to decide divorce and reserve other issues (bifurcate divorce)	February 25, 2019	Judicial Council
Motion to declare judgment satisfied	May 21, 2018	Judicial Council
Motion to delay enforcement of judgment and order on motion	June 24, 2019	Judicial Council
Motion to excuse mediation	April 16, 2018	Judicial Council
Motion to renew judgment	May 21, 2018	Judicial Council
Motion to set aside default or judgment	June 24, 2019	Judicial Council
Motion to vacate dismissal and reinstate case	June 11, 2018	Judicial Council
Motion to waive divorce education requirement	April 16, 2018	Judicial Council
Motion to waive divorce waiting period	August 17, 2018	Judicial Council
Nonpublic information: parent, minor and safeguarded address	April 16, 2018	Judicial Council
Notice of appearance or appointment of counsel	May 21, 2018	Judicial Council
Notice of disclosure requirements in domestic cases	February 25, 2019	Judicial Council
Notice of dismissal Motion to voluntarily dismiss case and order on motion	August 17, 2018	Judicial Council
Notice of divorce education requirement	April 16, 2018	Judicial Council
Notice of hearing (motion)	April 16, 2018	Judicial Council
Notice of relocation Motion for orders regarding relocation	June 11, 2018	Judicial Council
Notice of withdrawal of counsel	May 21, 2018	Judicial Council
Notice to appear personally or to appoint counsel	May 21, 2018	Judicial Council
Notice to defendant of disclosure in unlawful detainer actions	February 25, 2019	Judicial Council
Objection to commissioner's recommendation	December 18, 2017	Judicial Council
Objection to form of order	December 18, 2017	Judicial Council
OCAP clauses – divorce and custody cases	May 20, 2019	Judicial Council

Parenting plan	May 21, 2018	Judicial Council
Proof of service	February 26, 2018	Judicial Council
Reply memorandum supporting motion	April 16, 2018	Judicial Council
Request to submit (motion)	April 16, 2018	Judicial Council
Statement supporting motion	April 16, 2018	Judicial Council
Stipulated motion	April 16, 2018	Judicial Council
Stipulation of voluntary dismissal	December 17, 2018	Judicial Council
Stipulation to enter order (motion)	April 16, 2018	Judicial Council
Substitution of counsel	May 21, 2018	Judicial Council
Summons	January 22, 2018	Judicial Council
Supplemental proceedings	April 16, 2018	Judicial Council
Trial issues	July 18, 2019	Judicial Council
Trial issues – domestic cases		
Writ of assistance to remove children	April 22, 2019	Judicial Council
Writ of execution packet	May 21, 2018	Judicial Council
Writ of garnishment packet	May 21, 2018	Judicial Council